

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

EMERGENCY & URGENT PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241

Petitioner: Catalina Franco Cubides, Pro Se

Respondents:

- Director, U.S. Immigration and Customs Enforcement (ICE)
- Field Office Director, ICE Detroit Field Office
- Warden, Corrections Center of Northwest Ohio
- Sheriff Anthony Wickersham Raycraft, Macomb County Sheriff

FILED - GR

February 6, 2026 1:01 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: JU 2-6

1:26-cv-00366-PLM-RSK

I. INTRODUCTION

This is an Emergency and Urgent Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner challenges her unlawful detention and interstate transfer from Michigan to Ohio despite the absence of any criminal conviction, warrant, ICE detainer, or final order of removal. Petitioner was transferred only after bond was paid and after she asserted her right to counsel and informed authorities of pending habeas corpus filings. The transfer was retaliatory, unconstitutional, and void.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution and laws of the United States. Venue is proper in the Western District of Michigan because the unlawful custody originated in Michigan and was effectuated through the ICE Detroit Field Office and Macomb County authorities.

III. STATEMENT OF FACTS

1. Petitioner has no criminal convictions and no criminal record.
2. The only underlying matter was a civil traffic infraction: M/C Defective Equipment – Lights Obscured.
3. Civil infractions under Michigan law do not authorize arrest, detention, bond, or incarceration.
4. Despite this, Petitioner was detained and transferred to Macomb County Jail.
5. A bond was paid and a court-ordered release issued.
6. After bond and release authority attached, jail officials affirmatively contacted DHS/ICE.
7. Petitioner was given deportation paperwork and explicitly refused to sign, stating she had a lawyer; the document is marked “REFUSED.”
8. No ICE detainer, judicial warrant, or final order of removal existed.
9. Petitioner was transferred out of state to Ohio only after asserting habeas rights.

IV. GROUNDS FOR RELIEF

Ground One – Unlawful Detention

Detention without a criminal conviction, warrant, or lawful civil authority violates the Fifth Amendment.

Ground Two – Unlawful Interstate Transfer

Interstate transfer without judicial authority or lawful custody violates due process.

Ground Three – Retaliation

Transfer in response to asserting habeas corpus and the right to counsel violates the First and Fifth Amendments.

Ground Four – Invalid Removal Process

Petitioner refused to sign deportation paperwork. No knowing or voluntary waiver exists.

V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue the writ immediately;
- B. Declare the detention and interstate transfer unlawful;
- C. Order Petitioner's immediate release from ICE custody;
- D. Enjoin Respondents from further transfer or removal;
- E. Grant any other relief deemed just and proper.

VERIFICATION

I, Catalina Franco Cubides, declare under penalty of perjury that the facts stated in this Emergency Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Catalina Franco Cubides
Petitioner, Pro Se
Date: _____

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**INTRODUCTION, STATEMENT OF FACTS, AND CHRONOLOGICAL TIMELINE
(Emergency Habeas Corpus – 28 U.S.C. § 2241)**

I. INTRODUCTION

Petitioner Catalina Franco Cubides, proceeding pro se, respectfully submits this Emergency Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging her unlawful detention, post-release notification to immigration authorities, and interstate transfer in the absence of any criminal conviction, judicial warrant, valid ICE detainer, or final order of removal. The events giving rise to this petition originated in Michigan and escalated over approximately ten days, beginning with a civil traffic infraction and culminating in continued detention and transfer to Ohio after a court-ordered release. This filing seeks only judicial review of the lawfulness of custody and preservation of the Court's jurisdiction.

II. STATEMENT OF FACTS

A. Civil Infraction Only – No Criminal Charge

1. On January 12, 2026, Petitioner was issued a citation by the Warren Police Department for M/C Defective Equipment – Lights Obscured, an ordinance-level civil infraction.
2. The case was filed on January 13, 2026, in the 37th District Court – Warren, Case No. 2026-26WR01111A-OI.
3. Court records confirm the charge level as a civil infraction with a future payment due date, no warrant, no criminal complaint, and no conviction.
4. The matter was scheduled for a civil pre-trial hearing on February 24, 2026, confirming its non-criminal status.

B. Unlawful Detention Despite Civil-Only Case

5. Despite the civil nature of the case, Petitioner was not released and was treated as subject to criminal custody.
6. Petitioner was transferred to Macomb County Jail without any judicial order authorizing detention.
7. Michigan law does not authorize arrest, incarceration, or bond for civil infractions.

C. Bond Payment and Termination of State Custody

8. A bond was paid and a court-ordered release issued.
9. Upon payment and release order, state custody lawfully terminated and no legal hold remained.

D. Post-Release ICE Notification and Interstate Transfer

10. After bond was paid and release authority attached, jail officials affirmatively contacted DHS/ICE.
11. This action was taken without a warrant, without a written ICE detainer, and without a final order of removal.
12. Petitioner was subsequently transferred to the Corrections Center of Northwest Ohio.

E. Deportation Paperwork and Refusal

13. While in custody, Petitioner was presented with paperwork relating to deportation or removal.
14. Petitioner expressly refused to sign and stated she would not sign anything without legal advice.
15. The document was marked “REFUSED” and remains in Petitioner’s possession.

III. CHRONOLOGICAL TIMELINE OF EVENTS AND VIOLATIONS

- January 12, 2026 – Civil infraction issued (Defective Equipment – Lights Obscured).
- January 13, 2026 – Case filed in 37th District Court; civil-only status confirmed.
- January 13–14, 2026 – Petitioner unlawfully detained despite civil infraction only.
- Bond paid; court-ordered release issued; state custody terminated.
- Post-release – Jail officials contacted DHS/ICE without legal mandate.
- Petitioner transferred out of state to Ohio.
- During custody – Deportation paperwork presented; Petitioner refused to sign; document marked “REFUSED.”