

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JUANA TOMAS MATEO,

Petitioner,

-VS-

CASE NO. 3:26-cv-00245

JUDGE: Benita Y. Pearson

WILLIAM J. CUNNINGHAM, Seneca)
County Jail Administrator; KRISTI NOEM,)
Secretary, US Department of Homeland)
Security; PAMELA J. BONDI, US Attorney))
General; KEVIN RAYCRAFT, Field Office)
Director of ERO, Ohio)

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND
MOTION FOR IMMEDIATE RELEASE OR PROMPT BOND HEARING**

I. INTRODUCTION

Petitioner, Juana Tomas Mateo, is a 35-year-old Guatemalan national detained solely for civil immigration purposes at the Seneca County Jail in Tiffin, Ohio. Petitioner requested a custody redetermination (Exhibit 1); however, on January 20, 2026, the Immigration Judge denied bond, checking the box: “Denied, because No Jurisdiction.” (Exhibit 2) Petitioner has no criminal history, resides with family, that includes a United States Citizen daughter, at [REDACTED] and maintains strong community ties.

Petitioner is in standard § 240 removal proceedings and is not an “arriving alien.”

Petitioner is being detained under 8 U.S.C. § 1226(a); a statute that expressly authorizes

release on bond and provides for Immigration Judge custody review. The government's refusal to provide a bond hearing violates both the statute and the Fifth Amendment's guarantee of due process.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and the Suspension Clause of the U.S. Constitution (art. I, § 9, cl. 2). Venue is proper in the Northern District of Ohio, Western Division, because Petitioner is detained in Seneca County, Ohio.

III. PARTIES

Petitioner: Juana Tomas Mateo () is an immigration detainee at the Seneca County Jail in Tiffin, Ohio.

Respondents: • **William J. Cunningham**, Seneca County Jail Administrator, has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement and is therefore a legal custodian.

• **Kristi Noem**, in her official capacity as Secretary of the U.S. Department of Homeland Security (DHS), is responsible for implementing and enforcing the Immigration and Nationality Act and oversees ICE and CBP, the agencies responsible for Petitioner's detention.

• **Pamela J. Bondi**, in her official capacity as Attorney General of the United States, oversees the Department of Justice and the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals.

• **Kevin Raycraft**, in his official capacity as Acting Director of the Detroit/Columbus Field Office of Enforcement and Removal Operations, is a legal custodian of Petitioner and responsible for detention and release decisions.

IV. FACTUAL BACKGROUND

1. Petitioner entered the United States on June 14, 2023, and had been residing in Ohio since her arrival.
2. Petitioner has a USC child that is 1 year and 9 months old.
3. Petitioner was detained following an ICE worksite operation and placed in removal proceedings.
4. On January 11, 2026, Petitioner filed a Motion for Custody Redetermination, submitting a bond worksheet, proof of residence and documentation of her USC child. (Exhibit 1)
5. On January 20, 2026, the Immigration Judge denied bond, marking “No Jurisdiction.” (Exhibit 2)
6. Petitioner remains detained with no opportunity for custody review.

V. LEGAL FRAMEWORK

A. 8 U.S.C. § 1226(a) governs the detention of noncitizens already present in the United States and authorizes release on bond or conditional parole. B. 8 C.F.R. § 1236.1(d)(1) grants Immigration Judges authority to redetermine custody for individuals detained under § 1226(a). C. The Fifth Amendment prohibits prolonged civil detention without a meaningful opportunity to seek release. Petitioner has been denied such an opportunity

because the Immigration Judge erroneously disclaimed jurisdiction.

VI. CLAIMS FOR RELIEF

Claim One — Unlawful Detention Under 8 U.S.C. § 1226(a)

Petitioner is detained under § 1226(a), which authorizes release on bond and provides for Immigration Judge custody review. *Jennings v. Rodriguez*, 583 U.S. at 298–99, confirms that § 1226(a) detainees are entitled to bond consideration. The Immigration Judge’s refusal to exercise jurisdiction contradicts the statute and its implementing regulations, rendering Petitioner’s detention unlawful.

Claim Two — Procedural Due Process (Fifth Amendment)

Civil immigration detention is subject to the Due Process Clause. *Zadvydas*, 533 U.S. at 690. Due process is violated when a person is detained without a real opportunity for release, and courts have found that prolonged detention without a bond hearing is unconstitutional. *See, e.g., Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 210–11 (3d Cir. 2020). Due process requires an individualized hearing when detention becomes unreasonable prolonged. Petitioner has not received a hearing because the immigration judge erroneously found he did not have jurisdiction.

Claim Three — Accardi Doctrine Violation

Under the Accardi Doctrine, agencies must follow their own binding regulations. EOIR’s refusal to exercise custody-redetermination authority mandated by 8 C.F.R. § 1226(a) constitutes an Accardi violation. Due to the fact that the Immigration Judge failed to

follow a binding regulation governing custody review, the denial of jurisdiction is unlawful.

VII. EXHAUSTION

There is no statutory exhaustion requirement under 28 U.S.C. § 2241. Further, the Immigration Judge expressly disclaimed jurisdiction rendering exhaustion futile.

VIII. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

A. Issue a Writ of Habeas Corpus ordering Respondents to provide an individualized § 1226(a) bond hearing within three (3) days, or, in the alternative, release Petitioner under reasonable conditions of supervision; and B. Grant any additional relief the Court deems just and proper.

Respectfully Submitted,

/s/ Jay G. Perez
Jay G. Perez (0067619)
Attorney for Petitioner
400 Metro Place N, Ste 370
Dublin, OH 43017
Phone: 614-515-4950
Fax: 614-386-1998
Cell: 614-323-7811
Email: Jay@JayPerezLaw.com

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, represent Petitioner, Juana Tomas Mateo, and submit this verification on her behalf. I verify that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 8, 2026

/s/ Jay G. Perez
Jay G. Perez (0067619)