UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JESUS ENRIQUE QUINTERO-MARTINEZ, Petitioner, v. KEVIN RAYCRAFT, in his official capacity as 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, Respondents.	Case No. 25-cv-13536 Hon. Stephen J. Murphy, III Mag. Elizabeth A. Stafford

PETITIONER'S REPLY BRIEF
IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

INTRODUCTION

Respondents do not dispute that Petitioner has lived in the United States for over three years, that Petitioner has no criminal history, or that Petitioner is not a flight risk warranting his mandatory detention. Nor do Respondents dispute that the government itself for decades interpreted the Immigration and Nationality Act (INA) to provide for bond hearings for people like Petitioner, or that over sixty district courts across the country and this jurisdiction have rejected Respondents' new "strained interpretation" of the INA. *Martinez v. Raycraft, et al.*, No. 25-CV-13303, 2025 U.S. Dist. LEXIS 220596, at *17 (E.D. Mich. Nov. 7, 2025). Instead, Respondents misstate the facts in this case and ignore its repeated violation of Petitioner's due process rights. Respondents' arguments have been repeatedly rejected by courts and have no merit because they contravene the INA and the Fifth Amendment's due process clause.

I. Relevant Facts

Petitioner is a Venezuelan national who fled Venezuela due to violent political persecution he experienced. *See* Exhibit A, Declaration of Jesus Enrique Quintero Martinez (hereinafter *Pet. Decl.*). Petitioner has lived in the United States since June 16, 2022 and was detained by CBP for approximately two days. *Pet. Decl.* ¶ 2-3. On June 18, 2022, CBP released Petitioner from custody and granted him parole for approximately two months. *Id.* ¶ 5, Ex. A-1. As a condition of

parole, Petitioner was required to report to his nearest ICE office, which he did. *Pet. Decl.* ¶ 6. On November 8, 2022, Petitioner attended his second ICE check-in without incident. *Id.* ¶ 7. Petitioner was never arrested on November 8, 2022. *Id.* On November 8, 2022, an ICE agent issued Petitioner a Notice to Appear ("NTA") in immigration court and released him on his own recognizance. *Id.* ¶ 8, Ex. A-2. Petitioner filed for asylum through immigration court. *Id.* ¶ 9. Since November 2022 until his first arrest in August 2025, Petitioner attended every immigration court hearing date. *Id.*, ¶¶10-13; Ex. A-3-A-4. Petitioner was first arrested by Respondents on August 15, 2025. *Pet.*, ECF No. 1, PageID.8; Declaration of Warren Hugley ("ICE Decl."), ECF No. 5-2, PageID.81. At the time of his first arrest, Petitioner had a TPS application on file with USCIS and a pending asylum application on file with Detroit immigration court. *Pet. Decl.* ¶14; *ICE Decl.*, ¶13, 15, ECF No. 5-2, PageID.80-81. Respondents released Petitioner on or about October 1 or October 3 and required him to report to an ICE Detroit office on October 15, 2025. *Pet.*, Ex. A, ECF No. 1-2, PageID.25; *ICE Decl.*, ¶18, ECF No. 5-2, PageID.82. Petitioner presented himself on October 15, 2025, and Respondents re-arrested him without making any determination that he was a flight risk or danger to the community. *Pet. Decl.* ¶¶ 19-20; *ICE Decl.*, ¶20, ECF No. 5-2, PageID.82. On October 15, 2025, Respondents transported Petitioner from Detroit

to North Lake where he remains incarcerated. *Pet. Decl.* ¶¶ 19-20; *ICE Decl.*, ¶3, ECF No. 5-2, PageID.78.

II. Section 1226(a), Not Section 1225(b)(2)(A) Applies to Petitioner.

A. Respondents Ignore Both Section 1226 and the INA's Structure.

Respondents invite this Court to read § 1225 in isolation, ignoring not just § 1226, but the INA's overall structure. Section 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings," while § 1225 authorizes detention of "certain aliens seeking admission into the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).[1] As their titles state, § 1226 relates to "[a]pprehension and detention" of noncitizens living in the U.S., while § 1225 covers procedures at the border, including "[i]nspection by immigration officers" and "expedited removal of inadmissible arriving aliens."

Respondents do not respond to the fact that the plain text of § 1226(a) applies here: Petitioner was arrested "on a warrant . . . pending a decision on whether [they

---

[1] Respondents admit that *Jennings* described § 1226(a) as applying to noncitizens "present" in the U.S., but claim that by citing § 1227(a) (referring to admitted non-citizens), *Jennings* "made clear" that § 1226(a) applies only to those both present and admitted. Resp. Brf., ECF No. 5, PageID.69-70. Respondents conveniently ignore that the Court cited § 1227(a) just as an "example" of people who are present and can be detained under § 1226(a) pending removal proceedings. *Jennings*, 583 U.S. at 288-289. *See also*, *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1258-59 (W.D. Wash. Apr. 24, 2025) (noting that in *Jennings* the Court describes Section 1226 "as governing 'the process of arresting and detaining' noncitizens who are living 'inside the United States' but 'may still be removed,' including noncitizens 'who were inadmissible at the time of entry.'").

are] to be removed from the United States." Respondents also cannot explain why § 1226 does not render bond-eligible most people who reside here but have not been admitted when it specifically carves out "inadmissible" non-citizens charged or convicted of certain crimes for mandatory detention. 8 U.S.C. § 1226(c)(1)(A), (D)-(E). A "plain reading of this exception implies that the default discretionary bond procedures in section 1226(a) apply to noncitizens who … are 'present in the United States without being admitted or paroled'" unless § 1226(c) applies. *Rodriguez v. Bostock*, -- F. Supp. 3d --, 2025 WL 2782499, *17 (W.D. Wash., Sept. 30, 2025).

Congress just amended § 1226(c) in the Laken Riley Act. Pub. L. No.119-1, 139 Stat. 3 (2025). If Respondents' interpretation of § 1225(b)(2) were correct, that "would render the Laken Riley Act a meaningless amendment, since it would have prescribed mandatory detention for noncitizens already subject to it." *Cordero Pelico v. Kaiser*, 2025 WL 2822876, *12, 2025 U.S. Dist. LEXIS 197865, at *32 (N.D. Cal., Oct. 3, 2025). Respondents' only answer to that point is to say the Court should ignore Laken Riley because it does not apply to Petitioner. Resp. Brf., ECF No. 5, PageID.69. But the fact that *Petitioner* cannot be detained under Laken Riley doesn't alter the fact that Respondents' reading renders Laken Riley meaningless. *Martinez v. Raycraft*, 2025 U.S. Dist. LEXIS 220596, at *15-16.

The government tries to explain away the conflict between their reading of § 1225(b)(2)(A)—that it mandates detention for *all* non-admitted non-citizens—and §

1226—which mandates detention for *some but not all* non-admitted non-citizens—as a mere redundancy. Resp. Brf., ECF No. 5, PageID.67-68. But,

> even allowing for some redundancy in statutory drafting, it is a "cardinal rule of statutory interpretation that no provision should be construed to be entirely redundant." Defendants' expansive reading of section 1225 … would render section 1226(c)(1)(E) "entirely redundant."

Rodriguez, 2025 WL 2782499, *19 (citing *Kungys v. United States*, 485 U.S. 759, 778 (1988)). *See Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 2809996, *6, 2025 U.S. Dist. LEXIS 196282, at *16 (D. Mass., Oct. 3, 2025) (§ 1226(c) "implies that there are no other circumstances under which a noncitizen detained under § 1226 is subject to mandatory detention").

B. Respondents Misunderstand How Section 1225 Works.

Respondents say that Section 1225 distinguishes "between recently arrived noncitizens ('arriving aliens') and those like Petitioners who were successfully able to evade apprehension for many years ('applicants for admission')." Resp. Brf., ECF No. 5, PageID.66. Respondents assert that § 1225(b)(1) covers "arriving aliens", while § 1225(a) and (b)(2) apply to "applicants for admission." Not so.

First, the distinction Respondents invent between "arriving aliens" (i.e. people at the border) and "applicants for admission" (i.e. people already in the U.S.) is entirely divorced from the statutory text. Section 1225(a)(1) defines "applicants for admission" to *include* non-citizens arriving in the U.S. Meanwhile, in describing "arriving aliens," Respondents themselves cite provisions in § 1225(b)(2) about

"crewmen, "stowaways" and people arriving from contiguous territory, even though Respondents contend that § 1225(b)(2) only concerns "applicants for admission." Resp. Brf., ECF No. 5, PageID.63-64. There is no plausible way to read § 1225(b)(2) as covering only people who have lived in the U.S. for years.

Second, Respondents misunderstand the structure of § 1225. Section 1225(b)(1) provides for expedited removal and detention of certain non-citizens. Section 1225(b)(2) applies to other "applicants for admission" who are "seeking admission" who are *not* subject to expedited removal but instead are in full removal proceedings. Depending on their circumstances, people arriving at the border may fall under either (b)(1) or (b)(2). *See Jennings*, 583 U.S. at 287 ("applicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)," with (b)(2) serving "as a catchall provision" that applies to those not covered by (b)(1)).

Recognizing that § 1225 is a border inspection scheme—as dozens of courts across the country have done—does not nullify § 1225(b)(2), which continues to apply to non-citizens arriving at the border who are not subject to expedited removal. In other words:

> § 1225(b)(2) applies to arriving noncitizens who are inadmissible on grounds other than … the grounds that put an arriving noncitizen on the track for expedited removal[]. The statute governing inadmissibility lists ten grounds for inadmissibility…. There are thus arriving noncitizens inadmissible on these other bases who would fall under Section 1225(b)(2), as opposed to Section 1225(b)(1).

Cordero Pelico, 2025 WL 2822876, at* 13. *See Zumba v. Bondi*, No. 25-cv-14626 (KSH), 2025 U.S. Dist. LEXIS 190052, at *22-23 (D.N.J. Sep. 26, 2025) (unpublished) (examples of non-citizens at border not subject to expedited removal, such as certain lawful residents returning from abroad who must be inspected by immigration officials). The argument that § 1225(b)(2) is meaningless unless applied to Petitioner is wrong.

C. Respondents Misinterpret Section 1225(b)(2).

Even if one reads § 1225(b)(2) in complete isolation without regard to the statutory structure, it does not support Respondents' reading. Respondents entirely ignore § 1225(b)(2)'s requirement for a determination by an "examining immigration officer." *See* Pet., ECF No. 1, PageID.8-9 (explaining that Petitioner was attending ICE check-in when re-detained and had pending asylum petition with Detroit Immigration Court, not examination by an immigration officer). Instead, Respondents focus on whether Petitioner is an "applicant for admission" who is "seeking admission." Oddly, Respondents point to the definition of "admission"—which is "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." Resp. Brf., ECF No. 5, PageID.60 (citing 8 U.S.C. § 1101(a)(13)(A)). Not only does this definition take us right back to inspections by immigration officers, but "[c]onstruing section 1225(b)(2) to apply to noncitizens already residing in the country would read the word 'entry' out of the

definition[]." *Chogllo Chafla v. Scott*, No. 2:25-cv-00437-SDN, 2025 U.S. Dist. LEXIS 184909, at *19 (D. Me. Sep. 21, 2025).

Respondents say seeking immigration relief that would allow Petitioner to *remain* is the same as seeking to *enter*. Resp. Brf., ECF No. 5, PageID.61-62. But Petitioner was not seeking permission to enter from an immigration officer when he attended his mandated ICE check-in on October 15, 2025. Nor was he at the border seeking admission – he was

Respondents—constrained by the present tense nature of "seeking admission" —engage in verbal gymnastics to obfuscate the obvious: "the active language implies that the noncitizen is actively engaged in the exercise of being admitted to the United States, rather than currently residing here and seeking to stay." *Chafla*, 2025 U.S. Dist. LEXIS 184909 at *19. This interpretation aligns with the Notice to Appear ("NTA") issued by Respondents, which checks the box the describes Petitioner as "present in the United States who has not been admitted or paroled." *See* Exhibit A-2 (November 8, 2022 Notice to Appear).

The term "seeking admission" is not defined anywhere in the INA[2], making

[2] At most, the INA provides a definition only for the word "admission": "the lawful entry of the [noncitizen] into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). But this partial definition does not help clarify what the affirmative act of "seeking admission" entails in the context of § 1225(b)(2)(A). And in any event, it does not describe what Petitioner is doing here: Petitioner is not before an "immigration officer."

the structure and context of § 1225 even more instructive. Interpreting the INA properly shows that "seeking admission" describes a narrow class of recent arrivals who are presenting themselves for admission at the border. Petitioner clearly does not fall within that class. At the time of his detention both in August 2025 and October 2025, Petitioner was not seeking admission at the border. Only those who take affirmative steps to seek admission while "coming or attempting to come into the United States" can reasonably be said to be "seeking admission" under § 1225(b)(2)(A). *See Lopez-Campos v. Raycraft*, --- F.Supp.3d. ---, 2025 WL 2496379 at *7 (E.D. Mich. Aug. 29, 2025) ("seeking admission" refers to "when people are being inspected, which usually occurs at the border, when they are seeking lawful entry into this country").

Section 1225(b)(2)(A)'s use of the term "examining immigration officer" gives further weight to the structural argument that § 1225 obviously sets out a scheme for inspections at or near the border, where arriving noncitizens will typically be examined by an "immigration officer"—such as when they are apprehended by a Border Patrol agent or interviewed by an asylum officer.

Petitioner, however, is not being examined by immigration officers at or near the border when he was re-detained on October 15, 2025, he was attending an ICE check-in after having been released and paroled from his first unwarranted detention. Instead, Petitioner was charged with having entered the country without

authorization and was placed in removal proceedings before an immigration judge, where he is seeking various forms of relief from removal. This is clearly not the circumstance contemplated by § 1225(b)(2)(A). Instead, it is the circumstance contemplated by § 1226 (covering people who are pending a decision [by the immigration courts] on whether [they are] to be removed from the United States"). In sum, under any reasonable interpretation of § 1225, Petitioner is not an "applicant for admission" who is "seeking admission" before an "examining immigration officer." The simple reality is that Petitioner was not trying to enter the United States when he was detained and then re-detained by Respondents; he was already here. Thus, § 1225(b)(2)(A) has no role in Petitioner's ability to be detained pending a decision on their removal.

D. Respondents Misunderstand the Legislative History.

Respondents ignore the legislative history and contemporaneously-issued regulations showing that § 1226(a) applies here. *See* Pet., ECF No. 1, PageID.12-13. Instead, they argue that in enacting IIRIRA, Congress wanted to ensure that people seeking to enter lawfully are not treated worse than those who entered without inspection. Resp. Brf., ECF No. 5, PageID.71. But the government "err[s] in its analysis by identifying *one* of Congress's concerns in enacting IIRIRA and then treating it as Congress's sole concern driving the statute." *Cordero Pelico*, 2025 WL 2822876 at *13. While Congress was concerned about "placing noncitizens on equal

footing in *removal* proceedings" (and IIRIRA thus imposes a greater burden of proof on non-citizens in the U.S. in defending against removal), that "says nothing about detention." *Rodriguez*, 2025 WL 2782499, *24 (cleaned up). Respondents cannot

> enlarge Congress's stated concern that noncitizens living in the United States had an advantage during *removal* proceedings pre-IIRIRA to an unarticulated aim to mandate *detention* for all such noncitizens post-IIRIRA. It is easy to conceive of reasons Congress would distinguish between these concepts; for one, noncitizens who have lived for years in this country are more likely to be working in critical industries, parenting U.S. citizen children, or otherwise serving their communities .... If Congress had wished to enact the transformation of the immigration detention system that Defendants contend it did—requiring the detention of millions of people currently living and working in the United States—then it would have said so more clearly.

Id.

To adopt Respondents' interpretation would violate the "no-elephants-in-mouseholes canon," which "recognizes that Congress does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions." *Bostock v. Clayton County*, 590 U.S. 644, 680 (2020). If Congress intended to upend its prior scheme and mandate that thousands, if not millions, of people who have lived here for years be held without bond hearings, then (1) Congress would have clearly said so; and (2) it is inconceivable that immigration authorities would have simply carried on for three decades without implementing that Congressional directive. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024) ("longstanding practice of the government" can inform court's interpretation of statutory provisions).

III. Due Process Requires a Bond Hearing.

At the "heart" of the Fifth Amendment's due process clause is "the freedom from imprisonment—government custody, detention, and other forms of physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Depriving a person of their liberty is only permissible as punishment for crimes, or in "certain special and narrow nonpunitive [i.e. civil] circumstances." *Id.* (quotation omitted). That due process guarantee extends to noncitizens regardless of "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

Civil immigration detention is not punishment for a crime. Thus, it can only be justified "where a special [non-punitive] justification . . . outweighs the individual's constitutionally protected interest" in liberty—usually only by a finding that such detention is necessary to prevent their flight or protect against dangers to the community. *Zadvydas*, 533 U.S. at 690 (cleaned up); *see also United States v. Salerno*, 481 U.S. 739, 750 (1987). A hearing on whether such a special justification necessitates civil detention is the most basic protection required by the Fifth Amendment. *See Zadvydas*, 533 U.S. at 690; *Foucha v. Louisiana*, 504 U.S. 71, 79, (1992) ("Due process requires that the nature of commitment bear some reasonable relation to the purpose for which the individual is committed."); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997); *Addington v. Texas*, 441 U.S. 418, 428 (1979). And the nature of that hearing is governed by the classic balancing test from

Mathews v. Eldridge, 424 U.S. 319, 334–35 (1976). That test weighs (1) the nature of "the private interest" being deprived; (2) "the risk of erroneous deprivation" and (3) the "fiscal and administrative burdens" posed by providing additional process. *Id.* Respondents do not even try to show a special justification for detaining Petitioner without a bond hearing. Nor do Respondents weigh the three factors of *Mathews*, all of which favor Petitioner.

As to the private interest, Petitioner invokes "the most elemental of liberty interests—the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004). Meanwhile, the government's interest in detaining Petitioner is limited to ensuring his appearance at their future immigration proceedings (i.e., "flight risk") and preventing danger to the community. *See Zadvydas*, 533 U.S. at 690. Respondents have conceded that Petitioner has no criminal record, and the record demonstrates that Petitioner has attended all of his ICE check-ins and immigration court hearing dates. Therefore, the risk of erroneously depriving Petitioner of physical freedom is unbearably high. Without the bond hearing that he is entitled to under § 1226(a), Petitioner will never be able to present the compelling reasons that he is neither a flight risk nor a danger. *See* Pet. at ¶¶ 35, ECF No. 1, PageID.9. Nor can the government complain about the administrative burden of providing hearings that it has provided for decades.

Respondents have not identified a single case where courts have found it constitutional to deprive long-time residents of their liberty without any consideration of flight risk, dangerousness, or criminal history. Rather, Respondents argue that because procedural protections exist in *removal* proceedings (i.e., hearings on immigration relief), Petitioner has no right to due process on *detention*. But Petitioner has a liberty interest in freedom from detention that is distinct from their liberty interest in remaining in the U.S. Deprivation of either requires due process. Judges in both the Eastern District and Western District of Michigan have rejected these arguments and held that Respondents are violating petitioners' due process rights. *See Franco v. Raycraft*, No. 2:25-cv-13188, 2025 U.S. Dist. LEXIS 207169, at *21-23 (E.D. Mich. Oct. 21, 2025) (detention petitioner under mandatory detention framework is a violation of petitioner's due process rights); *Diaz Sandoval v. Raycraft*, No. 2:25-cv-12987, 2025 U.S. Dist. LEXIS 205418, at *22-25 (E.D. Mich. Oct. 17, 2025) (same); *Pacheco Mayen v. Raycraft*, No. 2:25-cv-13056, 2025 U.S. Dist. LEXIS 205428, at *22-25 (E.D. Mich. Oct. 17, 2025) (same); *Casio-Mejia v. Raycraft*, No. 2:25-cv-13032, 2025 U.S. Dist. LEXIS 207165, at *20-22 (E.D. Mich. Oct. 21, 2025)(same); *Mendoza v. Noem*, No. 1:25-cv-1252, 2025 U.S. Dist. LEXIS 217375, at *16-21 (W.D. Mich. Nov. 4, 2025)(same); *Garcia v. Raycraft*, No. 1:25-cv-1281, 2025 U.S. Dist. LEXIS 220631, at *15-19 (W.D. Mich. Nov. 7,

2025)(same); *Contreras Alvarez v. Noem, et al.*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025)(same).

Respondents also point to inapposite cases concerning the more limited due process protections for people apprehended upon entry or with significant criminal history. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020), concerned the "due process rights of an alien seeking initial entry" and governmental control over who crosses our borders. *Id.* at 107; *see id.* at 139 (discussing the due process rights of "an alien at the threshold of initial entry" who lack "established connections in this country"). Petitioner was not "at the threshold of initial entry," when he was re-detained on October 15, 2025, and has "established connections" here. *See Cordero Pelico*, 2025 WL 2822876, at *6 (distinguishing government's cases on exactly this basis).

Respondents' reliance on *Demore v. Kim*, 538 U.S. 510 (2003), is similarly off base. *Demore* rejected a facial challenge to 8 U.S.C. § 1226(c), which requires mandatory detention of certain noncitizens with criminal convictions. Based on the presumption that such people are a danger/flight risk, the Court found the government's interest in detaining them for "a very limited time" outweighed their interest in liberty. *Id.* at 529, n.12. *Demore* does not create an irrebuttable presumption of dangerousness/flight risk even for people with significant criminal

history[3], much less for people who—as here—have been living law-abiding lives in the community. And *Zadvydas v. Davis*, 533 U.S. 678 (2001), contrary to Respondents' depiction, emphasizes that immigration detention must be tied to the civil purposes of preventing flight and protecting the public.

IV. Requiring Administrative Exhaustion Would Be Futile.

Respondents admit that administrative exhaustion would be futile. Resp. Brf., ECF No. 5, PageID.57 (admitting that *Yajure Hurtado* bars administrative relief). Therefore, this Court should not apply prudential exhaustion requirements, especially when there is no statutorily imposed administrative exhaustion requirement and doing so would subject Petitioner to hardship. *See Mauricio Diego v. Raycraft, et al.*, No. 25-13288, 2025 U.S. Dist. LEXIS 222614, at *8-9 (E.D. Mich. Nov. 12, 2025).

V. Respondents are Properly Named and Should Not be Dismissed.

For the first time Respondents challenge this Court's jurisdiction to hear habeas corpus challenges by detainees being held at the North Lake Processing Center in Baldwin, Michigan ("North Lake"), which falls under the purview of the ICE Detroit Field Office. This is despite Respondents' representations to this Court on numerous occasions that the ICE Detroit Field Office Director was the only

[3] Non-citizens detained under § 1226(c) remain free to bring as-applied constitutional challenges to their detention. *See Nielsen v. Preap*, 586 U.S. 392, 420 (2019); *Black v. Decker*, 103 F.4th 133, 151-155 (2d Cir. 2024).

properly named Respondent for habeas petitions involving detainees at North Lake. *See* Exhibit B (Citations to Government's Briefs). *See also Garcia v. Raycraft*, 2025 U.S. Dist. LEXIS 220631 (dismissing, on the Government's motion, the North Lake detention facility warden because the ICE Detroit Field Office Director is the immediate custodian). Respondents now argue that the only proper respondent in "core" habeas corpus challenges is the detainee's immediate physical custodian, i.e., the warden of North Lake. Resp. Brf., ECF No. 5, PageID.54. This new (and belated) argument by Respondents should be rejected.

The immediate custodian and proper respondent in a habeas petition filed by a noncitizen challenging their detention is the ICE Field Office Director, who is the only individual with authority to actually release Petitioner. *See Roman v. Ashcroft*, 340 F.3d 314, 320-321 (6th Cir. 2003). Respondents' interpretation and reliance on *Rumsfeld v. Padilla*, 542 U.S. 426 (2004) is wholly misplaced. In *Padilla*, the Supreme Court clarified that the "immediate custodian" and proper respondent for a habeas petition is *usually* the warden of the detention facility. *Padilla*, 542 U.S. at 434-35 (emphasis added). Yet, *Padilla* defines a proper habeas respondent as an "immediate custodian" capable of fulfilling specific responsibilities articulated in *Wales v. Whitney*, 114 U.S. 564, 574 (1885). *Padilla*, 542 U.S. at 435. Respondents, though purporting to rely on *Padilla's* "immediate custodian" concept, neither cites *Wales* nor acknowledges that, without ICE's acquiescence, North Lake employees

are prohibited from performing the duties *Padilla* expressly requires of a respondent: producing a petitioner to the court, certifying the true cause of detention, and effecting any court-ordered relief.

Moreover, in *Padilla*, the Court acknowledged that it previously "left open the question whether the Attorney General is a proper respondent to a habeas petition filed by an alien detained pending deportation." *Id.* at 435 n.8. The Court noted a circuit split on this question, specifically citing to *Roman* as an example of how different Courts of Appeals have defined the "immediate custodian" in the context of habeas petitions filed by detained noncitizens. *Id.* As it had before, the Supreme Court "again decline[d] to resolve it." *Id.* Thus, despite having the opportunity to reject *Roman's* holding, the Supreme Court allowed it to stand. Therefore, *Roman* is still good law.

That is why courts in the Sixth Circuit continue to apply *Roman's* immediate custodian rule after *Padilla*. *See*, e.g., *Woldeghergish v. Lynch*, No. 1:25-cv-461, 2025 U.S. Dist. LEXIS 167079, at *2 (S.D. Ohio Aug. 27, 2025) (adopting report and recommendation dismissing the wardens as respondents and proceeding only against the ICE Field Office Director); *Hango v. McAleenan,* 2019 U.S. Dist. LEXIS 211687, 2019 WL 7944352, at *2-3 (N.D. Ohio Nov. 13, 2019) (granting motions to dismiss by DHS Secretary, USAG, and County Sheriff because only the Field Director of the ICE Detroit Field Office is the proper respondent); *Orozco-*

Valenzuela v. Holder, No. 1:14-CV-1669, 2015 U.S. Dist. LEXIS 44705, at *10 n.5 (N.D. Ohio Mar. 17, 2015) (under *Padilla* and *Roman*, the ICE Field Office Director is the immediate custodian and proper respondent, and venue is proper where the Field Office Director is located); *Uljic v. Baker*, No. 06-13106, 2006 U.S. Dist. LEXIS 70219, at *6-8 (E.D. Mich. Sep. 28, 2006) (rejecting government's argument to transfer habeas petition to Western District of Michigan, distinguishing *Padilla* as factually distinct, and holding that the "Field Office Director for a district headquartered in Detroit whose responsibility includes Michigan and Ohio, is, consistent with *Padilla* and *Roman*, properly subject to this petition for habeas corpus.").

As these cases show, the warden of an immigration facility, such as North Lake, merely takes direction from the relevant ICE Field Office Director. *See Uljic*, 2006 U.S. Dist. LEXIS 70219 at *8 (ICE Director seeks out and employs services from local wardens). In other words, ICE, not the warden of North Lake, exercises day-to-day control over people detained in North Lake. This critical fact is why, under *Padilla* and *Roman*, the correct respondent to Petitioner's habeas petition is the ICE Field Office Director. Petitioner, as in all detainees currently being held at North Lake, will remain detained at North Lake unless and until the ICE Detroit

Field Office Director of ICE tells North Lake's warden otherwise[4]. Respondents' own declaration supports that it is Respondents and not the warden at North Lake that make decisions about detainees transfer and release. *See ICE Decl.*, ¶3, ECF No. 5-2, PageID.78 (Petitioner "is in ICE custody at North Lake Correctional Facility in Baldwin, Michigan."); *Id.* at ¶¶17-21ECF No. 5-2, PageID.81-83 (describing the transfer, release, and re-detention of Petitioner by ICE Detroit). *See also*, *Pet. Decl.*, ¶¶ 16-19 (describing release and re-detention in Detroit, Michigan by ICE).

And should this habeas petition be granted, the Detroit Field Office Director would once again direct North Lake staff to transfer Petitioner from North Lake back to the Detroit field office, where he *then* will be processed for release. Therefore, Respondent Raycraft is properly named as Petitioner's immediate custodian, and this Court should retain jurisdiction of this matter.

The Court should also reject Respondents' argument that the ICE Director should be the only proper Respondent. First, Petitioner is not just seeking a writ of habeas corpus, but also declaratory relief, an injunction on transfer, fees and any other just and proper relief. Pet., ECF No. 1, PageID.21. This Court has jurisdiction both in habeas (28 U.S.C. § 2241; U.S. Const. art. I, § 9, cl. 2), and over federal questions (28 U.S.C. § 1331). It can grant relief under 28 U.S.C. § 2241, the

[4] North Lake is owned and operated by the GEO Group. *See* https://www.geogroup.com/facilities/north-lake-processing-center/ (last accessed November 18, 2025).

Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

Second, Petitioner is detained under a new ICE directive issued in coordination with DOJ. If Respondents Noem, Bondi and the Department of Homeland Security (DHS) rescinded the directive, Petitioner could be released, either based on ICE setting bond, 8 C.F.R. § 236.1(8), or through a bond hearing. Bond hearings are held in immigration courts, which are under the Executive Office of Immigration Review (EOIR), itself a component agency of DOJ. Respondents EOIR and Bondi can—but have failed to—ensure that Petitioner gets a bond hearing.

Third, Secretary Noem and DHS are proper Respondents with respect to the requested injunction on transfer, over which they have ultimate authority. *See Gonzalez v. Raycraft et al.*, No. 25-CV-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27, 2025). Therefore, because the additional relief Petitioner seeks would run against the additional Respondents, this Court should not dismiss any of the named Respondents.

CONCLUSION

Petitioner requests that the Court grant the relief requested in the Petition.

Dated: November 18, 2025, Respectfully submitted,

/s/ *Diana Marin*

Diana E. Marin (P81514)
BLANCHARD & WALKER PLLC
221 N. Main Street, Suite 300
Ann Arbor, MI 48104
(734) 929-4313
marin@bwlawonline.com

Counsel for Petitioner