

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JOSE LUIS VELAZQUEZ
VELAZQUEZ,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; and SHERIFF TROY GOODNOUGH, Monroe County Sheriff.

Respondents.

Case No. 25-cv-13675

Hon. Robert J. White

**BRIEF IN SUPPORT OF
AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

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ISSUES PRESENTED

1. Are Respondents unlawfully detaining Petitioner without a bond hearing under 8 U.S.C. §1225(b)(2)(A), which applies only to the inspection and detention of recent arrivals at or near the border?
2. Is Petitioner entitled to a bond hearing under 8 U.S.C. §1226(a), which virtually every court to consider the question has found applies to noncitizens who, like Petitioner, were residing in the United States when they were apprehended and charged with inadmissibility?
3. Should this Court declare that the deviation of policy by the agency is arbitrary and capricious under 5 U.S.C. §706(2)(A), entitling the Petitioner to a bond hearing under 8 U.S.C. §1226(a)?
4. Have Respondents violated the Due Process Clause by detaining Petitioner, who is a long-time resident of the United States, without any individualized determination that Petitioner is a flight risk or danger such that their civil detention is necessary to facilitate removal?
5. Should this Court, like all others that have considered such claims, exercise its discretion to waive prudential exhaustion requirements and proceed to the merits of Petitioner's habeas corpus petition, which raises urgent statutory and constitutional claims regarding Petitioner's ongoing unlawful detention?

CONTROLLING OR MOST APPROPRIATE AUTHORITY

28 U.S.C. § 2241

8 U.S.C. § 1226

U.S. Const. amend. V

Other Cases Raising the Same Merits and Exhaustion Issues

For a non-exhaustive list of cases raising identical issues, *see* Petition, ¶ 49.

Caselaw Pertaining to Statutory Claim

Jennings v. Rodriguez, 583 U.S. 281 (2018)

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INTRODUCTION

Petitioner Jose Luis Velazquez Velazquez has lived in the United States continuously since 2003 and, with his wife, are the parents of three U.S. citizen children. On October 25, 2025, he was taken into ICE custody. Had he been arrested before July 2025, he would have received a bond hearing or been granted bond. However, due to recent BIA decisions and a new government policy reversing long-standing statutory interpretation, he is now being detained indefinitely while his case remains pending – separated from his family and community. This abrupt policy shift violates his statutory and constitutional rights, and he urgently seeks a writ of habeas corpus for his release.

BACKGROUND

This habeas action challenges the federal government's July 8, 2025 policy requiring mandatory detention without bond under 8 U.S.C. §1225(b)(2)(A) for noncitizens apprehended in the interior, regardless of their years in the United States. See Pet. ¶7. The Policy abruptly overturned decades of established law and practice recognizing eligibility for bond hearings under 8 U.S.C. §1226(a). *Id.* ¶¶6–8. If left standing, it could impact millions. *See* Kyle Cheney & Myah Ward, *Trump's new detention policy targets millions of immigrants. Judges keep saying it's illegal,*

Politico (Sept. 20, 2025).¹

Additionally, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals found that any noncitizen who is present in the United States without having been inspected and admitted is subject to detention under INA §235(b)(2), not INA §236(a), stripping Immigration Judges of jurisdiction over custody redetermination. This decision is based on the new Policy and is already being widely rejected by federal courts.

Respondents' sudden decision to detain noncitizens without bond under §1225(b)(2)(A) was quickly met with a tsunami of habeas litigation across the country. And in virtually every single case that directly addresses the question, federal courts nationwide, including this Honorable Court, have flatly rejected the government's attempt to apply §1225(b)(2)(A) to longtime residents who were apprehended in the interior of the country and charged with inadmissibility. *See* Pet. at ¶ 46 (citing non-exhaustive list of federal district court decisions granting habeas relief to petitioners in identical habeas corpus actions).

Respondents continue to unlawfully detain thousands of noncitizens, like Petitioner, apprehended in the interior of the country without any possibility of bond. The details of Petitioner's apprehension and detention are included in the underlying

¹ <https://www.politico.com/news/2025/09/20/ice-detention-immigration-policy-00573850>.

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