

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

EDGAR EDUARDO REYES GONZALEZ,

Petitioner,

v.

**RICHARD JONES, SHERIFF BUTLER
COUNTY, OHIO, ET AL.,**

Respondents.

Civil Action No. 1:26-cv-510

Judge Susan J. Dlott

Magistrate Judge Stephanie K. Bowman

**RESPONDENT BUTLER COUNTY SHERIFF, RICHARD K. JONES' MOTION TO
DISMISS PETITION FOR WRIT OF HABEAS CORPUS**

Now comes Respondent Butler County Sheriff, Richard K. Jones ("Respondent"), by and through undersigned counsel and respectfully requests this Court dismiss Petitioner's Writ of Habeas Corpus pursuant to Fed. R. Civ. P. 12(b)(6). A memorandum in support is attached.

Respectfully submitted.

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PROCEDURAL HISTORY AND STATEMENT OF FACTS

Counsel for Petitioner filed Petition for Writ of Habeas Corpus with the United States District Court for the Southern District of Ohio on May 22, 2026. An Order to not remove Petitioner was entered on the docket on May 27, 2026. Respondent does acknowledge that a contract exists between Butler County and United States Immigration and Customs Enforcement (“ICE”) for the housing of aliens awaiting deportation process by ICE and that Respondent does hold such persons at the Butler County Correctional Complex. Respondent does admit there is an inmate being held in the Butler County Correctional Complex whose name on the roster is Edgar Eduardo Reyes Gonzalez.

MEMORANDUM IN SUPPORT

Respondent, despite Petitioner’s claims, is not Petitioner’s custodian in this case. Therefore, the Petition for Habeas Corpus must be dismissed against Respondent pursuant to Fed. R. Civ. P. 12(b)(6). “As a general rule, a Plaintiff should name as a respondent to his habeas corpus petition ‘the individual having day-to-day control over the facility in which [the alien] is being detained.’” Roman v. Ashcroft et al., 340 F.3d 314, 319 (2003), quoting in part, Vasquez v. Reno, 233 F.3d 688, 696 (1st Cir. 2000). A “writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody.” Roman at 319, quoting, Braden v. 30th Judicial Circuit Ct. of Ky., 410 U.S. 484, 495, 93 S.Ct. 1123, 35 L.E.d.2d 443 (1973).

The Sixth Circuit Court of Appeals has ruled in the case of aliens detained by United States Immigration and Customs Enforcement (ICE) (previously Immigration and Naturalization) that, “although the warden of each detention facility technically has day-to-day control over alien detainees, the INS District Director for the district where a detention facility is located ‘has power

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was electronically filed on May 28, 2026, and will automatically be served on all the parties for whom counsel has entered an appearance.

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