

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
(YOUNGSTOWN DIVISION)

Jordany Efrain RAMOS RAMIREZ,

Petitioner,

V.

Case No. 4:26-cv-1054

JUDGE PAMELA A. BARKER

ROBERT LYNCH, *in his official capacity*
as Field Office Director of the ICE Detroit
Field Office of Enforcement and Removal
Operations, U.S. Immigrations and
Customs Enforcement; U.S. Department of
Homeland Security;

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TODD M. LYONS, *in his official capacity*
as Acting Director, Immigration and
Customs Enforcement, U.S. Department of
Homeland Security;

MARKWAYNE MULLIN, *in his official capacity* as Secretary, U.S. Department of Homeland Security; and

TODD BLANCHE, *in his official capacity*
as Acting Attorney General of the United
States, U.S. Department of Justice;

JOSEPH B. EDLOW, Director, U.S.
Citizenship and Immigration Services;

Respondents.

PETITIONER'S MOTION FOR TARGETED AND EXPEDITED DISCOVERY IN
SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, through undersigned counsel, respectfully moves this Court for an order authorizing limited, targeted, and expedited discovery in connection with his pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The requested discovery is narrowly tailored to issues central to the legality of Petitioner's continued immigration detention and Respondents' asserted basis for classifying Petitioner as a danger to the community. In support of this Motion, Petitioner states as follows:

I. INTRODUCTION

This habeas action challenges Petitioner's continued immigration detention following the denial of bond by an Immigration Judge ("IJ"). The detention determination rests primarily upon allegations arising from Petitioner's submission of an application to purchase or possess a firearm at a gun show. Petitioner never received, possessed, or exercised control over any firearm, and the application was denied.

Although no criminal charges have been filed against Petitioner, and no criminal prosecution or conviction exists, Respondents appear to rely upon a theory that Petitioner's submission of the firearm application itself constituted unlawful conduct under 18 U.S.C. § 922(g)(5) or a related theory of attempted unlawful possession or attempted receipt of a firearm. The administrative record, however, does not identify the precise statutory basis relied upon by Respondents, nor does it disclose whether Respondents contend that Petitioner committed a completed offense, an attempted offense, or some other firearms-related violation.

Recent DHS and USCIS policy guidance further suggests that Respondents may have relied upon internal agency interpretations, enforcement directives, or interagency communications concerning firearm applications submitted by noncitizens that were never

disclosed during the bond proceedings. Specifically, USCIS issued Policy Memorandum PM-602-0191 entitled “Termination of Consideration of Deferred Action for Childhood Arrivals (DACA) Based on DACA Recipients’ Unlawful Attempts to Purchase a Firearm Under 18 U.S.C. 922(g)(5).”

Because the Respondents’ detention rationale appears to rest upon legal theories and factual assertions not fully disclosed in the administrative record, limited and expedited discovery is necessary to permit meaningful judicial review and to ensure that Petitioner is afforded fundamental due process where his individual hearing has been scheduled for June 1, 2026.

II. FACTUAL BACKGROUND

Petitioner is a 21-year-old longtime resident of the United States who has resided in this country since approximately eight years of age. Petitioner has no history of violent criminal conduct. His record consists, at most, of a minor traffic violation and a misdemeanor open-container offense.

Petitioner was detained by Immigration and Customs Enforcement (“ICE”) after submitting a firearm-related application at a gun show. The application was denied, and Petitioner never received or possessed any firearm. Nevertheless, during subsequent bond proceedings, the IJ denied bond based largely upon an asserted finding that Petitioner constituted a danger to the community arising from the firearm application.

The existing administrative record does not clearly identify the legal basis underlying Respondents’ dangerousness theory. The Form I-213 does not cite any firearms statute allegedly violated by Petitioner. The record likewise does not disclose whether Respondents contend that

Petitioner violated 18 U.S.C. § 922(g)(5), attempted to violate that statute, made an allegedly false statement under 18 U.S.C. § 922(a)(6), or engaged in some other alleged firearms-related misconduct.

In September 2025, USCIS issued Policy Memorandum PM-602-0191 concerning alleged unlawful attempts by certain noncitizens to purchase firearms. The memorandum directs immigration officers to pursue adverse immigration consequences against certain noncitizens who attempted to purchase firearms even where no firearm transaction was completed and no firearm was ultimately obtained. The memorandum further reflects DHS's apparent position that unsuccessful firearm applications may nevertheless constitute unlawful conduct sufficient to justify adverse immigration consequences.

Upon information and belief, Respondents relied upon or were influenced by similar internal DHS guidance, legal interpretations, interagency communications, or enforcement policies in determining that Petitioner constituted a danger to the community and in opposing his release from detention.

The need for prompt factual development is particularly significant because the Executive Office for Immigration Review ("EOIR") recently advanced Petitioner's Individual Hearing to June 1, 2026. As a result, Petitioner faces imminent removal proceedings while substantial factual and legal questions concerning the Government's asserted firearms-related allegations remain unresolved.

III. LEGAL STANDARD

Federal courts possess authority to permit discovery in habeas proceedings upon a showing of good cause. Rule 6(a) of the Rules Governing Section 2254 Cases, applicable to

proceedings brought pursuant to 28 U.S.C. § 2241, provides that “[a] judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure.”

Discovery in habeas proceedings must be limited and tailored to the specific allegations at issue. As the Supreme Court has emphasized, “a habeas petitioner, unlike the usual civil litigant in federal court, is not entitled a discovery as a matter of ordinary course.” *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). Rather, a good cause exists where “specific allegations” demonstrate reason to believe that the petitioner may be entitled to relief if the facts are more fully developed. *See Bracy v. Gramley*, 520 U.S. 899, 908 (1997); *Harris v. Nelson*, 394 U.S. 286 (1969). *See also Thomas v. United States*, 849 F.3d 669, 680 (6th Cir. 2017) (“R. ...6(a) allows the district court to enable further discovery in a habeas proceedings where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is confined illegally and is therefore entitled to relief.); *Quesinberry v. Taylor*, 162 F.3d 273, 279 (4th Cir. 1998) (“[G]ood cause is shown if the petitioner makes a specific allegation that shows reason to believe that the petitioner may be able to demonstrate that he is entitled for relief”).

Expedited discovery is warranted here given the fast-approaching June 1, 2026, individual hearing and the inherently rapid nature of habeas proceedings, *see e.g.* 28 U.S.C. § 2243 (setting an expedited timeframe for showing cause as to why the writ should not issue), and the fundamental liberty interests are at stake, *see e.g. Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.”).

IV. GOOD CAUSE EXISTS FOR TARGETED AND EXPEDITED DISCOVERY

Good cause exists because the Government's justification for Petitioner's continued detention appears to rest upon an uncharged and inadequately disclosed firearms-related theory that is not fully reflected in the administrative record presently before this Court. Petitioner cannot be expected to rebut a showing of dangerousness when the underlying "danger" is a moving target or a black box known only to the government.

Petitioner's habeas claims challenge the legal sufficiency of the dangerousness finding, Respondents' apparent classification of Petitioner as a "criminal alien," and the Government's reliance upon an alleged firearms offense that has never been criminally charged or adjudicated. Petitioner further challenges the Government's apparent characterization of a denied firearm application as constituting unlawful attempted possession or attempted receipt of a firearm.

The recently issued USCIS Policy Memorandum PM-602-0191 further establishes good cause for discovery because it confirms the existence of formal DHS guidance and legal interpretations concerning firearm applications submitted by noncitizens. The memorandum indicates that DHS may treat unsuccessful or denied firearm applications as sufficient grounds for serious immigration consequences and reflects broad agency interpretations concerning alleged attempted firearms offenses by noncitizens.

These policy developments strongly suggest that Respondents' detention rationale may have relied upon internal guidance, memoranda, training materials, prosecutorial assessments, or interagency communications that were not disclosed during the bond proceedings and that are not presently part of the administrative record.

Without discovery, Petitioner cannot meaningfully determine the precise statutory theory relied upon by Respondents, whether Respondents contend that Petitioner committed a completed offense or merely attempted conduct, whether any prosecutorial authority declined

criminal prosecution, whether Respondents relied upon evidence outside the administrative record, or whether internal DHS guidance shaped the Government's dangerousness determination.

The need for discovery is particularly acute because EOIR has advanced Petitioner's Individual merits Hearing to June 1, 2026. Petitioner therefore faces imminent removal proceedings while critical factual and legal questions concerning the Government's firearms-related allegations remain unresolved. Without prompt discovery, Petitioner will be substantially prejudiced in his ability to investigate, challenge, and respond to the Government's asserted legal theories during both the pending habeas proceedings and the underlying removal proceedings. Without this discovery, the Petitioner is being denied a meaningful opportunity to contest the danger to the community finding at the merits stage, which creates a Due Process vacuum between the habeas court and the Immigration Court.

The accelerated hearing schedule further heightens the need for immediate disclosure of the statutory and factual basis underlying Respondents' dangerousness determination. Absent expedited discovery, Respondents would effectively be permitted to rely upon undisclosed legal theories, internal agency guidance, or extra-record evidence while Petitioner remains detained and faces imminent adjudication of his immigration case.

Good cause for discovery is further established because the firearm-related application appears to constitute the primary, if not sole, factual basis underlying Respondents' dangerousness determination and Petitioner's continued detention. Despite the central importance of the alleged firearm-related conduct, the current administrative record appears materially incomplete regarding the underlying facts of the transaction itself.

The record presently before the Court does not establish whether Petitioner ever possessed, received, exercised control over, or obtained access to any firearm. Nor does the record establish the identity or legal status of the firearm vendor, whether the transaction involved a federally licensed firearms dealer, whether any transfer was legally possible, or what information was contained in the original transaction records.

Because Respondents rely upon the firearm-related application as the central factual nexus supporting detention, discovery concerning the underlying transaction is necessary to permit meaningful judicial review of the factual assumptions underlying the dangerousness determination. Without access to the original transaction records and related materials, Petitioner cannot adequately test the factual basis for Respondents' apparent theory that Petitioner engaged in unlawful or dangerous conduct.

The need for discovery is particularly compelling where, as here, the Government's own administrative record appears silent or incomplete concerning critical factual issues bearing directly upon continued detention. Because the requested information is uniquely within Respondents' possession, limited discovery is necessary to permit meaningful habeas review.

V. THE REQUESTED DISCOVERY IS NARROWLY TAILORED IN SCOPE

Petitioner seeks narrowly tailored discovery directed solely toward the firearms-related allegations underlying his detention and the Government's asserted dangerousness determination.

Petitioner seeks production of documents identifying the statutory basis that Respondents contend Petitioner violated arising from the firearm application, including any allegation concerning 18 U.S.C. § 922(g)(5), attempted unlawful possession, attempted receipt of a firearm,

or false statement allegations under 18 U.S.C. § 922(a)(6). Petitioner seeks any forms or documents he is alleged to have completed or signed attempting to obtain a firearm.

Petitioner further seeks production of any ATF referrals, investigative materials, prosecutorial communications, or records reflecting whether criminal prosecution was considered or declined. Petitioner also seeks production of all documents relied upon by ICE, DHS, or the IJ in determining that Petitioner constituted a danger to the community.

In addition, Petitioner seeks production of all final policy guidance, training materials, or directives used by the Detroit and Cleveland ICE Field Offices referencing USCIS Policy Memorandum PM-602-0191, attempted firearm purchases by noncitizens, or firearm-related immigration enforcement initiatives relevant to Petitioner's detention.

Petitioner further requests leave to serve a limited number of interrogatories and requests for admission narrowly directed toward these issues, including interrogatories concerning the legal theory relied upon by Respondents and requests for admission concerning whether Respondents relied upon PM-602-0191 or related DHS guidance in connection with Petitioner's detention or bond proceedings.

The requested discovery is carefully tailored to the constitutional and legal claims presented in the habeas petition and imposes minimal burden upon Respondents.

VI. LIMITED NON-PARTY DISCOVERY IS WARRANTED

In addition to the narrowly tailored discovery sought from Respondents, limited non-party discovery is warranted because the firearm-related application itself constitutes the central and apparently sole factual basis underlying Respondents' determination of dangerousness and Petitioner's continued detention.

At present, the administrative record appears incomplete and materially silent regarding the factual circumstances surrounding the firearm-related application. Although Respondents have relied upon the existence of the application to support continued detention, the existing record does not establish whether Petitioner ever possessed, received, exercised control over, or obtained access to any firearm. Nor does the record presently establish the precise nature of the attempted transaction, the identity or status of the vendor involved, the contents of the original transaction records, or whether any transfer was ever legally or factually possible.

Because the Government appears to rely almost exclusively upon the firearm-related application itself as the factual nexus supporting dangerousness, limited third-party discovery is necessary to permit meaningful judicial review of the factual assumptions underlying Petitioner's detention.

Specifically, Petitioner seeks leave to issue narrowly tailored subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure to obtain records relating to the firearm-related transaction, including records sufficient to identify the firearm vendor or federally licensed firearms dealer involved in the transaction, together with any associated ATF Form 4473 records, transaction records, denial records, and related documentation maintained by any entity possessing such records.

At present, Petitioner does not possess sufficient information to identify the firearm vendor or entity maintaining the relevant transaction records, further underscoring the need for targeted discovery from Respondents and associated governmental entities.

Such discovery is directly relevant because the Government's theory appears to rest upon an implication that Petitioner unlawfully attempted to obtain or possess a firearm. If the Government's own administrative record is incomplete or silent regarding whether any

possession, transfer, receipt, or control of a firearm ever occurred, the original transaction records become essential evidence bearing directly upon the legality and factual basis of the Government's dangerousness determination.

Limited non-party discovery is further necessary to determine whether the firearm vendor involved in the transaction was a federally licensed firearms dealer ("FFL") or a private seller. That distinction is legally significant because apparent theory of Respondents concerning unlawful attempted firearm acquisition under 18 U.S.C. § 922(g)(5) may depend in part upon the nature of the proposed transaction, the regulatory framework governing the seller, and whether any legally cognizable attempt to obtain a firearm could have occurred under the circumstances presented.

Given the exigent circumstances presented here, Petitioner further respectfully requests that the Court shorten the standard response and objection period applicable to any Rule 45 subpoenas issued pursuant to this Motion. Petitioner's Individual Hearing has been advanced to June 1, 2026, and delayed production of the requested third-party records would substantially impair Petitioner's ability to investigate and challenge the factual basis underlying Respondents' dangerousness determination before imminent immigration proceedings occur.

The requested third-party discovery is narrowly tailored and limited primarily to discrete transactional and licensing records concerning the firearm-related application at issue. Under these circumstances, good cause exists for the Court to shorten the time for objections and responses to five (5) or seven (7) days, or such other expedited schedule as the Court deems appropriate, in order to preserve meaningful judicial review and prevent substantial prejudice to Petitioner's ability to litigate both the pending habeas proceedings and the underlying removal proceedings.

VII. EXPEDITED DISCOVERY IS WARRANTED

Expedited discovery is warranted because Petitioner remains detained and continues to suffer a substantial deprivation of liberty while this litigation proceeds.

The requested discovery concerns information uniquely within the Government's possession and directly relevant to the legality of Petitioner's detention. Without expedited access to these materials, Petitioner will be substantially prejudiced in his ability to challenge Respondents' asserted basis for detention and to litigate the constitutional claims presented in the habeas petition.

Expedited discovery is further warranted because EOIR has advanced Petitioner's Individual Hearing to June 1, 2026, significantly compressing the time available for Petitioner to investigate the allegations underlying his detention and prepare his legal challenges. The Respondents possess exclusive control over the materials and internal guidance relevant to the firearms-related allegations at issue. Without expedited production, Petitioner will be deprived of a meaningful opportunity to review and challenge the Government's asserted legal theories before critical immigration proceedings occur.

Courts routinely recognize that expedited discovery is appropriate where delayed disclosure would impair a litigant's ability to prepare for imminent proceedings involving substantial liberty interests. Here, the combination of ongoing detention, accelerated removal proceedings, and the Respondents' apparent reliance upon undisclosed firearms-related theories strongly supports expedited relief.

Because the requested discovery is limited in scope, directly relevant to the issues before the Court, and necessary to permit meaningful judicial review, expedited discovery is appropriate.

VIII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court

- (1) Grant this Motion for Targeted and Expedited Discovery,
- (2) Authorize limited party and non-party discovery,
- (3) Permit issuance of narrowly tailored Rule 45 subpoenas relating to the firearm-related transaction at issue,
- (4) Shorten the applicable response and objection deadlines for such subpoenas to five or seven days,
- (5) Order Respondents to produce the requested materials within seven days,
- (6) Permit Petitioner to serve limited interrogatories and requests for admission concerning the firearms-related allegations underlying his detention, and
- (7) Grant such further relief as the Court deems just and proper in light of Petitioner's imminent June 1, 2026 Individual Hearing.

Date: May 19, 2026

Respectfully Submitted,

/s/ Margaret W. Wong
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Attorney for the Petitioner

CERTIFICATE OF SERVICE

I, Margaret W. Wong, hereby certify that on May 19, 2026, I caused the *Motion for Targeted and Expedited Discovery in Support of Petition for Writ of Habeas Corpus* in the above-captioned matter to be filed with the United States District Court for the Northern District of Ohio via the Court's CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

/s/ Margaret W. Wong
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TABLE OF EXHIBITS

- A. Proposed Interrogatories, Request for Production of Documents, and Request for
Answers
- B. Proposed AO88B Subpoena to Produce Documents, Information, or Objects in a Civil
Action

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
(YOUNGSTOWN DIVISION)**

Jordany Efrain RAMOS RAMIREZ,	)	
	)	
Petitioner,	)	Case No. 4:26-cv-1054
v.	)	
	)	JUDGE PAMELA A. BARKER
	)	
ROBERT LYNCH, <i>et. al.</i> ,	)	A # 
	)	
Respondents.	)	
	)	

**[PETITIONER PROPOSED] ORDER GRANTING PETITIONER'S MOTION FOR
TARGETED AND EXPEDITED DISCOVERY IN SUPPORT OF PETITION FOR WRIT
OF HABEAS CORPUS**

Upon consideration of Petitioner's Motion for Targeted and Expedited Discovery, and for good cause shown, the Motion is GRANTED.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Petitioner is authorized to serve narrowly tailored written discovery on Respondents, including interrogatories, requests for production, and requests for admission, limited to issues relating to the firearm-related application referenced in the Petition and Respondents' dangerousness determination.
2. Respondents shall serve written responses and produce responsive, non-privileged documents within **seven (7) days** of service of such discovery.
3. Petitioner is authorized to issue subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure to non-parties possessing records relating to the firearm-related

application, including any entity maintaining records sufficient to identify the firearm vendor or federally licensed firearms dealer involved in the transaction, as well as any related transaction, background check, denial, or licensing records.

4. Any non-party subpoena issued pursuant to this Order shall be limited in scope to records directly related to the firearm-related application described in the Petition.
5. Any objections to subpoenas issued pursuant to this Order shall be served within **five (5) days** of service.
6. Non-parties shall produce responsive documents within **seven (7) days** of service, absent further order of the Court.
7. The parties shall meet and confer in good faith prior to filing any motion to compel or motion for protective order arising from this discovery.
8. Nothing in this Order precludes any party or non-party from seeking appropriate relief from the Court upon a showing of good cause.

IT IS SO ORDERED on _____ day of _____, 2026.

United States District Court Judge

[PETITIONER PROPOSED] ORDER GRANTING PETITIONER'S MOTION FOR
TARGETED AND EXPEDITED DISCOVERY IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS