

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALEXANDER BARROS MILLAN,	)	CASE NO.: 4:25CV2779
	)	
Petitioner,	)	JUDGE CHARLES ESQUE FLEMING
	)	
v.	)	MAGISTRATE JUDGE REUBEN J.
	)	SHEPERD
ED VOORHIES, et al.,	)	
	)	<u>RESPONSE TO PETITIONER'S</u>
Respondents.	)	<u>EMERGENCY MOTION FOR</u>
	)	<u>IMMEDIATE RELEASE WITH NOTICE</u>
	)	<u>OF SUPPLEMENTAL AUTHORITY</u>

Respondent Kevin Raycraft, Acting Director of the Detroit Field Office, U.S.

Immigration and Customs Enforcement hereby provides his response to Petitioner's Emergency Motion for Immediate Release with Notice of Supplemental Authority.

I. PROCEDURAL BACKGROUND

On December 23, 2025 Petitioner filed an application for writ of habeas corpus. The matter was referred to the Magistrate Judge ("MJ"). (Non-document entry of January 5, 2025). On January 6, 2025, the MJ ordered the Respondent to provide a response to the Petition on January 9, 2026. (ECF No. 3). Respondent did so. (ECF No. 4). Respondent filed supplemental briefing. (ECF Nos. 8, 11, 12). A hearing was held by the MJ on January 14, 2026. The parties requested and were permitted to file post-hearing briefs. (ECF Nos. 13, 14). In his Response to the Petition, Respondent advised the MJ that the Immigration Court had previously scheduled the matter for an individual merit hearing on Petitioner's application for relief on November 14, 2025, that on November 14, 2025, the case was reset to December 30, 2025, then on December 22, 2025, DHS filed a motion to pretermitt, the Petitioner filed a response to the motion on

December 28, 2025, and that case was set for a master calendar hearing on the motion to pretermite on January 15, 2026. (ECF No. 4, PageID # 24-25). As a result of the Immigration Court's closure on January 15, 2026, the master calendar hearing was reset to January 28, 2026. (Ex. 1 attached hereto). The Immigration Court, then, reset the master calendar to February 6, 2026. (Ex. 2, attached hereto). The February 6, 2026, master calendar hearing commenced but was ultimately continued at Petitioner's request. The Immigration Court reset the case for a bond hearing on February 12, 2026 and a master calendar hearing on February 13, 2026. (Exs. 3 and 4, attached hereto). At the February 12, 2026 bond hearing, the Immigration Court rescheduled the bond hearing to February 13, 2026. (Ex. 5, attached hereto). In compliance with this Court's Order of February 12, 2026 (ECF No. 17), the hearing did not go forward.

In his Emergency Motion for Immediate Release with Notice of Supplemental Authority, Petitioner materially expands the relief he requests from this Court. (ECF No. 19, PageID # 160.) Specifically, Petitioner now requests that the Court:

- Enjoin Respondents from re-detaining Petitioner absent a material change in circumstances established by clear and convincing evidence before this Court, consistent with *Abrego Garcia v. Noem*, No. 8:25-cv-02780-PX (D. Md. Feb. 17, 2026);
- Order that Petitioner shall not be subject to deportation or removal pending the full and final resolution of his asylum claim and all related proceedings; and
- Order that Petitioner's asylum claim shall be heard on its merits before a neutral adjudicator in compliance with INA § 240(b)(4)(B), 8 U.S.C. § 1229a(b)(4)(B), and all applicable federal court orders, and retaining jurisdiction to ensure compliance.

These requests were not included in the Petition, were not considered by the MJ at the hearing or in the R&R and are, thus, not properly before the Court. In addition, the removal proceedings are not properly before this Court because habeas petitions challenge the fact and duration of confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973) (The purpose of a petition for writ of habeas corpus is to allow a person in custody to challenge either the fact or

duration of his or her confinement); *accord. Richards v. Taskila*, 2020 U.S. App. LEXIS 28230, 2020 WL 6075666, at *1 (6th Cir. Sept. 3, 2020) (habeas review is limited to claims challenging the fact or duration of a prisoner's confinement).

This matter is before the Court on the issue of whether Petitioner is properly detained while his immigration proceedings proceed. The matter is ripe for the Court's adjudication.

II. PETITIONER IS PROPERLY DETAINED UNDER 8 U.S.C. § 1225

Respondent has been clear throughout these proceedings that Petitioner is being detained under the plain language of 8 U.S.C. § 1225. (ECF Nos. 4, 8, 11-13, 18). Petitioner is not detained pursuant to the *Matter of Yajure Hurtado*. Aliens who enter the United States, and who have not been admitted, are applicants for admission and are aliens seeking admission pursuant to statute and Supreme Court precedent. Therefore, they are subject to detention under 8 U.S.C. § 1225. *Buenrostro-Mendez v. Bondi, et al.*, ___ F. 4th ___, 2026 WL 323330 (5th Cir. Feb. 6, 2026). To be an applicant for admission who is seeking admission does not require the alien to take any additional affirmative steps. The manner in which an alien enters the United States determines his or her status, regardless of the amount of time spent in the United States. Because Petitioner is an arriving alien subject to mandatory detention, pursuant to 8 C.F.R. §1003.19(h)(2)(i)(B) the Immigration Judge lacks the authority to issue him a bond. 8 C.F.R. §236(c)(11).

III. BAUTISTA AND ABREGO GARCIA DO NOT COMPEL A DIFFERENT RESULT

The *Bautista* declaratory judgement has no preclusive effect outside the Central District of California. *See Bautista v. Santacruz*, 2025 WL 3713987 at *29-30 (C.D. Cal. Dec. 18, 2025) (“This Court’s jurisdiction to grant habeas relief is limited to those within the judicial district.”); *see also Rodriguez Mendoza v. Raycraft*, No. 4:25-cv-2183, (N.D. Ohio Feb. 24, 2026) (finding that “the California district court’s decisions in *Bautista* do not constitute ‘controlling law’ for purposes of the instant habeas action.”)

The *Bautista* class sought a declaratory judgment that class members were unlawfully detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a). This is core habeas relief that must be brought as a habeas claim alone. As the Supreme Court has explained, “[r]egardless of whether [] detainees formally request release from confinement,” if “their claims for relief necessarily imply the invalidity of their confinement[], their claims fall within the core of the writ of habeas corpus and thus must be brought in habeas.” *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (internal quotations omitted).

The Supreme Court has imposed two fundamental limits on federal court jurisdiction over core habeas claims. *First*, “jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also J.G.G.*, 604 U.S. at 672. *Second*, a habeas petitioner must name the petitioner’s *immediate* custodian—*i.e.*, the custodian who has actual custody over the petitioner and can produce the “body” or corpus before the habeas court. *Padilla*, 542 U.S. at 435. “Failure to name the petitioner’s custodian as a respondent deprives federal courts of personal jurisdiction” needed to issue relief. *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994); *Padilla*, 542 U.S. at 444. Thus, a federal district court is wholly without authority to issue the writ in favor of a habeas petitioner who seeks habeas relief in a judicial district in which he is not confined and the immediate custodian is not located. *Padilla*, 542 U.S. at 442-43. And a “judgment entered without personal jurisdiction over a defendant is void as to that defendant.” *Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987).

The vast majority of *Bautista* class members are confined *outside* of the Central District of California by immediate custodians who are also *outside* the Central District of California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked jurisdiction to issue

habeas relief to all class members who are confined outside the Central District of California by immediate custodians outside that District, and a court's judgment cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham v. Superior Court of Cali.*, 495 U.S. 604, 608 (1990). Indeed, federal district courts have often held that the *Bautista* declaratory judgment does not have preclusive effect. *Rodriguez Mendoza v. Raycraft*, No. 4:25-cv-2183, (N.D. Ohio Feb. 24, 2026); *Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025); *Reyes v. Johnson*, No. 1:26-CV-026-H, 2026 WL 274492 (N.D. Tex. Jan. 22, 2026); *Alberto Rodriguez v. Jeffreys*, No. 8:25CV714, 2025 WL 3754411 (D. Neb. Dec. 29, 2025); *Coronel-Hernandez v. Woosley*, No. 4:26-CV-20-DJH, 2026 WL 227011, at *4 (W.D. Ky. Jan. 28, 2026) ("Courts in this District have found it 'not necessary . . . to adopt the position of the Central District of California' and have instead reviewed habeas petitions 'on the[ir] independent merits.'") (citing cases). See also *Amaya-Velis v. Raycraft*, No. 4:26-CV-73, 2026 WL 100596 (N.D. Ohio Jan. 14, 2026), where the Court stated as follows:

In any event, the Court is not bound by the Central District of California's ruling, and it declines to honor its approach or afford it any persuasive authority. "A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case." *Camreta v. Greene*, 563 U.S. 692, 709 n.7, 131 S.Ct. 2020, 179 L.Ed.2d 1118 (2011) (quoting 18 J. Moore et al., *Moore's Federal Practice* § 134.02[1][d] (3d ed. 2011)). In count three, Petitioner requests relief pursuant to the Central District of California's ruling (ECF No. 1, ¶ 112–18, PageID #34–35), but that ruling offers him no relief and does not bind the Court in any event. Even Petitioner does not believe his own argument. If he did, then his remedy lies in the Central District of California, and he would have sought relief there. His decision not to do so speaks volumes about the legal validity of that class certification order.

Id., at *5.

In sum, the *Bautista* court's declaratory judgment purporting to grant relief that at its core sounds in habeas is a legal nullity outside that District. The same reasoning applies to the order of the Maryland district court in *Abrego Garcia v. Noem*, 8:25-cv-02780 (D. Md. Feb. 17, 2026)

(attached to Petitioner's Emergency Motion, ECF No. 19-2, PageID # 185-194). At the time of filing this habeas petition, Petitioner was detained at the Northeast Ohio Correctional Center, which is outside the *Bautista* and *Abrego Garcia* judicial district. Furthermore, the issue of re-detention was raised after the hearing and R&R and is not properly before this Court. That ends the matter.

CONCLUSION

For all of the reasons stated above and in Respondent's prior Responses, this Court should deny Petitioner's Petition for Writ of Habeas Corpus and dismiss this case with prejudice.

Respectfully submitted,

DAVID M. TOEPFER
United States Attorney

By: /s/Sara E. DeCaro
Sara E. DeCaro (OH 0072485)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3670
(216) 522-2404 (facsimile)
Sara.DeCaro@usdoj.gov

Counsel for Respondent