UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALBEIRO ANTONIO ARAY LATTINEZ,
Petitioner,

Case No.1:26-cv-1072

Hon. _____

Markwayne Mullin, Secretary of the Department of Homeland Security; **Pamela Bondi**, Attorney General of the U.S.; **Todd M. Lyons,** Acting Director U.S. Immigration and Customs Enforcement; **Kevin Raycraft**, ICE ERO Detroit Field Office Director; **Warden,** North Lake Processing Center
Respondents.

_____/

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner is a civil immigration detainee who has been held for months without any meaningful opportunity to challenge the legality of his continued detention.

Petitioner lawfully presented himself at the border in January 2024 and was granted parole into the United States. DHS's own charging document nevertheless continues to classify him as an "arriving alien." Yet after parole, DHS allowed him to reside openly in Michigan, obtain employment authorization, work consistently as a barber, support his partner and United States citizen infant child, and actively litigate his asylum case before the Detroit Immigration Court.

On January 10, 2026, more than one year after parole and release into the interior, ERO officers arrested Petitioner during an interior enforcement operation in Brownstown, Michigan and placed him in ICE custody pending removal proceedings. Petitioner has no criminal arrests or

convictions of any kind, and DHS's own Form I-213 expressly confirms: "CRIMINAL HISTORY: None."[1]

When Petitioner sought custody review, the Immigration Judge concluded that the court lacked jurisdiction because DHS treated Petitioner as an arriving alien subject to INA § 235, thereby foreclosing any individualized bond hearing or neutral custody determination.

The Constitution does not permit civil detention under these circumstances. Where no meaningful administrative mechanism exists to challenge executive detention, *habeas corpus* remains the traditional and necessary avenue for relief.

I. JURISDICTION AND VENUE

This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in federal custody and challenges the legality of that detention under the Constitution and laws of the United States. Venue is proper in the **Western District of Michigan** because Petitioner is detained at **North Lake Correctional Facility in Baldwin, Michigan**.

II. PARTIES

Petitioner **Albeiro Antonio Aray Lattinez** is a citizen of Venezuela currently detained at North Lake Correctional Facility in Baldwin, Michigan.

The Warden of North Lake Correctional Facility is the official responsible for Petitioner's immediate physical custody.

Respondent **Kevin Raycraft** is the ICE ERO Detroit Field Office Director and oversees immigration detention decisions affecting Petitioner.

Respondent **Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement.

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[1] DHS Form I-213 states in the section titled "CRIMINAL HISTORY": "None." The same record separately notes no current wants or warrants and reflects that KSTEP screening was negative, indicating no known national-security or terrorism concerns.

Respondent **Markwayne Mullin** is the Secretary of the Department of Homeland Security.

Respondent **Pamela Bondi** is the Attorney General of the United States.

III. CUSTODY STATUS

Petitioner is currently detained by U.S. Immigration and Customs Enforcement at North Lake Correctional Facility.

His detention is civil in nature and constitutionally permissible only so long as it remains reasonably related to its regulatory purpose and is accompanied by adequate procedural safeguards.

Petitioner has remained continuously detained since **January 10, 2026**.

IV. FACTUAL BACKGROUND

Petitioner is a citizen of Venezuela who entered the United States on **January 24, 2024**, when he presented himself at the Paso Del Norte Port of Entry in El Paso, Texas and was granted parole into the country.

Following release, Petitioner established substantial ties in Michigan. He resided with his long-term partner and their United States citizen infant child in Brownstown, Michigan. He worked consistently as a barber, maintained employment authorization, and actively pursued his asylum case before the Detroit Immigration Court.

DHS's own Notice to Appear expressly classifies Petitioner as an "*arriving alien*," despite the fact that it simultaneously alleges he was paroled into the United States on January 24, 2024.[2]

[2] DHS Form I-862 checks the box classifying Petitioner as "You are an arriving alien" while separately alleging parole into the United States under INA § 212(d)(5) on January 24, 2024.

On **January 10, 2026**, more than one year after parole and release into the interior, ERO officers arrested Petitioner during an interior enforcement operation in Brownstown, Michigan and placed him in ICE custody pending immigration proceedings.

Petitioner has no criminal arrests or convictions of any kind. DHS's own Form I-213 expressly states: **"CRIMINAL HISTORY: None."**

Petitioner presents no danger to the community, maintains a stable release address in Michigan, and has strong sponsor support available to ensure compliance with all court obligations.

V. PROCEDURAL HISTORY

Petitioner is currently in removal proceedings before the Detroit Immigration Court. When Petitioner sought custody redetermination, the Immigration Judge indicated that the court lacked jurisdiction because DHS classified Petitioner as an *arriving alien* parolee subject to INA § 235.

As a result, no individualized custody hearing was ever held,[3] and no neutral adjudicator has considered danger, flight risk, sponsor testimony, or alternatives to detention.

Because the Immigration Court concluded it lacked jurisdiction, no meaningful administrative custody mechanism remains available.

VI. ARGUMENT

A. DHS Unlawfully Treats Petitioner as an "Arriving Alien" Under INA § 235

[3] Counsel prepared and pursued custody redetermination before the Detroit Immigration Court, but the Immigration Judge indicated the court lacked bond jurisdiction because DHS classified Petitioner as an arriving alien parolee. Any continued bond request was therefore futile.

DHS seeks to treat a man who was paroled into the United States in January 2024, released into the interior, employed lawfully, and permitted to litigate his asylum case in Detroit for nearly two years as if he were still standing at the threshold of admission.

That classification is inconsistent with both the statutory framework and the constitutional limits on civil detention.[4]

INA § 235 governs detention of applicants for admission at or near the time of entry. By contrast, INA § 236(a) governs detention of noncitizens who have been released into the United States and are later arrested in the interior.

Here, DHS released Petitioner into the country, allowed him to establish residence in Michigan, work lawfully, support his United States citizen child, and litigate his asylum case through the Detroit Immigration Court. Only after that extended release did DHS arrest him in the interior and invoke the "arriving alien" fiction to deny all custody review.

Having released Petitioner into the United States and treated him as an interior respondent for more than a year, DHS cannot later rely on a border-entry fiction to eliminate all access to a custody hearing.

Petitioner's present detention therefore falls within **INA § 236(a), not INA § 235**, and DHS's contrary position unlawfully deprives him of the custody procedures Congress provided.[5]

B. Detention Without a Bond Hearing Violates Due Process

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[4] See *Jennings v. Rodriguez*, 583 U.S. 281, 293–94 (2018) (distinguishing detention authority under INA §§ 1225 and 1226); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). To the extent the government may rely on *Buenrostro-Mendez v. Bondi*, that Fifth Circuit decision is not controlling in this Court and does not alter the independent constitutional due process defects presented here, namely the complete absence of any neutral custody determination despite long-term parole, interior residence, and zero criminal history.

[5] DHS's own I-213 states that Petitioner "is being processed as a Custody Redetermination and is being held in DHS custody pending immigration proceedings," further confirming the interior, post-release nature of the detention posture.

The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law.

Civil immigration detention implicates a profound liberty interest and must be accompanied by adequate procedural safeguards, including a meaningful opportunity to challenge continued detention before a neutral decisionmaker.[6]

Here, Petitioner has been detained since **January 10, 2026** without any individualized custody hearing.

He has never been afforded the opportunity to testify, present sponsor evidence, rebut allegations of flight risk, or propose conditions of supervision.

The risk of erroneous deprivation is especially high where DHS's own records confirm that Petitioner has **no criminal history whatsoever**.[7]

The government's legitimate interests in ensuring appearance and protecting the community can be fully protected through the ordinary procedures of a constitutionally adequate custody hearing, including reasonable bond or conditions of release.

Because Petitioner remains detained without any meaningful opportunity to challenge the necessity of confinement, his continued detention violates due process.

C. Habeas Relief Is Necessary Because No Alternative Custody Mechanism Exists

Because the Immigration Court concluded it lacked jurisdiction, no administrative mechanism currently exists through which Petitioner may obtain custody review.

This is precisely the circumstance in which **28 U.S.C. § 2241 habeas relief** is necessary.[8]

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[6] See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

[7] See *Mathews*, 424 U.S. at 335 (risk of erroneous deprivation and probable value of additional safeguards).

[8] See *Zadvydas*, 533 U.S. at 687; *Jennings*, 583 U.S. at 291.

Without judicial intervention, Petitioner will remain detained despite no criminal history, a verified residence in Michigan, strong sponsor support, active asylum proceedings, and a United States citizen infant dependent on him.[9]

Habeas corpus remains the traditional safeguard against unlawful executive detention where no other meaningful process exists.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court issue a writ of habeas corpus under **28 U.S.C. § 2241** and order Respondents to provide Petitioner with a constitutionally adequate individualized custody hearing before a neutral decisionmaker within **five (5) days**.

Petitioner further requests that the Court require such custody hearing to permit the presentation of evidence, sponsor testimony, and proposed release conditions, and that if such hearing is not timely provided, the Court order Petitioner's release under reasonable conditions of supervision.

Petitioner requests all other relief this Court deems just and proper.

Respectfully submitted,
/s/ Kimberly S. Weiss
Kimberly S. Weiss
Spagui Law
736 N. Western Avenue, Suite 420
Lake Forest, Illinois 60045
847-780-7080
kspagui@spaguilaw.com
Attorney for Petitioner

[9] [5] DHS's own I-213 confirms that Petitioner's child was born in the United States and remains in the care of the child's mother at the Brownstown residence.

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

I, Kimberly S. Weiss, declare under penalty of perjury that the factual allegations contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge and belief.

Dated: March 31, 2026

/s/ Kimberly S. Weiss
Kimberly S. Weiss, Esq.

Exhibit 1

DHS Notice to Appear dated January 24, 2024

Allegations: Admits All; | Charges: Concedes All;
Designated Country: VENEZUELA |

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Event No: [redacted]

Subject ID : [redacted] FIN #: [redacted]

SIGMA Event: [redacted] DOB: [redacted]

File No: [redacted]

In the Matter of: ARAY LATTINEZ, ALBEIRO ANTONIO

Respondent: ARAY LATTINEZ, Albeiro Antonio currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

[x] You are an arriving alien.

[ ] You are an alien present in the United States who has not been admitted or paroled.

[ ] You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States.
2. You are a native of Venezuela and a citizen of Venezuela.
3. On or about January 24, 2024, you applied for admission into the United States at the Paso Del Norte Port of Entry in El Paso, TX.
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.
5. On or about January 24, 2024, you were paroled into the United States pursuant to Section 212(d)(5) of the Immigration Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

[ ] This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

[ ] Section 235(b)(1) order was vacated pursuant to: [ ] 8CFR 208.30 [ ] 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

477 MICHIGAN AVE STE 440,
DETROIT, MI, US 48226

(Complete Address of Immigration Court, including Room Number, if any)

on October 24, 2025 *(Date)* at 08:30 AM *(Time)* GONZALEZ, Mario to show why you should not be removed from the United States based on the charge(s) set forth above.

CBP OFFICER

Mario Gonzalez

(Signature and Title of Issuing Officer) *Digitally Acquired Signature*

Date: January 24, 2024 El Paso , TEXAS

(City and State)

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Exh. 1 – Adm.

Allegations: Admits All; | Charges: Concedes All;
Designated Country: VENEZUELA |

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at **www.uscis.gov/i-589.** Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at **http://www.ice.gov/contact/ero,** as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

Date: _____

_____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on January 24, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- [x] in person
- [ ] by certified mail, returned receipt # _____ requested
- [ ] by regular mail
- [ ] Attached is a credible fear worksheet.
- [x] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

beiro Sey — Digitally Acquired Signature
(Signature of Respondent if Personally Served)

GONZALEZ, Mario
CBP OFFICER
Mario Gonzalez — Digitally Acquired Signature
(Signature and Title of officer)

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Exh. 1 - Adm.

Privacy Act Statement

Allegations: Admits All; | Charges: Concedes All;

Designated Country: VENEZUELA |

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 3 of 4

Exh. 1 – Adm.

Allegations: Admits All; | Charges: Concedes All;
Designated Country: VENEZUELA

U.S. Department of Homeland Security **Continuation Page for Form** I862

Alien's Name	File Number [redacted] SIGMA Event: [redacted] Event No: [redacted]	Date
ARAY LATTINEZ, ALBEIRO ANTONIO		January 24, 2024

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
Mario Gonzalez GONZALEZ, Mario	CBP OFFICER

Digitally Acquired Signature

EOIR 4 of 4

4 of 4 Pages

Form I-831 Continuation Page (Rev. 08/01/07)
Exh. 1 - Adm.

Exhibit 2

DHS FORM I-213

Albeiro Antonio Aray Lattinez [redacted]

PROOF OF SERVICE

On February 24, 2026, I, Kyle T. Armstrong, Assistant Chief Counsel, mailed or delivered a copy of this Department of Homeland Security's Notice of Filing of Proposed Exhibits and any attached pages to respondents' counsel of record, Kimberly S. Weiss, Esq., by electronically filing through ECAS and both parties are participating in ECAS. Therefore, no separate service was completed.

(Signature)

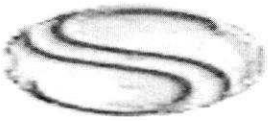
February 24, 2026
(Date)

Exhibit 3

EOIR I-589 Evidence of Filing

Exhibit 4

Declaration of Jabreel Albadri in support of release



Attorney Kimberly Weiss <kspagui@spaguilaw.com>

(no subject)

Jebreel Albadry [redacted] Thu, Feb 12, 2026 at 12:08 PM
To: Kimberly Weiss The Spagui Law Firm <kspagui@spaguilaw.com>

Dear Ms. Weiss,

I hope you are doing well.

I am writing to confirm that I will be serving as the obligor (sponsor) for Albeiro's bond.

Attached to this email, please find the requested supporting documents to demonstrate my financial stability and residency, including proof of income, proof of residence, and a copy of my identification.

Please let me know if you need any additional documentation or information to proceed. I am ready to provide anything further that may help move the process forward.

Thank you for your assistance.

Sincerely,
Jabreel Albadri