

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JUAN MANUEL LOPEZ-CAMPOS,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Acting 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.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. This petition arises from the U.S. government’s new policy—which contradicts both the plain language of the Immigration and Nationality Act (INA) and decades of agency practice—of erroneously interpreting the INA to mandate detention without the possibility of bond for noncitizens who entered the United States without inspection, even if they have been residing here for years.

2. Petitioner Juan Manuel Lopez-Campos is a resident of Detroit and the father of five U.S. citizen children. He came to the United States from Mexico more than a quarter century ago and has lived and worked here ever since.

3. After a routine traffic stop on June 25, 2025, he was taken into immigration custody and charged with having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). He is currently in the physical custody of Respondents at the Monroe County Inmate Dormitory Facility (the “Monroe County Jail”) in Monroe, Michigan.

4. Under 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond, Mr. Lopez-Campos is entitled to a bond determination. That statute expressly applies to people who, like Mr. Lopez-Campos, are residing in the United States but are charged as inadmissible for having initially entered the United States without inspection. In accordance with 8 U.S.C. § 1226(a), the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR)

have for decades provided bond determinations and bond hearings to people like Mr. Lopez-Campos who have been living in the United States but allegedly entered without inspection.

5. However, Mr. Lopez-Campos is being unlawfully detained without bond because Immigration and Customs Enforcement (ICE) and the Immigration Judge (“IJ”) have decided that he is instead subject to mandatory detention under a different statutory provision, 8 U.S.C. § 1225(b)(2)(A), which has historically applied to recent arrivals at the U.S. border. This is consistent with a new policy issued on July 8, 2025,¹ instructing all ICE employees to no longer apply 8 U.S.C. § 1226(a) to people charged with being inadmissible under § 1182(a)(6)(A)(i)—i.e., those who initially entered the United States without inspection. Instead, under the new policy, ICE employees are to subject people like Mr. Lopez-Campos to mandatory detention without bond under § 1225(b)(2)(A), no matter how long they have resided in the United States.

6. Mr. Lopez-Campos sought a bond hearing before an IJ in the Detroit Immigration Court, but on August 6, 2025, the IJ decided that Mr. Lopez-Campos was statutorily ineligible to seek bond. The IJ based this decision on the same legal analysis contained in the new policy. Indeed, the policy states it was issued “in

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> [https://perma.cc/8SP7-TDDD].

coordination with the Department of Justice (DOJ).” The IJ made no factual findings that Mr. Lopez-Campos is a flight risk or danger. Instead, the IJ concluded that notwithstanding Mr. Lopez-Campos’s twenty-six (26) years of residing in the United States, he is nevertheless an “applicant for admission” who is “seeking admission” and subject to mandatory detention without the possibility of bond under § 1225(b)(2)(A).

7. Respondents’ new legal interpretation, which has caused Mr. Lopez-Campos to be detained without bond, is plainly contrary to the statutory framework of the INA and contrary to both agency regulations and decades of consistent agency practice applying § 1226(a) to people like Mr. Lopez-Campos. It also violates his right to due process by depriving him of his liberty without any consideration of whether such a deprivation is warranted.

8. Accordingly, Mr. Lopez-Campos seeks a writ of habeas corpus requiring that he be immediately released from custody unless Respondents provide him a bond hearing under § 1226(a) within seven days.

9. Mr. Lopez-Campos is not challenging any discretionary denial of bond; he is challenging the legal determination that he is not eligible for bond under § 1226(a) in the first place.

JURISDICTION

10. Petitioner Juan Manuel Lopez-Campos is in the physical custody of Respondents. Mr. Lopez-Campos is detained at the Monroe County Jail in Monroe, Michigan.

11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

13. Venue is proper in the Eastern District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Mr. Lopez-Campos is detained at the direction, and is in the immediate custody, of Respondent Kevin Raycraft. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).

14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims and relevant facts occurred in the Eastern District.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

16. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

17. Petitioner Juan Manuel Lopez-Campos is a citizen of Mexico who has resided in the United States since at least 1999. He has been in immigration detention at the Monroe County Jail since July 2, 2025. After taking custody of Mr. Lopez-Campos, ICE did not set bond. Mr. Lopez-Campos requested review of his custody by an IJ. On August 6, 2025, Mr. Lopez-Campos was denied eligibility for bond by

an IJ at the Detroit Immigration Court because he was deemed subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

18. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Raycraft is Mr. Lopez-Campos's immediate custodian and is responsible for Mr. Lopez-Campos's detention and removal. He is named in his official capacity.

19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA and oversees ICE, which is responsible for Mr. Lopez-Campos's detention. Ms. Noem has ultimate custodial authority over Mr. Lopez-Campos and is sued in her official capacity.

20. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

21. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

22. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

FACTS

23. Petitioner Juan Manuel Lopez-Campos has resided in the United States since at least 1999 and lives in Detroit, Michigan.

24. Mr. Lopez-Campos is 46 years old. He is the primary caretaker for a large family. He is the father of five children: two biological children and three step-children. All of them are U.S. citizens who live in Michigan. He is also the grandfather of a U.S. citizen through one of his step-children. To support his family, he has consistently worked at multiple jobs in the retail and services industry. Most recently, he has been working as a tape edge processor for a mattress company since 2013. He has no criminal history whatsoever, besides a pending first-time misdemeanor charge for driving without a valid license. And given his over twenty-five years of continuous presence in Michigan, Mr. Lopez-Campos has deep and significant ties to his local community beyond his immediate family. In particular, he is heavily involved at his church, through which he volunteers at weekly services, attends church retreats, and distributes food to the needy.

25. On June 25, 2025, Mr. Lopez-Campos was pulled over by the Romulus Police Department for an alleged traffic offense (improper passing). During that

routine traffic stop, a Romulus police officer called U.S. Customs & Border Protection (CBP) to verify Mr. Lopez-Campos's immigration status. CBP then arrived at the scene of the traffic stop and arrested Mr. Lopez-Campos, presumably because CBP believed Mr. Lopez-Campos was present in the country without authorization. CBP detained Mr. Lopez-Campos for approximately one week at a facility in or near Gibraltar, Michigan. On July 2, 2025, he was transferred from CBP custody to ICE custody. Mr. Lopez-Campos is now detained at the Monroe County Jail in Monroe, Michigan.

26. DHS placed Mr. Lopez-Campos in removal proceedings before the Detroit Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Mr. Lopez-Campos with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

27. Following Mr. Lopez-Campos's transfer to ICE custody, ICE either did not conduct a custody determination or chose to continue Mr. Lopez-Campos's detention without an opportunity to post bond or be released on other conditions. Mr. Lopez-Campos subsequently requested a bond hearing before an IJ. In support of his request for bond, Mr. Lopez-Campos included numerous statements of support from his church, his employer, family members, friends, neighbors, and a local police officer. Mr. Lopez-Campos is clearly neither a flight risk nor a danger to the community.

28. On August 6, 2025, an IJ issued a decision that the court lacked jurisdiction to conduct a bond hearing because Mr. Lopez-Campos was an applicant for admission under 8 U.S.C. § 1225(b)(2)(A). The Court did not make any factual findings or in any way suggest that Mr. Lopez-Campos is a flight risk or danger. The written order that followed contained nothing more than a one-line explanation for the bond denial: “Applicant for admission. No jurisdiction.” *See* Exhibit A.

29. As a result, Mr. Lopez-Campos remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his immediate and extended family, as well as from his church and broader community. Mr. Lopez-Campos has strong claims for immigration relief based on his family ties and his long residence in the United States, and is working with his immigration attorney to pursue cancellation of removal, as well as other relief options.

LEGAL FRAMEWORK

30. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

31. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to a bond hearing

at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d).² *See also Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are “already in the country” and are detained “pending the outcome of removal proceedings”). Section 1226(a) is the statute that, for decades, has been applied to people like Mr. Lopez-Campos who have been living in the United States and are charged with inadmissibility under § 1182(a)(6)(A)(i).

32. Second, the INA provides for mandatory detention of certain recently arrived noncitizens, namely those subject to expedited removal under 8 U.S.C. § 1225(b)(1), and other recent arrivals seeking admission under § 1225(b)(2). *See Jennings*, 583 U.S. at 287, 289 (explaining that § 1225(b)(2)’s mandatory detention scheme applies “at the Nation’s borders and ports of entry” to noncitizens “seeking admission into the United States.”). Section 1225(b)(2) is the statute that Respondents have suddenly decided is applicable to people like Mr. Lopez-Campos.

33. Third, the INA also provides for detention of noncitizens who have already been ordered removed, *see* 8 U.S.C. § 1231(a)–(b). Section 1231 is not relevant here.

² Section § 1226 contains an exception for noncitizens who have been arrested, charged with, or convicted of certain crimes, who are subject to mandatory detention without bond. 8 U.S.C. § 1226(c). That exception is not relevant here.

34. This case concerns Respondents' erroneous decision that Mr. Lopez-Campos is subject to mandatory detention without bond under §1225(b)(2), rather than being bond-eligible under § 1226(a).

35. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104--208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

36. Following the 1996 enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.”).

37. Thus, in the three decades that followed, people who entered without inspection and were subsequently placed in removal proceedings received bond hearings if ICE chose to detain them, unless their criminal history rendered them

ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

38. However, on July 8, 2025, ICE, “in coordination with” DOJ, suddenly announced a new governmental policy that rejected the well-established understanding of the statutory framework and reversed decades of agency practice.

39. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection are subject to mandatory detention without bond under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even (like Mr. Lopez-Campos) decades.

40. In a May 22, 2025, unpublished decision from the Board of Immigration Appeals (BIA), EOIR adopted this same position.³ That decision holds that all noncitizens who entered the United States without admission or parole are ineligible for bond hearings before an immigration judge.

³ Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf> [https://perma.cc/Z8V4-QDYX].

41. Respondents have adopted this position even though federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for people who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d ---, 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025) (granting preliminary injunction). *See also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (finding detention unlawful based on same conclusion); Order, *Bautista et al. v. Santacruz Jr. et al.*, No. 5:25-CV-1873-BFM (C.D. Cal. July 28, 2025), Dkt. 14 at *7-8 (granting temporary restraining order based on same conclusion); Opinion & Order, *Benitez v. Francis*, No. 1:25-CV-5937-DEH (S.D.N.Y. August 8, 2025), Dkt. 14 at *10-18, 31 (granting habeas petition and directly ordering release from custody based on same conclusion).

42. DHS's and DOJ's interpretation defies the INA. As the aforementioned courts explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Mr. Lopez-Campos.

43. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

44. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

45. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

46. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). *See Jennings*, 583 U.S. at 287 (explaining that this mandatory detention scheme applies “at the Nation’s borders and ports of

entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.”).

47. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered and were residing in the United States (perhaps, like Mr. Lopez-Campos, for decades) at the time they were apprehended by immigration authorities and detained.

48. Thus, the IJ erroneously applied § 1225(b)(2) to Mr. Lopez-Campos and denied him eligibility for bond. Any months-long appeal of the IJ’s decision to the BIA would be futile. By the time the BIA could even issue an appeal—a process that typically takes approximately six months, *Rodriguez Vazquez*, 2025 WL 1193850, at *3—the harm of his unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable: his five children and grandchild will be left without their primary caretaker and breadwinner for months.

49. Further, the position of the BIA is clear. The new governmental policy was issued “in coordination with DOJ,” which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA, *see* 8 C.F.R. § 1003.1(h). It is therefore unsurprising that, as noted, the most recent unpublished BIA decision on this issue (erroneously) held that persons like Mr. Lopez-Campos are subject to mandatory

detention under § 1225(b)(2)(A), rather than being bond-eligible under § 1226(a). Finally, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are defendants, DOJ has affirmed its position that individuals like Mr. Lopez-Campos are applicants for admission and subject to detention under § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

50. Mr. Lopez-Campos incorporates by reference the allegations of fact set forth in the preceding paragraphs.

51. Respondents are unlawfully detaining Mr. Lopez-Campos without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

52. Section 1225(b)(2) does not apply to Mr. Lopez-Campos, who previously entered the country and has long been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents.

53. Instead, Mr. Lopez-Campos should be subject to the detention provisions of § 1226(a) and is therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an IJ.

54. The application of § 1225(b)(2) to Mr. Lopez-Campos unlawfully mandates his continued detention without bond and violates the INA.

COUNT II

Violation of Due Process

55. Mr. Lopez-Campos repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

56. The government may not deprive a 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 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

57. Mr. Lopez-Campos has a fundamental interest in liberty and being free from official restraint.

58. The government’s detention of Mr. Lopez-Campos without an opportunity for a custody determination or bond hearing to decide whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Mr. Lopez-Campos prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;

- b. Issue a writ of habeas corpus requiring that Respondents release Mr. Lopez-Campos from custody or, in the alternative, provide Mr. Lopez-Campos with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days;
- c. Enjoin Respondents from transferring the Mr. Lopez-Campos from the jurisdiction of this District pending these proceedings;
- d. Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A) — is the appropriate statutory provision that governs Mr. Lopez-Campos’s detention and eligibility for bond because he is not a recent arrival “seeking admission” to the United States, and instead was already residing in the United States when he was apprehended and charged as inadmissible for having allegedly entered the United States without inspection;
- e. Award Mr. Lopez-Campos attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems just and proper.

Dated: August 11, 2025

Respectfully submitted,

/s/ Ramis J. Wadood

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