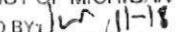


UNITED STATES DISTRICT COURT
FOR THE
DISTRICT COURT OF MICHIGAN
110 Michigan st NW
Grand Rapids, MI 49503

FILED - GR

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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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ZOILA ESPERANZA MARQUEZ-MURILLO

A# 

Petitioner,

1:25-cv-1489

Robert J. Jonker - U.S. District Judge
Ray Kent - Magistrate Judge

V.

Pam Bondi,
US ATTORNEY GENERAL;
Kristi Noem,
SECRETARY OF DEPARTMENT OF
HOMELAND SECURITY;
Robert Lynch,
FIELD OFFICE DIRECTOR FOR THE
MICHIGAN FIELD OFFICE;
Warden of North Lake Correctional Facility
Respondents,

**PETITION FOR A WRIT OF
HABEAS CORPUS UNDER
28 U.S.C. 2241**

**PETITIONER'S EMERGENCY
MOTION OR REQUEST FOR
EXPEDITED HANDLING
REQUESTED UNDER 28 U.S.C.
U.S.C 1657 WITH REFERENCE
TO 28 U.S.C. CH. 153**

Petitioner hereby requests expedited consideration of her petition under 28 U.S.C. 1657 with reference to 28 U.S.C. Ch. 153. which was brought under 28 U.S.C. Ch. 153 Part VI (specifically, 28 U.S.C. 2241). The referenced statute provides:

Notwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action brought under chapter 153 or section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action if good cause therefor is shown. For purposes of this subsection, "good cause" is

shown if a right under the Constitution of the United States or a Federal Statute (including rights under section 552 of title 5) would be maintained in a factual context that indicates that a request for expedited consideration has merit.

28 U.S.C. 1657 (emphasis added).

It is clear that "good cause" within the meaning of 28 U.S.C. 2241 exists in this case, as Petitioner's petition is premised on the idea that his detention is unlawful, which is a plain and obvious violation of his constitutional right to due process respecting his liberty interests under the Fifth Amendment to the United States Constitution.

Petitioner, ZOILA ESPERANZA MARQUEZ-MURILLO brings this habeas petition seeking relief pursuant to 28 U.S.C. 2241 on the ground that her continued detention in post-removal-order custody is unlawful since it has exceeded the presumptively reasonable six-month period established under the due process standards set forth by the United States Supreme Court in *Zadvydas V. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001) and that her removal to Honduras is unlikely to occur in the reasonably foreseeable future.

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the North Lake Correctional Facility Center in Baldwin, Michigan. ICE has contracted with North Lake Correctional Facility to house immigration detainees such as Petitioner. Petitioner is under the direct control of Respondents and their agents. Petitioner was

detained at the border of U.S and Canada after wrongfully taking an exit while working as an uber driver on February 14, 2025. Petitioner was transferred to North Lake Correctional Facility in Baldwin, Michigan on June 14, 2025.

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. as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. 701 et seq.

3. This court has jurisdiction under 28 U.S.C. 2241: art. I 9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, law, or treaties of the United State. This court may grant relief pursuant to 28 U.S.C. 2241, 5 U.S.C. 702, and the All Writs Act, 28 U.S.C. 1651.

4. Petitioner has exhausted any and all administrative remedies to the extend require by law.

VENUE

5. Pursuant to Braden V. 30th Judicial Circuit Ct., 410 u.s. 484, 495-96, 93 S. Ct. 1123, 35 L. Ed. 2d 443 (1973); Roman V. Ashcroft, 340 F.3d 314, 318-20 (6th Cir.

2003). Thus, because the petition indicates that Petitioner is currently incarcerated at **North Lake Correctional Facility**, the proper venue for this action is the United States District Court for the **Western District of Michigan**, the judicial district in which Petitioner resides.

PARTIES

6. Petitioner is a native and citizen of **Honduras**. Petitioner was taken into ICE custody on **February 14, 2025** and has remained in ICE custody continuously since that date. Petitioner was ordered remove on **May 18, 2025**.

7. Respondent **Pam Bondi** is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Nationality Act (INA). As such, **Mrs. Bondi** has ultimate custodial authority over Petitioner.

8. Respondent **Kristi Noem** is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Nationality Act (INA). As such, **Mrs. Noem** is the legal custodian of Petitioner.

9. Respondent **Robert Lynch** is one of the ICE Field Director of the Detroit Field Office of ICE and is Petitioner's immediate custodian who has signed Petitioner's continued Detention Letters. **See Vasquez v. Reno 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).**

10. Respondent Warden of North Lake Correctional Facility, where Petitioner is currently detained under the authority of ICE, alternatively, may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, ZOILA ESPERANZA MARQUEZ-MURILLO is a native and citizen of Honduras. Petitioner has been in ICE custody since February 14, 2025. An Immigration Judge ordered the Petitioner removed on May 18, 2025. Petitioner waived her right to appeal the IJ decision and the IJ order of removal became administrative final the same day May 18, 2025.

12. Petitioner entered the United States on or about December 5, 2018 as an asylum applicant and she has not left since arriving.

13. Petitioner has no criminal record.

14. Petitioner has a U.S. Citizen child with a disability that depends on her for full support.

15. ICE tried obtaining respondent's travel documents and U.S Citizen child's travel document and unsuccessfully failed to obtain them.

16. Petitioner has signed travel documents request 3 times since she has been in detention.

LEGAL FRAME OF WORK FOR RELIEF SOUGHT

17. Detention, release, and removal of aliens ordered removed is governed by the provisions of 8 U.S.C. 1231. Under 1231(a), the Attorney General has ninety days to remove an alien from the United States after his order of removal, during which time detention is mandatory. Section 1231(a)(1)(B) provides the following:

The removal period begins to run on the latest of the following:

- (i) The date the order of removal becomes administratively final.
- (ii) If the removal order is judicially reviewed and if the court orders a stay of the removal of the alien, the date of the court's final order.
- (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.8 Us.c. 1231.

18. At the conclusion of the ninety-day period, the alien may be held in continued detention, or may be released under continued supervision. 8 U.S.C. 1231(a)(3) &(6). The statute "limits an alien's post-removal-period detention to a period reasonably necessary to bring about the alien's removal from the United States. It does not permit indefinite detention." Zadvydas V. Davis, 533 U.S. 678, 689, 121 s. Ct. 2491, 150 L. Ed. 2d 653 (2001). "Once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." Id. at 699. To establish uniformity in the federal courts, a period of six months was recognized as a "presumptively reasonable period of detention." Id. at 701.

19. If at the conclusion of the six-month period the alien provides good reason to believe that there is no significant likelihood of deportation in the reasonably foreseeable future, the burden shifts to the government to "respond with evidence sufficient to rebut that showing." *Zadvydas*, 533 U.S. at 701.

20. Here, the presumptively reasonable six month period began running on May 18, 2025 the date the order of removal became administratively final. The six-month period has recently expired, and ICE has failed to remove Petitioner. He argues that no special circumstances exist to justify his continued detention and that there is no significant likelihood of removal in the reasonably foreseeable future and, thus, his detention violates statutes, regulations, and the Constitution.

21. Moreover, he has presented evidence satisfying his burden that there is no significant likelihood of his removal in the reasonably foreseeable future as required by *Zadvydas*, 533 U.S. at 701. Consequently, he has shown that his detention is statutorily unauthorized or violates due process. See, e.g., *Joseph V. United States*, 127 F. App'x 79, 81 (3d Cir. 2005).

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

22. Petitioner re-alleges and incorporates by reference paragraphs through 21 above.

23. The Fifth Amendment's Due Process Clause prevents the Government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const, amend. V. "Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the liberty that [the Due Process] Clause protects. "Zadvydas V. Davis, 533 U.S. 678, 690 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). It is well established that protection extends to noncitizens, including in removal proceedings. Reno V. Flores, 507 U.S. 292, 306, 113 s. Ct. 1439, 123 L. Ed. 2d (1993).

Moreover, "due process places a heightened burden of proof on the State in civil proceedings in which the individual interests at stake... are both particularly important and more substantial than mere loss of money. *ce Cooper V. Oklahoma*, 517 U.S. 348, 363, 116 S. Ct. 1373, 134 L. Ed. 2d (1996).

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Grant Petitioner a writ of habeas corpus directing Respondents to immediately release Petitioner from custody or a prompt new custody redetermination hearing;
3. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
4. Award Petitioner attorney's fees and cot under Equal Access to Justice Act (EAJA"), as amended, 5 U.S.C. 504 and 28 U.S.C. 2412 and on any other basis justified under law; and
5. Grant any other and further relief that this Court deems just and proper. affirm, under penalty of perjury, that the foregoing is true and correct.



ZOILA ESPERANZA MARQUEZ-MURILLO
A# [REDACTED]
North Lake Correctional Facility
1805 West 32nd St.
Baldwin, MI 49304

Dated: November 18, 2025

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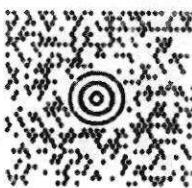
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