

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.,	)	
	)	
Respondents.	)	<u>NOTICE OF WITHDRAWAL OF</u>
	)	<u>OBJECTIONS TO THE REPORT AND</u>
	)	<u>RECOMENDATION</u>

Respondent hereby withdraws his Objections to the Report and Recommendation (ECF No. 18). Respondent asserts that Petitioner is properly detained as an arriving alien pursuant to 8 U.S.C. § 1225(b)(1). As such, Respondent's position is that the Sixth Circuit's decision in *Lopez-Campos, et al. v. Raycraft, et al.* does not apply to this case. ___ F.4th ___, Nos. 25-1965/1969/1978/1982, 2026 U.S. App. LEXIS 13519 (6th Cir. May 11, 2026). However, undersigned counsel acknowledges that this position, that is, Petitioner is detained under § 1225(b)(1), was not clearly established in the Respondent's briefing in this case. Accordingly, Respondent hereby withdraws his Objections to the Report and Recommendation.

Respondent is evaluating whether to seek further appellate review of *Lopez-Campos*. While reserving all rights, including the right to appeal on the issue of the proper detention authority for aliens who are present in the United States unlawfully, Respondent acknowledges that based upon the briefing in this case, the Court may determine that *Lopez-Campos* is binding and controls the outcome of this matter. In such event, consistent with the relief affirmed in *Lopez-Campos*, the Court should order that an immigration judge conduct a bond hearing under 8 U.S.C. § 1226(a), or that Respondent immediately release Petitioner. The relief affirmed in

Lopez-Campos was that the bond hearing take place within seven days, but Respondent respectfully request that this Court order the bond hearing to take place within ten days. The Court need not proceed to evaluate any other claims raised in the Petition.

Respectfully submitted,

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