

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MILITZA ANAIS SANCHEZ,	)	
	)	
	)	
Petitioner,	)	
	)	CASE NO.
-VS-	)	JUDGE:
	)	
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, **Militza Anais Sanchez**, is a 44-year-old Venezuelan 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 at 
 and maintains strong community ties, including her spouse and brother.

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 **Southern District of Ohio, Western Division**, because Petitioner is detained in Seneca County, Ohio.

III. PARTIES

Petitioner: Militza Anais Sanchez (A# 221-494-259), 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 August 1, 2025, and had been residing in Ohio for several months prior to her arrest.
2. She was detained following an ICE worksite operation and placed in removal proceedings.
3. On January 9, 2026, Petitioner filed a Motion for Custody Redetermination, submitting a bond worksheet, identity documents, and proof of residence with her spouse and brother. (Exhibit 1)
4. On January 20, 2026, the Immigration Judge denied bond, marking “No Jurisdiction.” (Exhibit 2)
5. 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)
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Email: Jay@JayPerezLaw.com

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

I, represent Petitioner, Militza Anais Sanchez, 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: January 28, 2026

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

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DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CLEVELAND, OHIO**

In the Matter of:

ANAIS SANCHEZ, MILITZA

In removal proceedings

File No.



Immigration Judge:

Next Hearing:

MOTION FOR CUSTODY REDETERMINATION HEARING

EOIR ± #fof111

EX 1

ANAIS SANCHEZ, MILITZA



MOTION FOR CUSTODY REDETERMINATION HEARING

TABLE OF CONTENTS

A. Bond Worksheet.....	5-6
B. Respondent's insurance.....	7
C. Documentation of Respondent's address.....	8
D. EAC and driver's license of Respondent's common law spouse..	9-10

Respectfully Submitted,

/s/Jay G. Perez

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ANAIS SANCHEZ, MILITZA



MOTION FOR CUSTODY REDETERMINATION HEARING

Comes now the Respondent, by and through undersigned counsel, and pursuant to §9.3(C), respectfully moves this Honorable Court to schedule a bond redetermination hearing. Respondent is currently detained at the Seneca County Jail in Tiffin, Ohio. Respondent meets the eligibility criteria for the Bond-Eligible Class as set forth in *Matter of Maldonado-Bautista* and therefore seeks a bond redetermination hearing to present her equities and supporting evidence.

WHEREFORE, for the reasons stated above, Respondent respectfully requests that this Honorable Court grant this motion and set this matter for a bond redetermination hearing.

Respectfully Submitted,

/s/Jay G. Perez

Jay G. Perez, Esq. 0067919
Attorney for Respondent
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Dublin, Ohio 43017
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Email: Jay@JayPerezLaw.com

ANAIS SANCHEZ, MILITZA



PROOF OF SERVICE

On 1/9/26, I, Jay G. Perez,
served a copy of this: Motion for Custody Redetermination Hearing
and any attached pages to: DHS Chief Counsel
by: e-service.

/s/Jay G. Perez
Signature

1/9/26
Date

List last three places of employment, dates of employment, and last salary received:

Seneca County Chicken Farm; \$20/hr

Car dealership; \$18/hr

Where will respondent reside if released?



With whom will respondent reside? With husband and brother

List all convictions of, dates of convictions, sentences received, and time served by respondent

none

Date respondent came into custody of the Immigration Service: 1/6/25

How did respondent come into Immigration Service custody? ICE raid on worksite

Is respondent subject to mandatory custody provisions of section 236(c) of the Act? (no)

List all forms of relief which respondent will seek: potentially asylum

Other considerations:

EOIR 6 fofill

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CLEVELAND, OHIO

In the Matter of: ANAIS SANCHEZ, MILITZA

File No.



ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion for Custody Redetermination Hearing, it is
HEREBY ORDERED that the motion be ☐ GRANTED ☐ DENIED because:

- ☐ DHS does not oppose the motion.
- ☐ The respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the motion.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per
- ☐ Other:

Deadlines:

- ☐ The application(s) for relief must be filed by
- ☐ The respondent must comply with DHS biometrics instructions by

Date _____

Immigration Judge _____

Certificate of Service _____

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Atty/Rep ☐ DHS

Date: _____ By: Court Staff _____

EOIR 4118fof111



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CLEVELAND IMMIGRATION COURT**

Respondent Name:

ANAIS SANCHEZ, MILITZA

To:

Perez, Jay G
400 METRO PLACE N.
Ste 370
Dublin, OH 43017

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/20/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because
No Jurisdiction

☐ Granted. It is ordered that Respondent be:
☐ released from custody on his own recognizance.
☐ released from custody under bond of \$
☐ other:

☐ Other:



Immigration Judge: DRUCKER, RICHARD 01/20/2026

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved
Appeal Due: 02/19/2026

Certificate of Service

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Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : ANAIS SANCHEZ, MILITZA | A-Number : 221-494-259

Riders:

Date: 01/20/2026 By: Rainieri, Robert, Court Staff