

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Erika Martinez Ginez,

Petitioner,

v.

Kevin Raycraft, in his official capacity as 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;

Todd Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

Pamela Bondi, in her official capacity as Attorney General of the United States;

Richard Jones, in his official capacity as Warden of Butler County Jail

Respondents.

Case No. 1:26-cv-57

JUDGE JEFFREY P. HOPKINS

MAGISTRATE JUDGE KAREN L. LITKOVITZ

**MOTION FOR ISSUANCE OF
ORDER TO SHOW CAUSE**

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court issue forthwith an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.
2. Petitioner challenges ICE's and EOIR's authority to hold in her detention rather than ordering her released on bond pursuant to 8 U.S.C. § 1226. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1. Petitioner was detained by ICE in Columbus, Ohio, on December 19, 2025. *See* Ex. B to Dkt. No. 1. Then ICE did not file the charging document of the Notice to Appear with the Immigration Court until January 13, 2026, making it impossible to request a bond hearing with the Immigration Court before then. *Id.* Then, when Petitioner's bond hearing finally took place before the Immigration Court on January 20, 2026, the Immigration Court erroneously found that it did not have the authority to determine bond. *See* Ex. K to Dkt. No. 1.

3. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
4. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
5. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”
6. In addition, Section 2243 states that the court “shall summarily hear and determine the facts and dispose of the matter as law and justice require.”
7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within 3 days after Respondents file the return.
8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the continued, lengthy separation from her minor children.

Respectfully Submitted,

/s/ Amy M. Bittner
Amy M. Bittner, Esq.
Attorney for Petitioner
2000 W. Henderson Road, Suite 150
Columbus, OH 43220
614-761-9775
614-734-8502 (FAX)
abittner@rbrownllc.com

