

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALFREDO GUILLEN MENDEZ

Case No. 1:25-cv-1407

Petitioner,

Hon. Robert J. Jonker
U.S. District Court Judge

v.

Hon. Maarten Vermaat
U.S. Magistrate Judge

UNKNOWN, Warden, North Lake Processing Center;
MARTY C. RAYBON, Director of Detroit Field
Office, U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Department of
Homeland Security; and PAMELA BONDI, Attorney
General of the United States, in their official capacities,

Respondents.

ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents, the Director of the Detroit Field Office for U.S. Immigration and Customs Enforcement¹; Kristi Noem, Secretary, U.S. Department of Homeland Security; and Pamela Bondi, U.S. Attorney General, by and through their attorneys, answer the Petition for Writ of Habeas Corpus of Petitioner Alfredo Guillen Mendez as follows:

INTRODUCTION

1. Petitioner Alfredo Guillen Mendez petitions this Court to issue a Writ of Habeas Corpus, ordering Respondents to show cause within three days, providing reasons, if any, as to why Petitioner's detention is lawful. 28 U.S.C. § 2243. Petitioner was detained on October 16, 2025. Because Petitioner's detention has been unconstitutionally prolonged, Petitioner urges the Court to grant his petition and order Respondent to release him from detention. 28 U.S.C. § 2241.

¹ Petitioner named Marty C. Raybon as a Respondent, as Field Office Director for the Detroit ICE Field Office. The Acting Field Office Director is Kevin Raycraft.

Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

ANSWER: This paragraph contains a prayer for relief to which no response is required. To the extent this paragraph is deemed to allege facts to which a response is required, Respondents admit that Petitioner was detained on October 16, 2025. Respondents deny the remaining allegations of this paragraph as untrue.

JURISDICTION

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny that the Court has jurisdiction over this case and deny the remaining allegations of this paragraph. Further answering, Respondents refer the Court to, and incorporate herein, their Response to Habeas Petition ("Response"), filed concurrently with this Answer.

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner can prove by a preponderance of the evidence that he is an asylee under 8 U.S.C. § 1158.

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny that the Court has jurisdiction over this case and deny the remaining allegations of this paragraph. Further

answering, Respondents refer the Court to, and incorporate herein, their Response, filed concurrently with this Answer.

4. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents do not contest that the Court has authority to grant relief in this case.

VENUE

5. Venue is proper in the Western District of Michigan because that is where Petitioner is detained and where a substantial part of the events or omissions giving rise to his claims occurred. *See* 28 U.S.C. § 1391(b).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents do not contest venue in this case.

REQUIREMENTS OF 28 U.S.C. § 2243

6. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner's attempt to characterize a federal statute and defer to the text of the statute itself.

7. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner's attempt to summarize a Supreme Court decision and defer to the text of the decision itself.

PARTIES

8. Petitioner is a noncitizen. Petitioner is currently detained at the North Lake Processing Center in Michigan. She is in the custody, and under the direct control of Respondent's and their agents.

ANSWER: Respondents admit that Petitioner is a noncitizen who currently is detained at the North Lake Processing Center in Baldwin, Michigan. Respondents further admit that Petitioner's immediate custodian is the Acting ICE Field Office. Respondents deny the remaining allegations of this paragraph.

9. The Warden of the North Lake Processing Center is unknown, however, the North Lake Processing Center has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal

custodian of Petitioner. Respondent North Lake Processing Center is a legal custodian of Petitioner.

ANSWER: Denied.

10. Respondent Marty C. Raybon is sued in his official capacity as the Director of the Detroit Field Office of U.S. Immigration and Customs Enforcement. Respondent Raybon is a legal custodian of Petitioner and has authority to release him.

ANSWER: Respondents deny that Marty C. Raybon is the Director of the Detroit ICE Field Office. The Acting Field Office Director is Kevin Raycraft. Respondents lack knowledge or information sufficient to form a belief as to the truth of whether Petitioner sues the Field Office Director in his official capacity. The second sentence of this paragraph states legal conclusions to which no response is required. To the extent a response is required, the Respondents admit that the Field Office Director is charged with the detention and removal of aliens which fall under the jurisdiction of the Detroit Field Office. Respondents deny the remaining allegations of this paragraph.

11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

ANSWER: Respondents admit that Kristi Noem is the Secretary of the Department of Homeland Security. Respondents lack knowledge or information sufficient to form a belief as to the truth of whether Petitioner sues the Secretary in her official capacity. The remainder of this paragraph states legal conclusions to which no response is required. To

the extent a response is required, Respondents deny the remaining allegations in this paragraph.

12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

ANSWER: Respondents admit that Pamela Bondi is the Attorney General of the United States. Respondents lack knowledge or information sufficient to form a belief as to the truth of whether Petitioner sues the Attorney General in her official capacity. The remainder of this paragraph states legal conclusions to which no response is required. To the extent a response is required, Respondents deny the remaining allegations in this paragraph.

STATEMENT OF FACTS

13. Petitioner is a 18-year-old citizen of Mexico.

ANSWER: Admitted.

14. Petitioner has no prior criminal history. He has never been convicted of any crime and is not a security threat to the United States.

ANSWER: Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

15. Petitioner entered the United States July 2022, as unaccompanied minor.

ANSWER: Respondents deny that Petitioner entered the United States in 2022. Respondents admit that Petitioner was 16 years old when he entered the United States.

16. Petitioner is seeking a Guardianship through the Cook County court.

ANSWER: Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

17. Petitioner was detained by ICE agents on October 16, 2025. Petitioner was working in his landscaping job when he was detained.

ANSWER: Admitted.

18. Petitioner was held at the Broadview Processing Center in Broadview, Illinois, until he was transferred to the North Lake Processing Center. Since being detained she has had limited contact with her family.

ANSWER: Respondents admit that Petitioner was held at the Broadview Processing Center before being transferred to the North Lake Processing Center. Respondents lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph.

19. Petitioner's child is distraught, not having contact with Petitioner.

ANSWER: Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph.

LEGAL FRAMEWORK

20. Petitioner is detained under an immigration statute that mandates the detention of all "arriving aliens" without individualized bond hearings. *See* 8 U.S.C. § 1255(b)(1)(B)(ii).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny that Petitioner is detained pursuant to 8 U.S.C. § 1255(b)(1)(B)(ii). Section 1255 is not a detention statute,

and subsection (b)(1)(B)(ii) does not exist. Further answering, Respondents refer the Court to, and incorporate herein, their Response, filed concurrently with this Answer.

21. The Fifth Amendment to the U.S. Constitution provides further limits on detention. As the Supreme Court has noted “[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore*, 538 U.S. at 523 (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious.”). Under these due process principles, detention must “bear [a] reasonable relation to the purpose for which the individual [was] committed.” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972))

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to summarize Supreme Court decisions and defer to the text of the decisions themselves. Further answering, Respondents refer the Court to, and incorporate herein, their Response, filed concurrently with this Answer.

22. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotations omitted). In the immigration context, the Supreme Court has recognized only two valid purposes

for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to summarize Supreme Court decisions and defer to the text of the decisions themselves. Further answering, Respondents refer the Court to, and incorporate herein, their Response filed concurrently with this Answer.

23. Following *Zadvydas* and *Demore*, every circuit court to confront the issue has protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. *See Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins (Rodriguez III)*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to summarize federal appeals court decisions and defer to the text of the decisions themselves. Further answering, Respondents refer the Court to, and incorporate herein, their Response filed concurrently with this Answer.

24. While the Seventh Circuit has not explicitly addressed the issue, the court has noted that “[i]t would be a considerable paradox to confer a constitutional or quasi-constitutional right to release on an alien ordered removed,” as required by *Zadvydas*, “but not on one who might have a good defense to removal.” *Hussain v. Mukasey*, 510 F.3d 739, 743 (7th Cir. 2007). Thus, a

noncitizen subjected to prolonged detention “before he is subjected to a final order of removal” may be eligible for habeas relief if there is “[i]nordinate delay” in the proceedings. *Id.*

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to summarize a federal appeals court decision and defer to the text of the decision itself.

25. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness of detention: (1) how long the detention will likely continue in the absence of judicial relief; (2) the nature and extent of removal proceedings, including whether any delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order. *See Jamal v. Whitaker*, 358 F. Supp. 3d 853, 859-60 (S.D.N.Y. 2018).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to summarize a federal district court decision and defer to the text of the decision itself. Further answering, Respondents refer the Court to, and incorporate herein, their Response filed concurrently with this Answer.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)

Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

1. Petitioner restates and realleges all paragraphs as if fully set forth here.

ANSWER: Respondents adopt by reference their responses to all prior paragraphs as though fully incorporated herein.

2. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to characterize a statute and defer to the text of the statute itself.

3. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny the allegations of this paragraph. Respondents also deny Petitioner’s attempt to characterize a Supreme Court decision and defer to the text of the decision itself.

4. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny the allegations of this paragraph. Respondents also deny Petitioner’s attempt to characterize a Supreme Court decision and defer to the text of the decision itself.

5. By categorically detaining, denying Petitioner's release, and seeking to transfer him away from the district without consideration of his individualized facts and circumstances, Respondents have violated the APA.

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny the allegations of this paragraph. Further answering, Respondents refer the Court to, and incorporate herein, their Response filed concurrently with this Answer.

6. Respondents have not considered Petitioner's facts and circumstances and determined that he is a flight risk or danger to the community.

ANSWER: Respondents deny that Petitioner, as an applicant for admission, is eligible for bond. If a bond hearing were to be held before an Immigration Judge, Respondents would evaluate Petitioner's facts and circumstances in determining whether Petitioner is eligible for bond.

COUNT TWO

**Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)
Not in Accordance with Law and Excess of Statutory Authority
Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

1. Petitioner restates and realleges all paragraphs as if fully set forth here.

ANSWER: Respondents adopt by reference their responses to all prior paragraphs as though fully incorporated herein.

2. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny the allegations of this paragraph. Respondents also deny Petitioner’s attempt to characterize a statute and defer to the text of the statute itself.

3. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); *see also Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by an unauthorized official).

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to summarize federal appeals court decisions and defer to the text of the decisions themselves.

4. On information and belief, Respondents have detained Petitioner without a warrant much less probable cause.

ANSWER: Denied.

5. Because Petitioner’s detention was made by government officials not authorized by law to make this detention, Respondents’ detention of Petitioner is not in accordance with law and in excess of statutory authority.

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny the allegations of this paragraph. Further answering, Respondents refer the Court to, and incorporate herein, their Response filed concurrently with this Answer.

COUNT THREE
Violation of Fifth Amendment Right to Due Process

1. The allegations in the above paragraphs are re-alleged and incorporated herein.

ANSWER: Respondents adopt by reference their responses to all prior paragraphs as though fully incorporated herein.

2. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty without due process of law.” U.S. Const. amend. V.

ANSWER: The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, Respondents deny Petitioner’s attempt to characterize the Constitution and defer to the text of the Constitution itself.

3. For these reasons, Petitioner’s detention violates the Due Process Clause of the Fifth Amendment.

ANSWER: Denied.

The remainder of the Petition is a Prayer for Relief to which no response is required. To the extent that the Prayer for Relief is deemed to allege facts to which a response is required, Respondents deny the allegations.

Any allegation in the Petition that has not been expressly admitted is hereby denied.

Respectfully submitted,

TIMOTHY VERHEY
United States Attorney

Dated: December 4, 2025

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