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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF MICHIGAN
8 SOUTHERN DIVISION

9 LOVEJEET SINGH,

10 Petitioner,

11 v.

12 Kevin RAYCRAFT, Field Office Acting
13 Director of Enforcement and Removal
14 Operations, Detroit Field Office, Immigration
15 and Customs Enforcement; Kristi NOEM,
16 Secretary, U.S. Department of Homeland
17 Security; U.S. DEPARTMENT OF
18 HOMELAND SECURITY; Pamela BONDI,
19 U.S. Attorney General; EXECUTIVE OFFICE
20 FOR IMMIGRATION REVIEW; THE GEO
21 GROUP INC., facility operators; John DOE,
22 Warden of North Lake Correctional Facility (or
23 his/her successors),

24 Respondents.

Case No. 25-1486

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner LOVEJEET SINGH is in the physical custody of Respondents at the
3 North Lake Correctional Facility. He now faces unlawful detention because the Department of
4 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have
5 concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, *inter alia*, having entered the United States without
7 inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner's removal proceeding, DHS denied
9 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,
10 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone
11 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without
12 inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore
13 subject to mandatory detention.

14 4. Petitioner seeks a bond redetermination hearing before an Immigration Judge of
15 the Executive Office for Immigration Review. However, following *Matter of Yajure Hurtado*, 29
16 I&N Dec. 216 (BIA 2025), EOIR now declines jurisdiction to consider bond for individuals
17 deemed “applicants for admission” under § 1225(b)(2)(A). As a result, despite Petitioner's three
18 years of continuous residence in the United States, community ties, no criminal record, and lack
19 of danger or flight risk, he remains mandatorily detained without any opportunity for
20 individualized review. This categorical denial of bond authority results in indefinite detention
21 without administrative recourse, raising serious constitutional concerns that warrant this Court's
22 intervention under 28 U.S.C. § 2241.

1 5. Petitioner's detention on this basis violates the plain language of the Immigration
2 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
3 previously entered and are now residing in the United States. Instead, such individuals are
4 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
5 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
6 having entered the United States without inspection.

7 6. Respondents' new legal interpretation is plainly contrary to the statutory
8 framework and contrary to decades of agency practice applying § 1226(a) to people like
9 Petitioner.

10 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
11 unless Respondents provide a bond hearing under § 1226(a) within five days.

JURISDICTION

13 8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
14 North Lake Correctional Facility, 1805 West 32nd St. Baldwin, MI 49304.

15 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
16 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
17 Constitution (the Suspension Clause).

18 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
19 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

21 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
22 500 (1973), venue lies in the United States District Court for the Western District of Michigan,
23 the Southern Division, the judicial district in which Petitioner currently is detained.

1 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
2 Respondents are employees, officers, and agencies of the United States, and because a
3 substantial part of the events or omissions giving rise to the claims occurred in the Southern
4 Division of the Western District of Michigan.

REQUIREMENTS OF 28 U.S.C. § 2243

6 13. The Court must grant the petition for writ of habeas corpus or order Respondents
7 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
8 order to show cause is issued, the Respondents must file a return “within three days unless for
9 good cause additional time, not exceeding twenty days, is allowed.” *Id.*

10 14. Habeas corpus is “perhaps the most important writ known to the constitutional
11 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
12 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
13 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
14 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
15 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

15. Petitioner Lovejeet SINGH is a citizen of India who has been in immigration
16 detention since October 24, 2025. After arresting Petitioner in Indiana, ICE did not set bond; to
17 date, an Immigration Judge has not set bond because he was deemed an “applicant for
18 admission.” Petitioner has resided in the United States since 2022.
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21 16. Respondent, Kevin Raycraft, is the Director of the Detroit Field Office of ICE's
22 Enforcement and Removal Operations division. As such, Kevin Raycraft is Petitioner's

1 immediate custodian and is responsible for Petitioner's detention and removal. He is named in
2 his official capacity.

3 17. Respondent Kristi Noem is the Secretary of the Department of Homeland
4 Security. She is responsible for the implementation and enforcement of the Immigration and
5 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
6 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

7 18. Respondent Department of Homeland Security (DHS) is the federal agency
8 responsible for implementing and enforcing the INA, including the detention and removal of
9 noncitizens.

10 19. Respondent Pamela Bondi is the Attorney General of the United States. She is
11 responsible for the Department of Justice, of which the Executive Office for Immigration Review
12 and the immigration court system it operates is a component agency. She is sued in her official
13 capacity.

14 20. Respondent Executive Office for Immigration Review (EOIR) is the federal
15 agency responsible for implementing and enforcing the INA in removal proceedings, including
16 for custody redeterminations in bond hearings.

17 21. Respondent The Geo Group, Inc. is the private entity under contract with ICE
18 operating the North Lake Correctional Facility, where Petitioner is detained. They have
19 immediate physical custody of Petitioner. They are sued in their official capacity.

20 22. Respondent John Doe (or his/her successors) is employed by The Geo Group, Inc.
21 as Warden of the North Lake Correctional Facility, where Petitioner is detained. He has
22 immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

REQUIREMENTS FOR DETENTION

23. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

9 25. Second, the INA provides for mandatory detention of noncitizens subject to
10 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
11 referred to under § 1225(b)(2).

12 26. Last, the INA also provides for detention of noncitizens who have been ordered
13 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

14 27. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

15 28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
16 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
17 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
18 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1,
19 139 Stat. 3 (2025).

20 29. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
21 that, in general, people who entered the country without inspection were not considered detained
22 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited

1 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
2 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 30. Thus, in the decades that followed, most people who entered without inspection
4 and were placed in standard removal proceedings received bond hearings, unless their criminal
5 history rendered them ineligible. That practice was consistent with many more decades of prior
6 practice, in which noncitizens who were not deemed “arriving” were entitled to a custody
7 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep.
8 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority
9 previously found at § 1252(a)).

10 31. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
11 rejected well-established understanding of the statutory framework and reversed decades of
12 practice.

13 32. The new policy, entitled “Interim Guidance Regarding Detention Authority for
14 Applicants for Admission,”¹ claims that all persons who entered the United States without
15 inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore
16 are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies
17 regardless of when a person is apprehended, and affects those who have resided in the United
18 States for months, years, and even decades.

19 33. In a May 22, 2025, unpublished decision from the Board of Immigration Appeals
20 (BIA), EOIR adopts this same position.² That decision holds that all noncitizens who entered the
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23 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

24 ² Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

1 United States without admission or parole are considered applicants for admission and are
2 ineligible for immigration judge bond hearings.

3 34. ICE and EOIR have adopted this position even though federal courts have
4 rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration
5 court stopped providing bond hearings for persons who entered the United States without
6 inspection and who have since resided here, the U.S. District Court in the Western District of
7 Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not §
8 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States.

9 *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24,
10 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass.
11 July 7, 2025) (granting habeas petition based on same conclusion).

12 35. DHS's and DOJ's interpretation defies the INA. As the *Rodriguez Vazquez* court
13 explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b),
14 applies to people like Petitioner.

15 36. Section 1226(a) applies by default to all persons “pending a decision on whether
16 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
17 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

18 37. The text of § 1226 also explicitly applies to people charged as being inadmissible,
19 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
20 (E)'s reference to such people makes clear that, by default, such people are afforded a bond
21 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
22 creates “specific exceptions” to a statute’s applicability, it “proves” that absent those exceptions,

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1 the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove*
2 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

3 38. Section 1226 therefore leaves no doubt that it applies to people who face charges
4 of being inadmissible to the United States, including those who are present without admission or
5 parole.

6 39. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
7 recently entered the United States. The statute’s entire framework is premised on inspections at
8 the border of people who are “seeking admission” to the United States. 8 U.S.C.
9 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
10 applies “at the Nation’s borders and ports of entry, where the Government must determine
11 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
12 U.S. 281, 287 (2018).

13 40. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
14 people like Petitioner, who have already entered and were residing in the United States at the
15 time they were apprehended.

16 **UNLAWFUL ARRESTS IN LIGHT OF CASTANON NAVA**

17 41. On October 7, 2025, this Court held that ICE’s practice of issuing Form I-200
18 administrative warrants in the field to make arrests (i.e., “collateral arrests”) is unlawful,
19 rendering all of those arrests warrantless. Accordingly, all of those are subject to the
20 requirements of 8 U.S.C. § 1357(a)(2) and the Nava Warrantless Arrest Policy. *See Castanon*
21 *Nava v. Dep’t of Homeland Sec.*, No. 1:18-cv-03757, 2025 WL 6324179 (N.D. Ill. Oct. 7, 2025).

22 42. Furthermore, this Court agreed that the regulations implementing DHS’s arrest
23 authority under 8 U.S.C. § 1226 require DHS to issue a Notice to Appear either before or
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1 concurrently with the Form I-200 warrant when making a warrant-based arrest. 8 C.F.R. §§
2 236.1(b) and 1236.1(b). Absent the NTA, the administrative warrant is an invalid basis for arrest,
3 rendering the arrest warrantless.

4 43. *Nava* emphasizes that community ties (e.g., home, family, employment) weigh
5 against a finding of probable cause that the individual is likely to escape before a warrant could
6 be obtained. And a determination of probable cause can be based only on information known or
7 gathered at the time of arrest. The only consideration against release is the existence of a prior
8 removal order which may be sufficient to establish probable cause that a person would be likely
9 to escape before a warrant could be obtained under § 1357(a)(2).

10 44. Petitioner gave no indication that there was probable cause for escape prior to
11 obtaining a warrant at the time of their arrest. As such, their arrest without any warrant renders
12 their current and continued detention unlawful.

13 45. The *Nava* class is a Rule 23(b)(2) injunctive class, defined as: All current and
14 future persons arrested without a warrant for a civil violation of U.S. Immigration Law within
15 the ICE Chicago Field Office's Area of Responsibility. *Castañon Nava*, 2025 WL 2842146, at 9
16 (emphasis added). Because that class is already certified, membership is automatic for anyone
17 who meets the definition, and no separate judicial finding from this Court is required for class
18 membership. It remains in effect and continues to govern ICE's conduct within Illinois.

19 46. This Court need only review the extent that Petitioner's arrest mirrors those
20 already adjudicated in *Nava* to determine if his detention falls within the scope of that ongoing
21 injunctive relief. The remedy for this violation is prompt release or, if Petitioner is subsequently
22 released on bond and no longer in ICE custody, prompt reimbursement of all bond payment, and
23 all imposed conditions of release should be lifted. *Castañon Nava*, 2025 WL 2842146, at 42.

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FACTS

2 47. Petitioner has resided in the United States since 2022 and lives in with family
3 friends in Indiana.

4 48. On October 24, 2025, Petitioner was arrested at a local shop that he was managing
5 while the owner was out of the country. ICE agents entered the shop around 9am looking for one
6 of the original owners who had not been involved in the business for over a year. They detained
7 Petitioner instead; Petitioner is now detained at the North Lake Correctional Facility.

8 49. DHS has **not yet** placed Petitioner in removal proceedings before the Immigration
9 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being
10 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
11 without inspection.

12 50. Petitioner is a 20-year-old citizen of India who has lived in the United States with
13 friends of the family for the last several years. He entered the United States on a single occasion
14 in 2022 and has lived continuously in this country for the last 3 years. During this time, he has
15 developed meaningful ties within his community. Petitioner has no criminal history, has
16 complied with all prior immigration requirements to the best of his ability, and poses neither a
17 flight risk nor any danger to the community.

18 51. Following Petitioner's arrest and transfer to North Lake Correctional Facility, ICE
19 issued a custody determination to continue Petitioner's detention without an opportunity to post
20 bond or be released on other conditions.

21 52. To date, no IJ has issued a decision that the court lacks jurisdiction to conduct a
22 bond redetermination hearing because Petitioner was an applicant for admission under §
23 1225(b)(2)(A).

53. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from their family and community.

4 54. Any appeal to the BIA is futile. DHS's new policy was issued "in coordination
5 with DOJ," which oversees the immigration courts. Further, as noted, the most recent
6 unpublished BIA decision on this issue held that persons like Petitioner are subject to mandatory
7 detention as applicants for admission. Finally, in the *Rodriguez Vazquez* litigation, where EOIR
8 and the Attorney General are defendants, DOJ has affirmed its position that individuals like
9 Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). See Mot.
10 to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6,
11 2025), Dkt. 49 at 27–31.

CLAIMS FOR RELIEF

COUNT I

Violation of the Nava Settlement

14 55. Petitioner repeats, re-alleges, and incorporates by reference each and every
15 allegation in the preceding paragraphs as if fully set forth herein.

16 56. Pursuant to 8 U.S.C. § 1226 DHS must issue a Notice to Appear either before or
17 concurrently with the Form I-200 warrant when making a warrant-based arrest. 8 C.F.R. 236.1(b)
18 and 1236.1(b). Absent the NTA, the administrative warrant is an invalid basis for arrest,
19 rendering the arrest warrantless. *Castanon Nava v. Dep’t of Homeland Sec.*, No. 1:18-cv-03757,
20 2025 WL 6324179 (N.D. Ill. Oct. 7, 2025).

21 57. Petitioner's arrest puts him automatically in the certified class eligible for relief.

22 58. This Court needs only to affirm the extent that Petitioner's arrest mirrors those
23 already adjudicated in *Nava*.

Count II

Violation of the INA

3 59. Petitioner incorporates by reference the allegations of fact set forth in the
4 preceding paragraphs.

5 60. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
6 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
7 relevant here, it does not apply to those who previously entered the country and have been
8 residing in the United States prior to being apprehended and placed in removal proceedings by
9 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
10 § 1225(b)(1), § 1226(c), or § 1231.

11 61. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
12 detention and violates the INA.

COUNT III

Violation of Due Process

15 62. Petitioner repeats, re-alleges, and incorporates by reference each and every
16 allegation in the preceding paragraphs as if fully set forth herein.

17 63. The government may not deprive a person of life, liberty, or property without due
18 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
19 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
20 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653
21 (2001).

22 64. Petitioner has a fundamental interest in liberty and being free from official
23 restraint.

1 65. The government's detention of Petitioner without a bond redetermination hearing
2 to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring Respondents promptly release or, if Petitioner is already released on bond and no longer in ICE custody, prompt reimbursement of all bond payment, and lift all imposed conditions of release;
- c. Alternatively, issue a writ of habeas corpus requiring that Respondents release or provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14 days and enjoin Respondents from denying bond under 8 U.S.C. § 1225;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;
- e. Issue a limiting order barring Respondents from re-detaining Petitioner during the pendency of his immigration proceedings absent a substantial change in circumstances; and
- f. Grant any other and further relief that this Court deems just and proper.

DATED November 18, 2025

/s/William A Quiceno

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Attorney for Petitioner

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