

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

EDUARDO ROJAS-MARTINEZ,

Petitioner,

v.

UNKNOWN, Warden, North Lake Processing
Center; MARTY C. RAYBON, Director of Detroit
Field Office, TODD LYONS, Acting Director of
U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Department
of Homeland Security; and PAMELA BONDI,
Attorney General of the United States,
in their official capacities,
Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Eduardo Rojas-Martinez, petitions this Court to issue a Writ of Habeas Corpus, ordering Respondents to show cause within three days, providing reasons, if any, as to why Petitioner's detention is lawful. 28 U.S.C. § 2243. Petitioner was detained on or about September 24, 2025.
2. Because Petitioner's detention has been unconstitutionally prolonged, Petitioner urges the Court to grant his petition and order Respondent to release him from detention. 28 U.S.C. § 2241.
3. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that

Respondents' detention of Petitioner is an arbitrary and capricious violation of the law, and to immediately issue an order preventing Petitioner's transfer out of this district.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
6. Under 8 U.S.C. § 1252(e)(2), this Court has habeas corpus authority to determine whether Petitioner is a noncitizen.
7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue is proper in the Western District of Michigan because that is where Petitioner is detained and where a substantial part of the events or omissions giving rise to his claims occurred. *See* 28 U.S.C. § 1391(b).
9. Venue is proper because Petitioner is detained at the Northlake Processing Center in Baldwin, Michigan, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents

to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).
12. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

13. Petitioner is a noncitizen. Petitioner is currently detained at the Northlake Processing Center in Baldwin, Michigan. He is in the custody of the Respondents and under their direct control.
14. The Warden of the North Lake Processing Center is unknown, however, the North Lake Processing Center has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent North Lake Processing Center is a legal custodian of Petitioner.
15. Respondent Marty C. Raybon is sued in his official capacity as the Director of the Detroit Field Office of U.S. Immigration and Customs Enforcement. The Detroit Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. Respondent Raybon is a legal custodian of Petitioner and has authority to

release him.

16. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and has authority over the actions of respondent Marty C. Raybon and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
18. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.
19. This action is commenced against all Respondents in their official capacities.

STATEMENT OF FACTS

20. Petitioner is a 47-year-old citizen and national of Mexico.
21. Petitioner has a U.S. citizen child..
22. Petitioner entered the United States without inspection or parole in 1999 and has not left since that time.

23. ICE agents arrested Petitioner without a warrant while leaving a job site in Illinois on or about September 24, 2025.
24. Petitioner was taken to the Broadview Processing Facility in Broadview, Illinois.
Petitioner was held at the Broadview Processing Center in Broadview, Illinois, until he was transferred to the Northlake Processing Center in Michigan.
25. Petitioner is seeking immigration relief and pursuing meritorious challenges to his removal. Petitioner has no prior criminal history. He has never been convicted of any crime and poses no security threat to the United States.
26. Petitioner has no prior immigration record nor history of nonappearance at immigration court proceedings.
27. On information and belief, Petitioner was detained prior to being issued an I-862 Notice to Appear.
28. On information and belief, no final order of removal has been issued against Petitioner..
29. Since being detained, Petitioner has had limited contact with his family and counsel.
30. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable,” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures, including through the use of mass detention.

31. On information and belief, Respondents detained and transferred Petitioner regardless of the individual facts and circumstances of his case.
32. On information and belief, Respondents are using the immigration detention system, including extra-territorial transfer and detention, as a means to punish individuals through warrantless arrests and detention.

LEGAL FRAMEWORK

33. Petitioner is detained under an immigration statute that mandates the detention of all “arriving aliens” without individualized bond hearings. *See* 8 U.S.C. § 1255(b)(1)(B)(ii).
34. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).
35. The Fifth Amendment to the U.S. Constitution provides further limits on detention. As the Supreme Court has noted, “[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore*, 538 U.S. at 523 (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of liberty,” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious.”). Under these due process principles, detention must “bear [a] reasonable relation to the purpose for which the individual [was] committed.” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972))

36. Due process, therefore, requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotations omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.
37. Following *Zadvydas* and *Demore*, every circuit court to confront the issue has protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. *See Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins* (Rodriguez III), 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).
38. While the Seventh Circuit has not explicitly addressed the issue, the court has noted that “[i]t would be a considerable paradox to confer a constitutional or quasi-constitutional right to release on an alien ordered removed,” as required by *Zadvydas*, “but not on one who might have a good defense to removal.” *Hussain v. Mukasey*, 510 F.3d 739, 743 (7th Cir. 2007). Thus, a noncitizen subjected to prolonged detention “before he is subjected to a final order of removal” may be eligible for habeas relief if there is “[i]nordinate delay” in the proceedings. *Id.*
39. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness of detention: (1) how long the detention will likely continue in

the absence of judicial relief; (2) the nature and extent of removal proceedings, including whether any delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order. See *Jamal v. Whitaker*, 358 F. Supp. 3d 853, 859-60 (S.D.N.Y. 2018).

40. Custody determinations for individuals in removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
41. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.
42. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual's release when the facts and circumstances warrant it.
43. Revocation and return to custody is authorized only based on the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)

Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

44. Petitioner restates and realleges all paragraphs as if fully set forth here.
45. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
46. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
47. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).
48. By categorically detaining, denying Petitioner’s release, and seeking to transfer him away from the district without consideration of his individualized facts and circumstances, Respondents have violated the APA.
49. Respondents have not considered Petitioner’s facts and circumstances and determined that he is a flight risk or danger to the community.

COUNT TWO

Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)

Not in Accordance with Law and Excess of Statutory Authority

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

50. Petitioner restates and realleges all paragraphs as if fully set forth here.
51. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory

jurisdiction, authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

52. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by an unauthorized official).

53. On information and belief, Respondents have detained Petitioner without a warrant, much less probable cause or reasonable suspicion.

54. Because Petitioner’s detention was made by government officials not authorized by law to make this detention, Respondents’ detention of Petitioner is not in accordance with law and in excess of statutory authority.

COUNT THREE

Violation of Fifth Amendment Right to Due Process

55. Petitioner restates and realleges all paragraphs as if fully set forth here.

56. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.

57. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

58. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and

to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

59. For these reasons, Petitioner’s detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner’s detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- (4) Declare that Petitioner’s detention was made in violation of statute and regulation;
- (5) Declare the continued detention of the Petitioner to lack statutory authorization;
- (6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (7) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court’s approval;
- (8) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (9) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

\s\ Hanna Kayali
VLO, P.C.

Attorney for Petitioner
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312-600-7000

Counsel for Petitioner

Dated: November 21, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Eduardo Rojas-Martinez, and submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas

Corpus are true and correct to the best of my knowledge.

Dated this 21 day of November, 2025.

/s/ Shady Bolis
VLO, P.C.
Attorney for Respondent
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