

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

JOSE CRUZ HERNANDEZ,	)	
	)	
Petitioner,	)	
	)	CASE NO. 3:26-cv-00246
-vs-	)	JUDGE: NUGENT
	)	
DENNIS SULLIVAN, et al.	)	
	)	
Respondents.	)	

**PETITIONER’S RESPONSE IN OPPOSITION TO RESPONDENTS’ MOTION
FOR EXTENSION OF TIME**

Now comes, Petitioner, Jose Cruz Hernandez, by and through counsel and respectfully moves this Court to deny Respondents’ Motion for Extension of Time, and in support states as follows:

Respondents seek an additional twenty (20) days—until February 19, 2026—to respond to Petitioner’s Petition for Writ of Habeas Corpus. This request should be denied.

Petitioner has been detained since December 18, 2025, and remains in immigration custody without resolution. Habeas corpus is expressly intended as a swift remedy for unlawful detention, and further delays cause substantial and ongoing prejudice to Petitioner’s liberty interests while imposing little hardship on Respondents.

Petitioner has been continuously detained in ICE custody since December 18, 2025. On January 29, 2026, Petitioner filed a Petition for Writ of Habeas Corpus challenging the legality of his detention. On January 30, 2026, this Court issued an Order pursuant to

28 U.S.C. § 2243, directing the custodian to show cause within three (3) days why the writ should not be granted. Respondents have now filed a Motion seeking a twenty-day extension, citing internal review and consultation needs.

Congress has made clear that habeas petitions involving detention must receive immediate attention. 28 U.S.C. § 2243 provides that a respondent shall make a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.”

Respondents’ request in this matter would extend Petitioner’s detention without judicial scrutiny. Respondents argue that they require additional time to: review exhibits, consult with ICE counsel and evaluate jurisdictional defenses. These justifications are routine litigation tasks, not exceptional circumstances amounting to “good cause.” Further, Respondents are sophisticated repeat litigants in immigration habeas proceedings and had access to the administrative record, Petitioner’s immigration history and their legal basis for confinement. Administrative inconvenience does not justify continued deprivation of liberty.

Petitioner’s detention is civil, not criminal, and therefore permissible only so long as it remains reasonable and justified. Each additional day of delay extends confinement and exacerbates emotional and psychological harm. By contrast, Respondents suffer no comparable prejudice by being required to respond as ordered.

If Respondents are permitted to convert a three-day deadline into a twenty-day delay as a matter of course, the statutory protections of habeas corpus become meaningless.

Petitioner has been detained since December 18, 2025, without adjudication of the legality of that detention. Habeas relief is designed precisely to prevent such prolonged restraint without judicial review.

WHEREFORE, Petitioner respectfully requests that Respondents' Motion be DENIED, or, in the alternative, that the Court grant only the shortest possible extension, taking into consideration Petitioner's continued civil detention.

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

CERTIFICATE OF SERVICE

I, hereby certify that a true and accurate copy of the foregoing was filed with the United Stated District Court, Northern District of Ohio, via electronic case filing system this the 2nd day of February 2026.

/s/Jay G. Perez
Jay G. Perez 0067619