

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Northern District of Ohio



Karen Mariela Aguayo Montes

Petitioner

v.

Scott A. Hildenbrand, Rebecca Adducci, Todd M.
Lyons, Todd Blanche

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Karen Mariela Aguayo Montes
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Geauga County Jail
(b) Address: 12450 Merritt Road Chardon, Ohio 44024
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: (1) Immigration and Customs Enforcement, and (2) Executive Office for Immigration Review Cleveland, Ohio.

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

ICE's continued detention over me, and the Immigration Court's denial of bond because of lack of jurisdiction.

(d) Date of the decision or action: 04/14/2026, 

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: ICE has not responded to Alternatives to Detention requests, therefore, no appeal available. Appeal would be futile for bond hearing, as the Board of Immigration Appeal cannot decide constitutional issues.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/03/2025

(b) Date of the removal or reinstatement order: 01/13/2026

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes

☐ No

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If "Yes," provide:

(1) Date of filing: 01/27/2026

(2) Case number: 

(3) Result: Pending

(4) Date of result:

(5) Issues raised: The order of removal is contrary to law and is an abuse of discretion. The judge erred in finding me removable after I had presented a valid Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1).

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: My detention has become unconstitutionally prolonged and violated the Fifth Amendment of the Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I have been detained for 225 days. The government has ignored my request for ATD, humanitarian parole. I have not caused any delays on my behalf. My mental health has suffered. I have a 1 year old US Citizen son. I have been in detention the majority of his life, unable to breast feed or nurture him. I have been in this country since I was 10. I did not choose to come here, but my life is here. I had an allegation of DV that has been dismissed at state's cost. I have never comitted a crime. See Addendum to Ground One.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: I am detained under 1226(a), not 1225(b), because I was not "arriving" or "seeking admission" when I was arrested by ICE since I am not a recent entrant. My continued detention without a bond hearing violates the Immigration and Nationality Act and the Fifth Amendment of the Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I was arrested by ICE because of an allegation of DV. This allegation was baseless and has since been dismissed at the state's costs. I have been in the US the majority of my life, since I was 10. I have a citizen child, substantial family, education. I have never comitted a crime. I am not a danger to society nor am I a flight risk. I have been in jail nearly eight months for a crime I did not commit. See Addendum to Ground Two.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Appeal is not available for ICE denying me a custody review. Appeal from the Court's decision would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

Request for Relief

15. State exactly what you want the court to do: Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

4.17.26

Karen Aguayo Montes

Signature of Petitioner



Signature of Attorney or other authorized person, if any

ADDENDUM TO GROUND ONE

I have been detained by ICE since September 3, 2025. As of the filing of this Petition, I have been held in immigration detention for more than seven months. My detention has become prolonged. I am not challenging the merits of my removal case in this habeas petition. My immigration case remains on appeal.

I have not unreasonably delayed my immigration proceedings. I have pursued the legal process available to me, including my appeal to the Board of Immigration Appeals. My continued detention is not the result of my own conduct.

My continued detention is especially unreasonable because ICE has ignored less restrictive alternatives to detention. On February 16, 2026, my counsel submitted a formal request to ICE seeking my release on Alternatives to Detention (ATD) and provided supporting materials regarding my eligibility for release. When ICE did not respond, counsel followed up again on March 18, 2026, asking whether there were any updates or whether additional information was needed. ICE still did not provide any substantive response. See email chain dated February 16, 2026, and March 18, 2026.

ICE's failure to respond to counsel's release request is significant. ICE was put on notice of my humanitarian and family circumstances and had an opportunity to exercise its discretion to release me under supervision or ATD, but it did not do so and did not explain why. See emails.

My detention is causing serious hardship to me and my family. I am the mother of a minor United States citizen child. My separation from my child has caused severe emotional distress. My mental health has suffered while I remain detained.

I also have substantial ties to the United States. I have lived in this country since I was 10 years old. My life, family ties, and community are here. I did not choose to come to this country as a child, and the United States is the only real home I know.

ICE continues to detain me based in part on an allegation of domestic violence, but the underlying state criminal case was dismissed at the State's costs, without prejudice, per prosecutor. I was not convicted of that charge. The dismissal of the criminal case undermines any claim that my continued detention is justified by a proven criminal offense.

I have never been convicted in that case, and my continued detention without an individualized determination of necessity is excessive and unfair, particularly where the government is relying on an accusation that did not result in a conviction.

I am not a danger to the community and I am not a flight risk. I have deep family and community ties, a minor U.S. citizen child, and every reason to continue pursuing my immigration case while complying with any conditions of release imposed by this Court or by ICE.

Under these circumstances, my prolonged detention no longer bears a sufficient relation to any legitimate governmental purpose. ICE has detained me for more than seven months, ignored requests for release on ATD, and continues to hold me despite the dismissal of the criminal case and despite my strong family and community ties.

Because ICE has refused to meaningfully consider release, because the criminal allegation relied upon by the government has been dismissed, and because Petitioner's detention has now become prolonged while her appeal remains pending, this Court should order her immediate release or, at a minimum, order an individualized bond hearing at which the government bears the burden of proving that continued detention is necessary.

Karen Aguayo Montes

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus, together with all accompanying motions and exhibits, to be served by CM/ECF and certified U.S. Mail upon the following:

Scott A. Hildenbrand
Geauga County Sheriff
12450 Merritt Road
Chardon, OH 44024

Rebecca Adducci
Field Office Director
U.S. Immigration and Customs
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Enforcement and Removal Operations
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Todd M. Lyons
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Respectfully submitted,



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