UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Manuel CALZADA ESPINOSA, ([redacted])	)	
Petitioner,	)	
v.	)	
	)	Case No. 25-cv-1396
KRISTI NOEM, Secretary, U.S. Department of Homeland Security; ROBERT LYNCH, Field Office Director, Detroit Field Office, Immigration Customs Enforcement,	)	Hon. Jane M. Beckering
Respondents.	)	

PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF

The Petitioner, MANUEL CALZADA ESPINOSA, by and through his own and proper person and through his attorneys, KRIEZELMAN BURTON & ASSOCIATES, LLC, files this memorandum in accordance with the Court's November 13, 2025 order, and in support thereof, states as follows:

A. Exhaustion is not required and should be excused as seeking bond redetermination before the immigration court in the first instance would be futile.

Exhaustion is not required, as suggested by Respondents, and requesting a bond hearing before an Immigration Judge would be futile at this juncture. The Immigration and Nationality Act mandates exhaustion in order to challenge "final order[s] of removal." 8 U.S.C. § 1252(d)(1). However, this provision does not cover challenges to preliminary custody or bond determinations, which are quite distinct from "final order[s] of removal." *See Gornicka v. INS*, 681 F.2d 501, 505 (7th Cir. 1982). ("[I]t is clear bond hearings are separate and apart

from deportations hearings.... A bond determination is not a final order of deportation ... and does not effect [sic] the deportation proceeding.").

Congress does require exhaustion for certain types of habeas petitions, but not for those petitions, such as Petitioner's, brought under 28 U.S.C. § 2241. *See James v. Walsh*, 308 F.3d 162, 167 (2d Cir.2002) ("Section 2254(b)(1) requires state prisoners to exhaust all available state court remedies before filing a Section 2254 petition, whereas Section 2241 contains no such exhaustion requirement.").

The Sixth Circuit has previously held that a due process challenge generally does not require exhaustion since the Board of Immigration Appeals (BIA) lacks authority to review constitutional challenges. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006); *accord Bangura v. Hansen*, 434 F.3d 487, 494 (6th Cir. 2006) ("exhaustion of administrative remedies may not be required in cases of non-frivolous constitutional challenges to an agency's procedures.") (citation omitted); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025).

Even so, the three-factor test applied by courts in this Circuit also weighs against requiring exhaustion. Courts may require prudential exhaustion when:

> (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision;
> (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and
> (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.

See Shweika v. Dep't of Homeland Sec., Case No. 1:06-cv-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015). These factors all work in Petitioner's favor. First, the issues raised in Petitioner's case are purely legal in nature and do not require the agency to develop the record.

Second, because Petitioner's petition includes a due process claim, the administrative scheme (appeal to the BIA) is futile since the BIA lacks authority to review constitutional claims. Lastly, administrative review is not likely to change Respondents' position that Section 1225(b)(2)(A) applies in this case. DHS's policy makes clear that mandatory detention is the position to be taken, and this is being done in conjunction with the Department of Justice.

Here, requiring exhaustion would be futile due to the Board of Immigration Appeal's September 5th decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which proclaimed for the first time that any person who crossed the border unlawfully and is later taken into immigration detention is no longer eligible for release on bond. The Board's decision, in contravention of decades of immigration law, precedent by the Supreme Court, and Executive Office of Immigration Review policies and procedures, takes a new reading of INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), which requires mandatory detention of "Applicants for Admission," to include those present in the United States without having been inspected and admitted and who are later apprehended.

Prior to the Board's decision, noncitizens present in the United States without having been inspected and admitted and who are later apprehended are subject to detention under INA § 236(a), 8 U.S.C. § 1226(a). Noncitizens detained under this section are not subject to mandatory detention and may be released on bond or on their own recognizance. Therefore, requiring Petitioner to request a bond redetermination with the immigration court in the first instance would be futile as the bond would undoubtedly be denied in light of *Matter of Yajure Hurtado*. It would prejudice Petitioner by prolonging his detention to request a bond that will ultimately be denied.

Yet even if this Court were to agree that prudential exhaustion should apply, waiver of the exhaustion requirement is warranted here because Petitioner is likely to experience irreparable harm if he is unable to seek habeas relief until an Immigration Judge denies bond, and then the BIA decides an appeal on the denied bond. *Sampiao v. Hyde, et al.* Case No. 1:25-cv-11981-JEK, at *11-12 (D. Mass. Sept. 9, 2025); *Romero v. Hyde*, Case No. No. 25-cv-11631-BEM, 2025 WL 2403827, at *7 (D. Mass. Aug. 19, 2025) (finding that loss of liberty is a form of irreparable harm and citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *Hilton v. Braunskill*, 481 U.S. 770, 777 (1987)). Waiver is appropriate when the interests of the individual weigh heavily against requiring administrative exhaustion, or exhaustion would be futile and unable to afford the petitioner the relief he seeks. *See McCarthy*, 503 U.S. at 145; *see also Fazzani v. NE Ohio Corr. Ctr.*, 473 F.3d 229 (6th Cir. 2006) (citing *Aron v. LaManna*, 4 F. App'x 232, 233 (6th Cir. 2001) and *Goar v. Civiletti*, 688 F.2d 27, 28-29 (6th Cir. 1982)); *Lopez-Campos v. Raycraft*, Case No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025) ("because exhaustion would be futile and unable to provide Lopez-Campos with the relief he requests in a timely manner, the Court waivers administrative exhaustion and will address the merits of the habeas petition.").

The average processing time for bond appeals exceeded 200 days (more than 6 months) in 2024. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248 (W.D. Wash. 2025). There is no requirement for the BIA to act promptly or decide the appeal quicker than any other case. If the BIA were to act promptly, it would be unlikely to decide Petitioner's appeal anytime soon, and if it processes the appeal at the same rate as last year's appeals, the appeal may not be resolved until spring 2026. As such, Petitioner is likely to endure several additional months of detention.

Such a prolonged loss of liberty would, in these circumstances, constitute irreparable harm. *Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986).

Additionally, requiring Petitioner to wait six months in detention to reach a decision on whether he can be released on bond would be futile. He is scheduled for a Master Calendar Hearing on December 16, 2025 – less than six months from now. As such, exhaustion would not effectively afford him the relief he seeks, given that a removal determination would likely come before the BIA's determination of whether a bond is appropriate in this case.

Therefore, given the constitutional claims raised by Petitioner, this Court should find that exhaustion is not required according to the Sixth Circuit standards. If it does find the exhaustion applies, then the Court should waive exhaustion since it would be futile and would not provide Petitioner with the relief he requests in a timely manner. *Lopez-Campos v. Raycraft*, Case No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025).

A. Petitioner Does Not Challenge His Ongoing Removal Proceedings and 8 U.S.C. § 1252 does not deprive this Court of jurisdiction

This Court is not deprived of jurisdiction by 8 U.S.C. § 1252(b)(9), (e)(3), and (g) as Petitioner's claims do not challenge any decision to commence proceedings, adjudicate cases, or execute removal orders. Section 1252(b)(9) provides:

> Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, *arising from any action taken or proceeding brought to remove an alien from the United States* under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9) (emphasis added).

The Supreme Court's decision in *Jennings v. Rodriguez* is instructive here and supports Petitioner's position that this Court does have jurisdiction and that Section 1252(b)(9) does not present a jurisdictional bar. The Supreme Court determined that the "arising from" language of Section 1252(b)(9) should not be interpreted so expansively as to include any action that technically follows the commencement of removal proceedings, because that would bar judicial review of questions of law and fact that are unrelated to the removal proceedings until a final order of removal was issued. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018). Petitioner, like the class in *Jennings*, "are not asking for review of an order of removal, they are not challenging the decision to detain them in the first place or to seek removal; and they are not even challenging any part of the process by which their removability will be determined." *Id.* at 294-95.

Section 1252(e)(3) likewise is not a jurisdictional bar. Reading section 1252 as a whole, section 1252(e)(3) is an exception to the jurisdiction that is precluded by § 1252(a)(2)(A). Section 1252(a)(2)(A) expressly states that "no court shall have jurisdiction to review" four matters enumerated at clauses (i) through (iv). First, this jurisdiction stripping language is not found in any part of § 1252(e)(3). *Santos-Zacaria v. Garland*, 598 U.S. 411, 418-19 (2023). Second, all the enumerated clauses pertain to matters specifically and only having to do with § 1225(b)(1). *See* §§ 1252(a)(2)(A)(i) ("pursuant to § 1225(b)(1) of this title"); (ii) ("the provisions of such section"); (iii) ("under section 1225(b)(1)(B) of this title"); (iv) ("the provisions of section 1225(b)(1) of this title"). Third, three of the four enumerated jurisdictional bars specifically reference § 1252(e) as an exception to their jurisdiction stripping. *See* §§ 1252(a)(2)(A)(i) ("except as provided in subsection (e)"); (ii) (same); (iv) (same). Thus, section 1252(e)(3) serves as an exception to the prohibitions enumerated in § 1252(a)(2)(A), and only

apply to the enumerated matters relating to § 1225(b)(1) detention and processing. See *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) ("The general/specific canon is perhaps most frequently applied to statutes in which a general permission or prohibition is contradicted by a specific prohibition or permission. To eliminate the contradiction, the specific provision is construed as an exception to the general one.") (citation omitted). Finally, the section heading for section 1252(e) clearly indicates that section 1252(e) does not apply to section 1225(b)(2): "Judicial review of orders under section 1225(b)(1)."

Section 1252(g) provides:

> Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien *arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.*

8 U.S.C. § 1252(g) (emphasis added).

The Supreme Court's decision in *Jennings* is again instructive here related to Section 1252(g). The *Jennings* court writes that "[w]e did not interpret [section 1252(g)] to sweep in any claim that can technically be said to 'arise from' the three listed actions of the Attorney General. Instead, we read the language to refer to just those three specific actions themselves." *Jennings*, 583 U.S. at 294 (citing *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)).

An immigration judge's (IJ) review of a bond determination is a distinct proceeding from an alien's underlying removal proceeding. 8 C.F.R. § 1003.19(d). It is "clear bond hearings are separate and apart from deportation proceedings." *Gornicka*, 681 F.2d at 505. Here, Petitioner is seeking review of his unlawful detention, as he is unable to seek a bond hearing in front of the Immigration Court as a result of the Board of Immigration Appeals' decision in *Matter of Yajure*

Hurtado, 29 I&N Dec. 216 (BIA 2025). He is not challenging a removal order or anything else listed in Sections 1252(b)(9), (e)(3) and (g) which would strip this court of jurisdiction. This Court has jurisdiction over Petitioner's matter.

B. Petitioner is detained under 8 U.S.C. § 1226 and not under 8 U.S.C. § 1225.

By way of review, 8 U.S.C. § 1225(b)(2), INA § 235(b)(2), requires mandatory detention of "Applicants for Admission." Conversely, noncitizens detained under 8 U.S.C. § 1226(a), INA § 236(a), are not subject to mandatory detention and may be released on bond or on their own recognizance. The Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), determined for the first time that any person who crossed the border unlawfully and is later taken into immigration detention is subject to detention under 8 U.S.C. § 1225(b)(2) and therefore subject to mandatory detention and no longer eligible for release on bond. The decision strips the immigration judge's authority to hear a bond request for any noncitizen present in the United States without having been inspected and admitted and who are later apprehended by DHS.

Respondents argue in their response that Petitioner is properly detained under 8 U.S.C. § 1225(b)(2) and not under 8 U.S.C. § 1226(a). This argument fails for several reasons.

First, your Honor recently rejected this argument and granted Petitioners habeas petitions in *Vera Curillo v. Noem*, No. 1:25-CV-1340, 2025 WL 3235737 (W.D. Mich. Nov. 20, 2025), and *Orozco-Martinez v. Lynch*, No. 1:25-CV-1353, 2025 WL 3223786 (W.D. Mich. Nov. 19, 2025). These decisions join other district courts across the country that have unanimously rejected *Matter of Yajure Hurtado's* new interpretation that those who entered unlawfully and are later apprehended are now subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

The relevant statutes at issue are Sections 1225 and 1226. Section 1225, titled "Inspection by immigration officers; expedited removal of inadmissible *arriving* aliens; referral for hearing," states:

> An alien present in the United States who has not been admitted *or* who arrives in the United States…shall be deemed for purposes of this chapter an applicant for admission... Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien *seeking* admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(a)(1), (b)(2)(A) (emphasis added).

Section 1226, entitled "Apprehension and detention of aliens," states:

> On a warrant issued by the Attorney General, an alien *may be arrested and detained pending a decision* on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General— (1) may continue to detain the arrested alien; and (2) may release the alien on— (A) bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole…

8 U.S.C. § 1226(a) (emphasis added).

Prior to and since the decision in *Matter of Yajure Hurtado*, other judges within the district courts of the Sixth Circuit, have similarly rejected Respondents' interpretation and have subsequently granted relief to habeas petitioners. *Castro Melgar v. Noem*, No. 1:25-CV-1377, 2025 WL 3240058 (W.D. Mich. Nov. 20, 2025); *Castro Sanchez v. Noem*, No. 1:25-CV-1361, 2025 WL 3237435 (W.D. Mich. Nov. 20, 2025); *Salinas v. Woosley*, No. 4:25-CV-121-DJH, 2025 WL 3243837 (W.D. Ky. Nov. 20, 2025); *Soto Beltran v. Raycraft*, No. 1:25-CV-1352, 2025 WL 3237429 (W.D. Mich. Nov. 20, 2025); *Vera Curillo v. Noem*, No. 1:25-CV-1340, 2025 WL 3235737 (W.D. Mich. Nov. 20, 2025); *Ceballos Ortiz v. Raycraft*, No. 1:25-CV-1328, 2025 WL 3223771 (W.D. Mich. Nov. 19, 2025); *Del Villar v. Noem*, No. 4:25-CV-00137-GNS, 2025

WL 3231630 (W.D. Ky. Nov. 19, 2025); *Hernandez Franco v. Raycraft*, No. 1:25-CV-1274, 2025 WL 3223780 (W.D. Mich. Nov. 19, 2025); *Martinez v. Unknown Party*, No. 1:25-CV-1298, 2025 WL 3223774 (W.D. Mich. Nov. 19, 2025); *Nava Ibarra v. Noem*, No. 1:25-CV-1335, 2025 WL 3223765 (W.D. Mich. Nov. 19, 2025); *Orozco-Martinez v. Lynch*, No. 1:25-CV-1353, 2025 WL 3223786 (W.D. Mich. Nov. 19, 2025); *Yac Pastor v. Raycraft*, No. 1:25-CV-1301, 2025 WL 3223777 (W.D. Mich. Nov. 19, 2025); *Juarez Mendez v. Raycraft*, No. 1:25-CV-1323, 2025 WL 3214100 (W.D. Mich. Nov. 18, 2025); *Lopez v. Olson*, No. 3:25-CV-654-DJH, 2025 WL 3217036 (W.D. Ky. Nov. 18, 2025); *Robledo Gonzalez v. Raycraft*, No. 25-13502, 2025 WL 3218242 (E.D. Mich. Nov. 17, 2025); *Amigon Cardona v. Unknown Party #1*, No. 1:25-CV-1287, 2025 WL 3200682 (W.D. Mich. Nov. 17, 2025); *Martinez Guerra v. Noem*, No. 1:25-CV-1341, 2025 WL 3204289 (W.D. Mich. Nov. 17, 2025); *Orellana v. Noem*, No. 1:25-CV-1333, 2025 WL 3198685 (W.D. Mich. Nov. 17, 2025); *Sevilla v. Noem*, No. 1:25-CV-1325, 2025 WL 3200698 (W.D. Mich. Nov. 17, 2025); *Chavez v. Director of Detroit Field Office*, No. 4:25-CV-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025); *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025); *Lara v. Noem*, No. 1:25-CV-1332, 2025 WL 3170876 (W.D. Mich. Nov. 13, 2025); *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025); *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025); *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025); *Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12, 2025); *Lucero Lucero v. Noem*, No. 1:25-CV-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12, 2025).

District courts in the First Circuit, Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Sixth Circuit, Seventh Circuit, Eighth Circuit, Ninth Circuit, Tenth Circuit, and Eleventh

Circuit have similarly rejected Respondents' interpretation and granted habeas relief. Petitioner provided a sampling of those cases in his Petition. Dkt. 1, ¶ 47.

Further, this Court is not required, and should not, give deference to *Matter of Yajure Hurtado*. In *Loper Bright*, the Supreme Court was clear that "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority," and indeed "may not defer to an agency interpretation of the law simply because a statute is ambiguous." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). Rather, this Court can simply look to the Supreme Court's own words in *Jennings* that held that for decades, § 1225 has applied only to noncitizens "seeking admission into the country"—i.e., new arrivals, and that this contrasts with § 1226, which applies to noncitizens "already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The Court in *Jennings* was abundantly clear about these interpretations. Petitioner in this case is not a new arrival and had been in the United States for over 20 years at the time of his detention.

The text of sections 1225 and 1226, together with binding Supreme Court precedent interpreting those provisions and the numerous district court decisions confirm that he is subject to section 1226(a)'s discretionary detention scheme.

C. Petitioner's Continued Detention Without a Bond Hearing is a Fifth Amendment Violation.

Petitioner's deprivation of his liberty by being deprived of the opportunity to request a bond hearing is a violation of the Due Process Clause of the Fifth Amendment. Petitioner has not been found to be a danger to the community and Respondents do not allege that detention is to ensure Petitioner's appearance during removal proceedings. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Respondents have not put forth a credible argument that Petitioner could not be safely released to his community and family.

The Sixth Circuit has held that the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), regarding the adequacy of process, applies in the context of immigration detention. See *United States v. Silvestre-Gregorio,* 983 F.3d 848, 852 (6th Cir. 2020). Thus, under *Mathews*, this Court must consider the following three factors: "(1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest; and (3) the government's interest, including the fiscal and administrative burdens that the additional or substitute procedures entail." *See Lopez-Campos*, 2025 WL 2496379, at *9 (citing *Mathews*, 424 U.S. at 335).

In regard to the first *Mathews* factor, Petitioner has a significant private interest in avoiding detention, one of the "most elemental of liberty interests." *See Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004). Additionally, Petitioner resides in Chicago, has two U.S. citizen children, and supports himself and his family. *See* Dkt. 1, PageID.1. Petitioner is now detained in another state, "experiencing [many of] the deprivations of incarceration, including loss of contacts with friends and family, loss of income earning…lack of privacy, and, most fundamentally, the lack of freedom of movement." *See Günaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at *7 (D. Minn. May 21, 2025).

As to the second *Mathews* factor, a risk of erroneous deprivation is minimized through a bond hearing, where an Immigration Judge can determine whether Petitioner is a flight risk or a danger to the community. *See Lopez Campos*, 2025 WL 2496379, at *9. Petitioner has been in the United States for over 30 years and has two U.S. citizen children, factors that would minimize his flight risk. *See* ECF No. 1. ¶ 2.

Finally, as to the third factor, while Respondents do have "a legitimate interest in ensuring noncitizens' appearance at removal proceedings and preventing harms to the

community," here, Respondents have not established an interest in regards to detaining Petitioner who may well convince "a neutral adjudicator, following a hearing and assessment of the evidence, that his ongoing detention is not warranted." *Sampiao v. Hyde,* No. 1:25-cv-11981-JEK, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025).

As such, Petitioner's current detention under the framework of Section 1225(b)(2)(A) violates Petitioner's Fifth Amendment Due Process rights.

D. The Secretary of Homeland Security is a Proper Respondent.

Petitioner has named the Field Office Director as Petitioner's immediate custodian. He also names the Secretary of Homeland Security, Kristi Noem, as Respondent in this action. Petitioner alleges violations of law and the application of law by agents of the Department of Homeland Security. Given Secretary Noem's broad authority over the operation and enforcement of the immigration laws, she is thus an appropriate Respondent for the subject case. Given that a briefing schedule has been issued and will be completed by November 21, 2025, the concerns that naming Secretary Noem would complicate and extend the habeas corpus proceedings are not relevant. Dkt. 4, PageID.53.[1]

CONCLUSION

For the foregoing reasons, this Court should order Petitioner's release or in the alternative, order Respondents to schedule a bond hearing for Petitioner's removal proceedings within 5 days of the order and accept jurisdiction to issue a bond order.

Dated: November 21, 2025 Respectfully Submitted,

[1] Respondent argues that a prohibition on Petitioner's transfer is unnecessary. However, Petitioner filed a Petition for writ of habeas corpus *and* a complaint for emergency injunctive relief, seeking his release or a bond hearing and to not be transferred out of the Western District of Michigan to preserve jurisdiction *and* access to counsel, which remains in Chicago, Illinois. Ultimately whether the prohibition on Petitioner's transfer is unnecessary is irrelevant to the jurisdictional, exhaustion, due process, and statutory arguments raised by the parties.

/s/ Maya A. Flores

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