

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ricardo E. Pu Lux

(b) County of Residence of First Listed Plaintiff Geauga
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number):
Robert A. Ratliff
Brennan, Manna and Diamond, LLC
200 Public Square, Suite 1850

DEFENDANTS

KEVIN RAYCRAFT, Field Office Director ICE-ERO, et al

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS - Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing Accommodations ☐ 445 Amer w/Disabilities - Employment ☐ 446 Amer w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS ☐ Habeas Corpus ☒ 463 Alien Detainee ☐ 519 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC § 2241Brief description of cause:
Unlawful detention without individualized bond hearing**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/29/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Civil Categories: (Please check one category only)

- I.
1. ☒ General Civil
 2. ☐ Administrative Review/Social Security
 3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE:

CASE NUMBER:

- II. **RELATED OR REFILED CASES** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."
- This action: ☐ is RELATED to another PENDING civil case ☐ is a REFILED case ☐ was PREVIOUSLY REMANDED

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

- III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

- (1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county.
- COUNTY: Geauga
- Corporation.** For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

- (2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
- COUNTY:

- (3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principal place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.
- COUNTY:

- IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

☐	AKRON
☒	CLEVELAND
☐	YOUNGSTOWN

WESTERN DIVISION

☐	TOLEDO
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(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga,
Lake, Lorain, Medina and Richland)
(Counties: Columbiana, Mahoning and Trumbull)

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry,
Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca,
VanWert, Williams, Wood and Wyandot)

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

RICARDO E. PU LUX,

Petitioner,

v.

KEVIN RAYCRAFT, Field Office Director,
Cleveland Field Office, Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement;

MARKWAYNE MULLIN, Secretary,
United States Department of Homeland
Security;

TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;

WARDEN / SUPERINTENDENT,
Geauga County Jail

PAMELA BONDI, Attorney General of the
United States,

Respondents.

Case No.: _____

Judge: _____

EMERGENCY CONSIDERATION

REQUESTED

PETITION FOR WRIT OF HABEAS

CORPUS pursuant to 28 U.S.C. § 2241

COMES NOW, Petitioner **Ricardo E. Pu Lux** () by and through undersigned counsel, and respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his/her ongoing detention by U.S. Immigration and Customs Enforcement ("ICE") at Geauga County Jail, Chardon, Ohio, without access to a bond hearing. Petitioner is unlawfully detained without individualized review of flight risk or dangerousness, in violation of 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment

to the United States Constitution, and the weight of judicial authority that has now addressed this precise issue in this District and Circuit.

I. INTRODUCTION

Petitioner Ricardo E. Pu Lux is a 29-year-old native and citizen of Guatemala who entered the United States without inspection in approximately 2014. Petitioner has resided in the United States for approximately 12 years. Petitioner has one United States citizen child and has a pending application for Cancellation of Removal before the Cleveland Immigration Court.

On or about April 4, 2026, Petitioner was detained by ICE and designated as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). That designation is legally incorrect. Petitioner is a person already present in the United States, not an alien arriving at the border and "seeking admission" within the meaning of § 1225(b)(2)(A). Petitioner's detention is therefore governed by 8 U.S.C. § 1226(a), which entitles him/her to an individualized bond hearing before an Immigration Judge. No such hearing has been provided.

As of the date of filing, Petitioner has been detained for approximately 25 days. A motion for bond hearing was filed with the Immigration court on April 21, 2026. On April 28, 2026, the Immigration Court declined to review the custody of Petitioner citing a lack of jurisdiction. (Exhibit A) Petitioner is being held without any individualized determination of whether detention is necessary to ensure appearance or protect the community. Every day of continued detention without a bond hearing compounds an injury that is irreparable in nature.

This Court has direct precedent on the precise legal question presented. In two decisions issued just days apart, two separate Judge's have found that noncitizens in Petitioner's position, present in the United States, not actively seeking admission, detained by ICE in the interior, are governed by § 1226(a), not § 1225(b)(2)(A), and are therefore entitled to a bond hearing.

Hernandez Hernandez v. Lynch, Case No. 3:26-CV-907 (N.D. Ohio Apr. 23, 2026) (Gaughan, J.); *Murillo Quintanilla v. Raycraft*, No. 4:26-cv-00786-BMB (N.D. Ohio Apr. 20, 2026) (Brennan, J.).

This Court's decisions are reinforced by a growing consensus across the country, now including a direct circuit court ruling, that § 1225(b)(2)(A) does not apply to aliens already present in the interior of the United States. *See Ricardo Aparecido Barbosa Da Cunha v. Freden*, (2d Cir. 2026) (holding mandatory detention under § 1225(b)(2)(A) improper for established interior residents). The clear weight of judicial authority compels Petitioner's release or, at minimum, an immediate bond hearing under § 1226(a).

II. JURISDICTION

This Court has subject-matter jurisdiction pursuant to: 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (All Writs Act); and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004).

Habeas corpus relief is available where a person's custody violates "the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner's detention without a bond hearing violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.

No statute divests this Court of jurisdiction. The *Jennings v. Rodriguez* Court confirmed that habeas jurisdiction over immigration detention challenges remains intact. 583 U.S. 281, 289 (2018). This Court has exercised habeas jurisdiction over materially identical claims filed within the past month. *Hernandez Hernandez*, No. 3:26-CV-907, at 3; *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 3.

Exhaustion of administrative remedies is not required. The legal question presented is purely one of statutory interpretation, not a question requiring agency expertise or record development. The BIA has predetermined the issue through its decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), rendering administrative appeal futile. *Hernandez Hernandez*, No. 3:26-CV-907, at 3–5 (finding all three exhaustion factors weigh against requiring exhaustion and that appeal would be "futile"); *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 3. *See also Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000) (exhaustion may be waived where pursuit of administrative remedy would be futile).

III. VENUE

Venue is proper in the Northern District of Ohio, Eastern Division, because Petitioner is physically detained at **Geauga County Jail, 12450 Merritt Road, Chardon, OH 44024**, within this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020).

IV. PARTIES

Petitioner. Ricardo E. Pu Lux, (██████████) is a citizen and national of Guatemala, born April 14, 1997. Petitioner entered the United States in approximately 2014 and has resided continuously in the United States since that time. Petitioner is currently detained at Geauga County Jail, 12450 Merritt Road, Chardon, OH 44024. (Exhibit B)

Respondent Kevin Raycraft is the Field Office Director of the Cleveland Field Office of Enforcement and Removal Operations, ICE. He is Petitioner's immediate custodian and is sued in his official capacity. Address: 1240 East 9th Street, Room 565, Cleveland, OH 44199.

Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and is sued in his official capacity. Address: 245 Murray Lane SW, Washington, D.C. 20528.

Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Address: 500 12th Street SW, Washington, D.C. 20536.

Respondent Warden/Superintendent of Geauga County Jail, 12450 Merritt Road, Chardon, OH 44024 is the official with immediate custody of Petitioner and is sued in his or her official capacity.

Respondent Todd Lynch is the Acting Attorney General of the United States and is sued in his official capacity. Address: 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

V. FACTUAL ALLEGATIONS

A. Petitioner's Background

Petitioner Ricardo E. Pu Lux was born on April 14, 1997, in Guatemala. Petitioner entered the United States without inspection in the year 2014. Petitioner has resided continuously and without interruption in the United States for approximately 12 years.

Petitioner has established deep ties to this community. Petitioner is the parent of a United States citizen child. He resides with his child and partner at 313 Woodland Ave., Apt. D, Willard, Ohio, 44890. Petitioner has **no criminal record** of any kind.

B. Pending Immigration Proceedings

Petitioner is currently in removal proceedings before the Cleveland Immigration Court. Petitioner has filed an Application for Cancellation of Removal for Non-Permanent Residents pursuant to INA § 240A(b), 8 U.S.C. § 1229b(b). A hearing is scheduled for May 29, 2026.

C. ICE's Arrest and Designation as Mandatory Detainee

On or about April 4, 2026, Petitioner was encountered during a traffic stop and taken into ICE custody. Petitioner remains detained.

ICE designated Petitioner as subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A), characterizing Petitioner as an "applicant for admission" who is "seeking admission" to the United States. This designation is legally erroneous. Petitioner is not seeking admission. Petitioner is a person who has lived in the United States for approximately 12 years and was apprehended in the interior of the country, not at a port of entry or the border.

Since the date of detention, Petitioner has not been afforded any individualized bond hearing before an Immigration Judge. No immigration officer or judge has made an individualized determination that Petitioner poses a flight risk or danger to the community sufficient to justify continued detention.

D. The Government's Policy Change and Its Impact

Prior to July 8, 2025, ICE treated individuals in Petitioner's position as subject to § 1226(a), which affords an individualized bond hearing. On July 8, 2025, ICE issued internal "interim guidance" reinterpreting which statute applies, declaring that such individuals are subject to § 1225(b)(2)(A), which mandates detention without a bond hearing. *See Hernandez Hernandez*, No. 3:26-CV-907, at 2; *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 2.

The Board of Immigration Appeals codified this policy interpretation in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding for the first time in immigration history that any person who entered unlawfully and was later taken into immigration detention is no longer eligible for bond. *Hernandez Hernandez*, No. 3:26-CV-907, at 2. A subsequent federal district court vacated *Yajure Hurtado*, although immigration courts in this Circuit have continued to apply its reasoning. *See Bautista v. Santacruz*, 2026 WL 468284 (C.D. Cal. Feb. 18, 2026).

As a direct result of this policy shift, Petitioner has been and continues to be detained without any meaningful opportunity to seek release through an individualized bond hearing, notwithstanding judicial authority including precedent in this Court that holds that detention without such a hearing is unlawful.

VI. LEGAL FRAMEWORK AND ARGUMENT

A. The Statutory Framework: § 1225(b) vs. § 1226(a)

Two statutory provisions govern immigration detention during removal proceedings. Section 1226(a) is the general rule: it authorizes the Government to arrest and detain an alien pending a removal decision and provides that, except as provided in § 1226(c), the alien may be released on bond or conditional parole. Section 1225(b)(2)(A) is a specific provision applicable to "applicant[s] for admission" who are "seeking admission" to the United States and are determined not to be clearly entitled to admission — those individuals "shall be detained" pending proceedings.

As multiple courts have held, three distinct things must be true for § 1225(b)(2)(A) to apply: (1) the person must be "an applicant for admission"; (2) the person must be "seeking admission"; and (3) the examining officer must determine the person is "not clearly and beyond a

doubt entitled to be admitted." *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 3–4; *Hernandez Hernandez*, No. 3:26-CV-907, at 8. Petitioner does not satisfy the second and third requirements.

1. Petitioner Is Not "Seeking Admission" Within the Meaning of § 1225(b)(2)(A).

"Applicant for admission" is a defined term under § 1225(a)(1): an alien present in the United States who has not been admitted. But "seeking admission" is not defined in the INA. It is a distinct, additional requirement — and courts have uniformly held that it is not synonymous with being an "applicant for admission."

"Seeking" implies active, ongoing conduct — "something more than just passively being present in the United States." *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 4 (citing *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771, 781 (E.D. Mich. 2025)). Congress chose an active present participle — "seeking" — which signals present, continuing action. *Francisco T. v. Bondi*, 2025 WL 3490809, at *5 (D. Minn. Sept. 5, 2025). Petitioner is not "seeking admission." Petitioner entered in 2014 and has lived in the United States for approximately 12 years.

To equate "applicant for admission" with "seeking admission" would render the second requirement entirely superfluous, violating the cardinal principle that courts must give effect to every clause and word of a statute. *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 4 (citing *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001)); *Hernandez Hernandez*, No. 3:26-CV-907, at 8 (same) (citing *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023); *Bufkin v. Collins*, 604 U.S. 369, 387 (2025)).

2. The Plain Text and Title of § 1225 Confirm It Applies to Arriving Aliens, Not Interior Residents.

Section 1225 is titled "[i]nspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing." The repeated reference to "arriving" aliens confirms the statute's scope. *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 4–5. Section 1226, by contrast, is titled "[a]pprehension and detention of aliens" language that applies directly to aliens like Petitioner who are apprehended and detained in the interior of the United States. *Id.*

The Supreme Court confirmed this structural reading in *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018), noting that § 1225(b) "applies primarily to aliens seeking entry into the United States" and that § 1226 "applies to aliens already present in the United States." Both courts in this District have relied upon *Jennings* in reaching the same conclusion. *Hernandez Hernandez*, No. 3:26-CV-907, at 10–11; *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 4–5.

3. The Laken Riley Act Confirms That § 1226(a) Applies to Interior Residents.

If § 1225(b)(2)(A) already mandated detention of all aliens present in the United States without inspection as the Government argues, there would have been no need for Congress to enact the Laken Riley Act, Pub. L. No. 119-1 (2025), which carved certain unadmitted noncitizens out of § 1226(a). Congress would not enact legislation to modify a statute that, on the Government's reading, does not apply in the first place. *Hernandez Hernandez*, No. 3:26-CV-907, at 10 (citing *Chavez v. Dir. of Detroit Field Office*, 2025 WL 3187080, at *7 (N.D. Ohio Nov. 14, 2025)); *Murillo Quintanilla*, No. 4:26-cv-00786-BMB, at 5.

B. This Court's Controlling Precedent Requires a Bond Hearing

This Court has recently addressed the Government's position on mandatory detention. The legal analysis and conclusions in both decisions are directly applicable here.

In *Hernandez Hernandez v. Lynch*, Case No. 3:26-CV-907 (N.D. Ohio Apr. 23, 2026) (Gaughan, J.), this Court held that a Guatemalan national who entered without inspection in 2006 and was detained by ICE in 2026 was "improperly designated" as a mandatory detainee under § 1225(b)(2)(A). Slip op. at 12. The Court ordered Respondents to either afford Petitioner a bond hearing under § 1226(a) or release her from custody. *Id.*

Three days earlier, in *Murillo Quintanilla v. Raycraft*, No. 4:26-cv-00786-BMB (N.D. Ohio Apr. 20, 2026) (Brennan, J.), this Court reached the same conclusion as to a Honduran national who had lived in the United States since 2019 and was detained by ICE in January 2026. The Court held that § 1226(a) "not § 1225(b)" applied, and ordered Respondents to afford Petitioner a bond hearing under § 1226(a) within five business days. Slip op. at 6–7.

Petitioner's circumstances are materially identical. Like the petitioners in those cases, Petitioner entered the United States without inspection, has lived in this country for years, and was apprehended and detained in the interior by ICE. The same legal conclusion compels the same result here.

C. The Second Circuit and the Growing Judicial Consensus

Most recently, the United States Court of Appeals for the Second Circuit held in *Ricardo Aparecido Barbosa Da Cunha v. Freden*, (2d Cir. 2026), that mandatory detention under § 1225(b)(2)(A) is not appropriate for established interior residents who are not actively seeking admission. The Second Circuit's decision creates a circuit split with contrary decisions from the Fifth and Eighth Circuits, and reinforces the District Court majority view that individuals long settled in the country's interior are not "seeking admission" for purposes of § 1225(b)(2).

The Seventh Circuit, in *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048 (7th Cir. 2025), issued a preliminary ruling finding that analogous plaintiffs likely had the better

argument that § 1226(a) applies based on the text and structure of the two provisions. The Ninth Circuit, though it has stayed the *Maldonado-Bautista* class action order pending appeal, has not resolved the underlying statutory question against interior detainees. The Sixth Circuit has not yet directly addressed the question, but the weight of decisions of the district courts in this Circuit, including two decisions in this District in the past ten days, find for the petitioners.

The district courts across the country have overwhelmingly granted habeas relief in materially identical cases. *See, e.g., Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771, 778 (N.D. Ohio 2025); *Echavvarria Morales v. Noem*, 2026 WL 100583, at *3 (N.D. Ohio Jan. 14, 2026); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *3 (E.D. Mich. Sept. 9, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025); *Rivero v. Mina*, 2026 WL 199319, at *3 (M.D. Fla. Jan. 26, 2026).

D. Petitioner's Detention Without a Bond Hearing Violates Due Process

Even if the statutory question were close Petitioner's continued detention without individualized review violates the Due Process Clause of the Fifth Amendment.

The Due Process Clause requires that civil detention be reasonably related to a legitimate governmental purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention for the purpose of ensuring appearance at removal proceedings is a legitimate purpose but only if pursued through procedures that are proportionate and individualized. Blanket detention without any hearing, applied categorically based solely on the manner of entry, is not reasonably related to the Government's interest in any particular case. It is a presumption that substitutes for judgment.

Petitioner has lived in the United States for approximately 12 years. Petitioner has a United States citizen child whose wellbeing and stability depend on Petitioner's presence. Petitioner has a meritorious application for Cancellation of Removal pending before the immigration court.

Petitioner has no criminal record. Under these circumstances, a blanket denial of any bond hearing without any individualized assessment of whether Petitioner actually poses a flight risk or danger is constitutionally intolerable.

Respondents' interpretation of § 1225(b)(2)(A) would also "disregard[] more than half a century of precedent enshrining into law the heightened protections applicable to noncitizens already living within our borders." *Rivero v. Mina*, 2026 WL 199319, at *3 (M.D. Fla. Jan. 26, 2026) (citing *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)). Noncitizens present in the country irrespective of how they entered, have always been entitled to greater due process protections than those apprehended at the border. *Hernandez Hernandez*, No. 3:26-CV-907, at 11.

E. The Non-Retroactivity Principle Requires Application of Pre-July 8, 2025 Bond Standards

Even if this Court orders a bond hearing, which it should, the hearing must be conducted under the discretionary standards that governed prior to the July 8, 2025 ICE policy shift and the BIA's decision in *Matter of Yajure Hurtado*. Application of the new, more restrictive standards to Petitioner's conduct predating July 8, 2025 would violate the non-retroactivity principle recognized in *INS v. St. Cyr*, 533 U.S. 289, 326 (2001).

In *St. Cyr*, the Supreme Court held that new immigration restrictions could not be applied retroactively to individuals who had already taken action in reliance on prior law. The parallel here is direct. Petitioner entered the United States, established residence, built a family, and accrued years of presence all at a time when such conduct did not result in categorical detention without any possibility of bond. To apply post-July 8, 2025 presumptions of dangerousness or flight risk to Petitioner's years of pre-policy-change conduct would impermissibly attach new legal consequences to completed actions. *Id.*

Accordingly, any bond hearing ordered by this Court must be conducted by an Immigration Judge applying the traditional, pre-July 8, 2025 discretionary factors: length of residence in the United States, family ties, employment history, community ties, prior compliance with immigration requirements, and the absence of criminal history weighed individually on Petitioner's specific circumstances.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner **Ricardo E. Pu Lux** respectfully requests that this Court:

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. § 2241;
2. Issue an Order to Show Cause directing Respondents to demonstrate the lawful basis for Petitioner's continued detention without a bond hearing;
3. Grant the Writ of Habeas Corpus and declare that Petitioner's continued detention pursuant to 8 U.S.C. § 1225(b)(2)(A) is unlawful, as Petitioner is governed by 8 U.S.C. § 1226(a);
4. Order Respondents to afford Petitioner an individualized bond hearing before an Immigration Judge under § 1226(a), applying the discretionary standards in effect prior to July 8, 2025, within **five (5) business days** of the entry of this Court's Order;
5. In the alternative, if a lawful § 1226(a) bond hearing is not provided within five (5) business days, order Petitioner's immediate release from custody;
6. Issue a Temporary Restraining Order pending resolution of this Petition, preventing Respondents from transferring Petitioner outside the jurisdiction of this Court or the Cleveland Immigration Court without prior Court approval;
7. Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
8. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

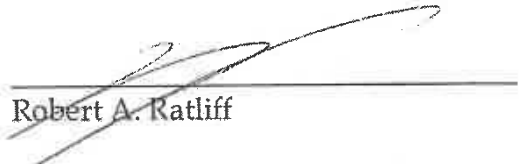
A handwritten signature in dark ink, appearing to read "Robert A. Ratliff", is written over a horizontal line.

Robert A. Ratliff
BRENNAN, MANNA AND DIAMOND, LLC
200 Public Square, Suite 1850
Cleveland, OH 44114
(216) 232-5992
raratliff@bmdllc.com
OH Bar ID: 0068491
Dated: April 29, 2026

VERIFICATION

I, Robert A. Ratliff, Counsel for Petitioner, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: April 29, 2026.


Robert A. Ratliff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 29, 2026, a true and correct copy of the foregoing was filed with the Clerk of Court via CM/ECF and served upon all counsel of record via CM/ECF electronic notification, and upon the following Respondents by U.S. Mail:

Kevin Raycraft, Field Office Director, Cleveland ERO — 1240 East 9th Street, Room 565,
Cleveland, OH 44199

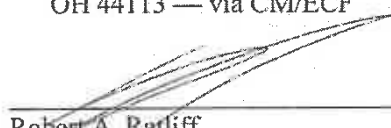
Markwayne Mullin, Secretary, DHS — 245 Murray Lane SW, Washington, D.C. 20528

Todd Lyons, Acting Director, ICE — 500 12th Street SW, Washington, D.C. 20536

Warden/Superintendent, Geauga County Jail, 12450 Merritt Road, Chardon, OH 44024

Todd Blanche, Attorney General — 950 Pennsylvania Avenue NW, Washington, D.C. 20530

U.S. Attorney, Northern District of Ohio — 801 West Superior Avenue, Suite 400, Cleveland,
OH 44113 — via CM/ECF



Robert A. Ratliff
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EXHIBIT LIST

Exhibit A: Bond Denial

Exhibit B: Detention

EXHIBIT A



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

Respondent Name:

PU-LUX, RICARDO ELIAS

To:

Ratliff, Robert A
200 Public Square
Suite 1850
Cleveland, OH 44114

A-Number:

[REDACTED]

Riders:

In Custody Redetermination Proceedings

Date:

04/28/2026

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:

RIED

Immigration Judge: DRUCKER, RICHARD 04/28/2026

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved
Appeal Due: 05/28/2026

Certificate of Service

This document was served:

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 : PU-LUX, RICARDO ELIAS | A-Number : 240-149-829

Riders:

Date: 04/28/2026 By: Reveron, Krista, Court Staff

EXHIBIT B



Official Website of the Department of Homeland Security



Report

Main Menu

Search Results: 1

RICARDO ELIAS PU-LUX

Country of Birth : Guatemala

A-Number: [REDACTED]

Status : In ICE Custody

State: OH

Current Detention Facility: GEAUGA COUNTY JAIL (GEAUGOH)

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

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[ICE Detention Facilities](#)

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External Links

4/29/26, 1:06 PM

Case: 1:26-cv-01007-JPC Doc #: 1 Filed: 04/29/26 25 of 25. PageID #: 25
search

Bureau of Prisons Inmate
Locator



DHS.govUSA.govOIGOpenFOIAMetrics No Site Site
Gov FearMapPolicies
Act &
Plug-
Ins