UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Jose Adrian Leon Gonzalez, Petitioner, v. Angela Dunbar, *in her official capacity* as Warden of the ERO North Lake Processing Center, Baldwin, MI, Robert Lynch, *in his official capacity* as ICE Field Office Director of Enforcement and Removal Operations, Detroit, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security; TODD M. LYONS, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; KRISTI NOEM, *in her official capacity* as Secretary, U.S. Department of Homeland Security; and PAMELA JO BONDI, *in her official capacity* as Attorney General of the United States; Respondents.	C/A No. 25-1510 PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF A # [redacted]

INTRODUCTION

1. Petitioner-Plaintiff ("Petitioner") is a citizen of Mexico has resided in the U.S. since his parents brought him to the US at two months of age in 1983. He has lived only in the US, having never left in forty (40) plus years. He is a single parent to three children,

landscaping business he's run for years. ICE moved him from its Chicago Broadview facility to the North Lake Processing Center in Baldwin, MI a short time after his apprehension. An immigration judge denied bond pursuant to *Matter of Yajure Hurtado.* Ex. E. Petitioner challenges the legality of his mandatory detention and requests a Temporary Restraining Order for his release from ICE custody, and to prohibit his transfer outside of Colorado.

FACTS

Mr. Leon Gonzalez is a forty-three old citizen and national of Mexico and resides in Chicago, IL with his three children, ages 21, 15 and 12. He is a single parent, having lost his wife and mother of his children in 2020 to a seizure disorder that killed her. These facts are of no consequence to the government because it alleges immigration courts have no jurisdiction to give bond to anyone who entered without inspection, relying on the now-perhaps most litigated and defeated Board decision in is history - *Matter of Yajure Hurtado.* That decision is attached as Ex. A.

Mr. Leon Gonzalez entered at two (2) months of age and, and has remained in the US since then. *See* Ex. B (Notice to Appear alleges an unknown entry date).

ICE has not set a bond for Petitioner after he was apprehended by ICE on November 5, 2025, and there is no reason to believe it will given its reliance nationwide on the Board decision in *Matter of Yajure Hurtado.* Eh. E.

The NTA charges Mr. Leon Gonzalez with removability as an alien present in the United States without being admitted or paroled or who arrived in the United States at any time or place other than as designated by the Attorney General 8 U.S.C. §§1182(a)(6)(A)(i). *See Ex.*

The Petitioner has no criminal record. The Petitioner does not have a final order of removal. He's lost his wife and mother of his children. If he's not a zero flight risk, he is close.

The Petitioner's removal case is now before the Immigration Court in Detroit, MI. Mr. Leon

Gonzalez does not have any active warrants or negative criminal history that would render him a flight risk or danger to the community.

Argument

Mr. Leon Gonzalez does not have a removal order. Mr. Leon Gonzalez is challenging the constitutionality of the statutory framework by which the Respondents are detaining him without bond under 8 USC §1226(a); if the government asserts his detention is under a different provision of law, such as §235(b)(1)(A)(iii), it would be wrong as a matter of law. Petitioner asserts that because he was detained in the interior, that if any detention is appropriate, it must be under 8 U.S.C. § 1226(a).

I. Motion for Temporary Restraining Order and Preliminary Injunctive Relief.

To obtain a temporary restraining order, a petitioner-plaintiff "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)). Under similar circumstances, courts within this Circuit have granted petitions for a writ of habeas corpus pursuant 28 U.S.C. § 2241 where, as here, the petitioner has been present in the United States for more than three years, was unlawfully detained in the interior by the Department of Homeland Security under §§ 1225(a)(1), (b)(2) and sought immediate release.

In a similar case where the Petitioner had been present in the United States for a lengthy period of time, this Court found that detaining her under 8 U.S.C. § 1225(b)(2) was unlawful and inapplicable—holding that § 1225(b)(2) did not authorize her interior arrest and detention. *See Juarez Mendez v. Raycraft*, 25-cv-01323 (Nov. 18, 2025)(holding EWI entrants who have lived in the US for years is entitled to a bond hearing, for all of the same reasons

pled herein).

Mr. Leon Gonzalez is likely to succeed on the merits, especially given that ICE had been processing non-citizens in Mr. Leon Gonzalez's same circumstance under § 1226(a), for decades. His detention is unlawful under § 1225(b)(2) and a textbook violation of his Due Process rights, and under the consent agreement reached and recently extended in

A. Mr. Leon Gonzalez will likely succeed on the merits.

Mr. Leon Gonzalez seeks his immediate release because he is unlawfully and unconstitutionally deemed ineligible for bond based on the erroneous finding that he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and the Board's decision in *Hurtado*. A plain reading of the statute makes clear that Mr. Leon Gonzalez, who had been initially detained and ordered released in May 2022, and subsequently apprehended in the interior, cannot be detained under 8 U.S.C. § 1225(b)(2)(A), but rather, must be detained under § 1226(a). However, the Petitioner asserts that his arrest was unlawful because he was arrested on private property without a warrant in violation of an applicable consent decree in Chicago as expressed by Judge Cummings' extension of the same in October of 2025. That decision has been temporarily enjoined by the Seventh Circuit Court of Appeals; why it would not be an independent ground for release until and unless the TRO is lifted, Petitioner's falling within its ambit, the class members adjudicated on the merits to have been unlawful arrested, should weigh towards ordering Petitioner released, or order a bond hearing.

In examining the relevant provisions of §§1225 and 1226, the Court considers "whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case." *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997). The Court's "job is to interpret the words consistent with their 'ordinary meaning . . . at the time Congress enacted the

statute.'" *Wis. Cent. Ltd v. U.S.*, 585 U.S. 274, 277 (2018) (*quoting Perrin v. U.S.*, 444 U.S. 37, 42 (1979)); *see also New Prime Inc. v. Oliveira*, 586 U.S. 105, 113 (2019) (If courts could "freely invest old statutory terms with new meanings, we would risk amending legislation" and "upsetting reliance interests in the settled meaning of a statute") (internal quotations and citations omitted). Of course, the words of a statute "cannot be construed in a vacuum. It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012) (*quoting Davis v. Mich. Dep't of Treasury*, 489 U.S. 803, 809 (1989)). In *Jennings v. Rodriguez*, the Supreme Court analyzed the interplay between Section 1225 and Section 1226. 583 U.S. 281 (2018). The Supreme Court noted that Section 1225(b) applies primarily to "aliens seeking entry into the United States." *Jennings*, 583 U.S. at 297. The statute itself contemplates "arriving," "seeking," the present tense of someone at the port of entry, where the Government must determine whether an alien seeking to enter the country is admissible. *Kostak v. Trump*, No. 3:25-cv-01093, slip op. at 6 (W.D. La. Aug. 27, 2025) (Edwards, J.) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018)).

In cases of non-citizens already present inside the United States, "Section 1226(a) creates a default rule for those aliens by permitting the Attorney General to release them on bond, 'except as provided in subsection (c) of this section." *See Jennings*, 583 U.S. at 303.

A line must be drawn between how §§ 1225 and §§1226 function when it comes to detention of noncitizens, and it is straightforward: detention authority under §1225 is exercised at or near the port of entry for those seeking admission, and detention authority under §1226 must be used when a non-citizen is arrested in the interior of the United States. *See Martinez v. Hyde*, – F.Supp.3d –, 2025 WL 2084238 at *4 (D. Mass. July 24,

2025)(The line historically drawn between these two sections, making sense of their text and overall statutory scheme, is that section 1225 governs detention of non-citizens "seeking admission into the country," whereas action §§1226 governs detention of non-citizens "already in the country."); *see also Lopez-Campos v. Raycraft,* 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025)("There can be no genuine dispute that Section 1226(a), and not Section 1225(b)(2)(A), applies to a noncitizen who has resided in this country for over twenty-six years and was already within the United States when apprehended and arrested during a traffic stop, and not upon arrival at the border."); *Rodriguez v. Bostock,* 779 F. Supp. 3d 1239, 1261 (W.D. Wash. 2025) (holding that § 1226(a), not §1225(b)(2), governs detention of a noncitizen who had resided in the United States for 15 years); *Juarez Mendez v. Raycraft,* 25-cv-01323 (Nov. 18, 2025).

At Mr. Leon Gonzalez's arrest on November 5, 2025, he was not apprehended while seeking admission at the port of entry. Instead, he was arrested for what he has done for decades in the U.S. - hard labor consisting of landscaping, via his own company. Mr. Leon Gonzalez should not have been detained under §1225(b)(2).

B. Mr. Leon Gonzalez will Suffer Irreparable Harm

The harm that flows from the violation of Mr. Leon Gonzalez's constitutional rights is unquestionably irreparable. *See K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d 99, 113 (3d Cir. 2013). The deprivation of an alien's liberty is, in and of itself, irreparable harm. *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Irreparable harm is virtually presumed in cases like this one where an individual is detained without due process. *Torres-Jurado v. Biden*, No. 19 CIV 3595 (AT), 2023 WL 7130898, at *4 (S.D.N.Y. Oct. 29, 2023). ("[B]efore the Government unilaterally takes away that which is sacred, it must provide a meaningful

process."). His harm extends to his psychological burden of knowing his children, who just lost their mother five years ago, now is without a parent.

C. Balance of the Equities and Public Interest

The "public interest is best served by ensuring the constitutional rights of persons within the United States are upheld." *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). As discussed above, the abrupt detention without bond of Mr. Leon Gonzalez likely violated federal law and his due process. "There is generally no public interest in the perpetuation of unlawful agency action," and "there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations." *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (cleaned up).

Here, Mr. Leon Gonzalez's continued detention without bond is in violation of his Fifth Amendment rights and far outweighs any burden the Respondents would suffer. Additionally, the Northern District of Illinois's Consent Decree must be followed by the government and it wasn't; public policy strongly supports mandating the government follow an Art. III Judge's mandate.

D. The Court Has Authority to Grant Mr. Leon Gonzalez's Immediate Release Pending the Adjudication of His Habeas Petition.

As a general matter, writs of habeas corpus are used to request release from custody. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). A habeas court has "the power to order the conditional release of an individual unlawfully detained—though release need not be the exclusive remedy and is not the appropriate one in every case in which the writ is granted." *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (noting that at "common-law habeas corpus was, above all, an adaptable remedy").

Immediate release is appropriate here because the Statute, Constitution and *Castañon-Nava v. DHS* mandates because the governments squarely violated that consent agreement by arresting Respondent without a warrant on private property. The Petitioner has been detained since November 5, 2025. His U.S. citizen children (who are now living without a parent) are in Chicago, where he will seek a change of venue to once released, as the case has no connection to Baldwin, MI whatsoever. Therefore, Petitioner argues that release from detention is the appropriate relief in this case. Alternatively, Petitioner respectfully asks that this Court prevent his transfer while the instant Habeas pends.

E. Conclusion

For the foregoing reasons, the Court should grant the instant writ and order his immediate release from ICE custody.

Date: November 20, 2025

Respectfully Submitted,

/s/Robert Carpenter
Carpenter & Capt, Chtd.
3073 W. John Beers Rd.
Stevensville, MI 49127
t (312) 803-5110
e rcarpenter@carpenterandcapt.com

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