

United States District Court
NORTHERN DISTRICT OF OHIO

BARROS MILLAN, ALEXANDER, Petitioner, v. Ed Voorhies, Warden of Northeast Ohio Correctional Center (NEOCC); Kevin Raycraft, Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, Respondents.	Case No. MOTION TO ENFORCE OR AMEND JUDGMENT
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INTRODUCTION

1. Petitioner Alexander Millan Barros submits this supplemental filing for a writ of habeas corpus to seek enforcement of this court's report and recommendation entered January 30, 2026.
2. Petitioner has been subjected to unjust and indefinite detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the report and recommendation this court entered on January 30, 2026
3. Thus we are respectfully requesting that the Northern District of Ohio step in and order the Cleveland Immigration Court to release Mr. Millan on bond as a member of the protected class certified in the above case.
4. Specifically, this court ordered that the Cleveland Immigration Court give Mr. Millan a bond hearing within 5 business days of its record and recommendation.

5. The Cleveland Immigration Court did not grant Mr. Millan a bond hearing until February 12, 2026 - nine business days after the record and recommendation.
6. This bond hearing was scheduled at the last moment with only hours of notice to counsel, who was in a meeting with another client at the time.
7. In court, the immigration judge first told Mr. Millan that he wasn't eligible for bond but reopened the record when counsel entered the hearing.
8. The immigration judge then said that ICE still theoretically had time to appeal this court's recommendation.
9. The immigration judge then said that the Northern District's order was not yet final because only the magistrate, not the judge, signed the order.
10. Thus, the bond hearing was again rescheduled to tomorrow, Feb 13, 2026 at 8:00 AM.
11. Counsel asked for a continuance but was rejected as ICE argued they wanted to continue with their motion to pretermitt Mr. Millan's case without ever hearing his asylum claim nor giving him a chance to present it.
12. The Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully denied the petitioner opportunity to be released on bond or even have a hearing about the possibility of bond.
13. Based on reports from other immigration attorneys and counsel's own observations of multi-respondent detained hearings, the Cleveland Immigration Court is still refusing to even give bond hearings, arguing that the petitioner is an "arriving alien under 8 U.S.C. § 1225, not § 1226, as this court has previously ruled.
14. Therefore petitioner respectfully requests that this court amend its prior judgment to order that the Cleveland Immigration Court grant him release on bond after almost seven months of unjust detention.
15. Alternatively, we ask this court to step in under FRCP Rule 70 to enforce its judgment and either conduct a bond hearing itself or more expeditiously, directly order the petitioner's release on bond.
16. The Court should expeditiously grant this petition.
17. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

18. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
19. The IJ in this case, Richard Drucker, has argued that he must follow the Attorney General and the BIA’s instructions unless a higher court, such as the Northern District of Ohio, intervenes.
20. Petitioner counsel has heard this argument directly from the judge as recently as today in IJ Drucker’s courtroom.
21. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively we asked the court to step in and enforce its judgment that the petitioner is detained under 8 U.S.C. § 1226 and thus entitled to a bond hearing
- d. Award Petitioner 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
- e. Grant any other and further relief that this Court deems just and proper.

DATED this 12th of February, 2026.

/s/ (Jathniel Shao, Esq)

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