

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

ALEM WOLDEGHERGISH,

Petitioner,

vs.

ROBERT K. LYNCH, *et al.*,

Respondents.

Case No. 1:25-cv-461

Judge Susan J. Dlott

Magistrate Judge Karen L. Litkovitz

**PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENTS SHERIFF
RICHARD JONES' AND WARDEN NICK FISHER'S MOTION TO DISMISS**

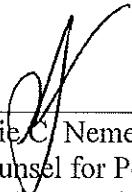
Petitioner, Mr. Alem Woldeghergish, by and through undersigned counsel, respectfully opposes Respondent's Motion to Dismiss for Failure to State a Claim. Petitioner named Respondent Robert K. Lynch, Detroit Field Office Director for Enforcement and Removal Operations. The Sixth Circuit has held that "a detained alien generally must designate his immediate custodian—the INS District Director for the district where he is being detained—as the respondent to his habeas corpus petition." *Roman v. Ashcroft*, 340 F.3d 314, 322 (6th Cir. 2003). It is indisputable that Respondent Robert K. Lynch is the proper Respondent.

Moreover, pursuant to Federal Rule of Civil Procedure 21, misjoinder of parties is not a valid ground for dismissal of an action. Rule 21 explicitly states that "[m]isjoinder of parties is not a ground for dismissing an action." Fed. R. Civ. P. 21. Therefore, Respondent's motion to dismiss on this basis should be denied.

In the alternative, Petitioner requests that the Court, in accordance with Rule 21, drop Respondents Sherrif Richard Jones and Warden Nick Fisher as a party if the Court deems them improperly joined. "On motion or on its own, the court may at any time, on just terms, add or drop a party." Fed. R. Civ. P. 21.

For these reasons, Petitioner respectfully requests that the Court deny Respondent's Motion to Dismiss and, if necessary, drop any improperly joined parties pursuant to Rule 21.

Respectfully submitted,



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