

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Isbel Marjory Gonzalez Medina

Petitioner,

vs.

KEVIN RAYCRAFT, Acting Director of
Enforcement and Removal Operations,
Detroit Field Office, Immigration and
Customs Enforcement; KRISTI NOEM,
Secretary, U.S. Department of Homeland
Security; PAMELA BONDI, U.S. Attorney
General,

Respondents.

Case No. 1:26-cv-1483

District Judge _____

Magistrate Judge _____



PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Isbel Marjory Gonzalez Medina , is a 30-year-old citizen of Venezuela, and resident of Columbus, Ohio. She came to the United States on August 19, 2023 after attending an appointment she set up using the CBP-1 application. She was released into the United States with DT parole.
2. DHS charged Ms. Gonzalez Medina as someone who was not in possession of proper entry documents at the time of her application for admission. 8 U.S.C. § 1182(a)(7)(A)(i)(I). (See **Exhibit A**, Notice to Appear).
3. Ms. Gonzalez Medina subsequently filed a Form I-589, application for asylum and withholding of removal. (See **Exhibit B**, Application for Asylum) Petitioner was scheduled

for an individual hearing on her asylum application on June 15, 2026. At that hearing, testimony was not completed. Ms. Gonzalez Medina's case is not currently set for another hearing.

4. On March 30, 2026, in Columbus, OH, ICE apprehended and detained Ms. Gonzalez Medina. (See **Exhibit C**, Form I-830). After detaining the Petitioner, ICE did not set bond.
5. On April 13, 2026, Petitioner filed a Bond Redetermination Request. A hearing was held on April 28, 2026, where the Immigration Judge found that he lacked jurisdiction to set a bond due to Ms. Gonzalez Medina's manner of entry.
6. On May 11, 2026, the United States Court of Appeals for the Sixth Circuit ruled that individuals who are "applicants for admission" are not analogous to those "seeking admission" and thus are not subject to mandatory detention under 1225(b). Further, the court concluded that denying individualized bond hearing to individuals who have been present in the United States for a significant amount of time violates their right to due process. See *Lopez-Campos v. Raycraft*, No. 25-1965 (6th Cir. 2026).
7. On May 27, 2026, Petitioner, filed a new Bond Redetermination Request asserting changed circumstances pursuant to *Lopez-Campos*. A significant amount of documentary evidence was filed in support of Respondent's character and her ties to the community.
8. A hearing was scheduled on April 28, 2026, where the Immigration Judge again found that he lacked jurisdiction to set a bond due to Ms. Gonzalez Medina's manner of entry. Specifically, he found that individuals who entered the United States after attending an appointment scheduled with the CBP-1 application are "arriving aliens" and are "applicants for admission" and are thus subject to mandatory detention under 1225(b). (See **Exhibit D**, Bond Order).

9. This interpretation of the law is in direct conflict with binding Sixth Circuit Precedent and violates both the INA and the United States Constitution.
10. The judge further found that, in the alternative, the Petitioner is a danger to the community. (See **Exhibit D**). He apparently based this determination on a charge of Forgery that was filed in March of 2026. That charge was dismissed out of the Franklin County municipal court and has not been indicted.
11. When determining whether a release on bond is warranted, Immigration Judges are to consider the nine factors set out by the BIA in *In Re Juan Francisco Guerra*, 24 I&N Dec. 37 (BIA 2006).
12. Petitioner, Ms. Gonzalez Medina brings this petition for a Writ of Habeas Corpus to seek enforcement of her statutory and constitutional right to due process rights under the sixth circuit holding in *Lopez-Campos* and under the fifth and sixth amendments to the United States constitution.
13. Petitioner is in the physical custody of Respondents at the Geauga Country Jail. She now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by binding Sixth Circuit precedent.
14. Because Respondents are detaining Petitioner in violation of the INA and in violation of the Due Process clause of the United States constitution, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.
15. Alternatively, the Court should order Petitioner's release unless Respondents provide a new bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

16. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Geauga County Jail in Chardon, Ohio. (See **Exhibit G**, ICE Form I-830E, Notifying EOIR of Petitioner's Address Change).
17. This Court has jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus); 28 U.S.C. § 1331 (Federal Question); Article I, section 9, clause 2 of the United States Constitution (Suspension Clause).
18. This Court may grant relief pursuant to 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, the All Writs Act, 28 U.S.C. § 1651.

VENUE

19. Venue is proper in the United States District Court for the Southern District of Ohio, specifically in the Western Division at Cincinnati, because Petitioner is currently detained in the Butler County Correctional Complex in Hamilton, Ohio. 28 U.S.C. § 2241; 28 U.S.C. § 1391; S.D. Ohio Civ. R. 82.1(b).
20. Venue is also proper in this Court because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims and relevant facts occurred in the Southern District. 28 U.S.C. § 1391(e).

REQUIREMENT OF 28 U.S.C. § 2243

21. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to

show cause is issued, Respondent must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

22. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Nola*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

23. Petitioner, Ms. Gonzalez Medina, is a 30-year-old native and citizen of Venezuela who has resided in the United States since August 19, 2023, and been in immigration detention at Geauga County Jail since March 30, 2026.
24. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE’s Enforcement and Removal Operations division. As such, Acting Director Raycraft is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003). He is named in his official capacity.
25. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in his official capacity.
26. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and

the immigration court system it operates is a component agency. She is sued in her official capacity.

LEGAL FRAMEWORK

27. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.
28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in removal proceedings before an IJ. *See* 8 U.S.C. 1229a. Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to a bond hearing at the outset of their detention.¹ *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d); *see also Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are “already in the country” and are detained “pending the outcome of removal proceedings”). Section 1226(a) is the statute that, for decades, has been applied to people like Ms. Gonzalez Medina who have been living in the United States and are charged with inadmissibility under 8 U.S.C. § 1182(a)(7)(A)(i)(I).
29. Second, the INA provides for mandatory detention of certain recently arrived noncitizens, namely those subject to expedited removal under 8 U.S.C. § 1225(b)(1), and other recent arrivals seeking admission under § 1225(b)(2). *See Jennings*, 583 U.S. at 289 (explaining that § 1225(b)(2)’s mandatory detention scheme applies “at the Nation’s borders and ports of entry” to noncitizens “seeking admission into the United States.”). Section 1225(b)(2) is the statute that Respondents have suddenly decided is applicable to people like Mr. Wali. Respondent is currently in removal proceedings under INA § 240.

¹ Section 1226 contains an exception for noncitizens who have been arrested, charged with, or convicted of certain crimes, who are subject to mandatory detention without bond. 8 U.S.C. § 1226(c). That exception is not relevant here.

30. Third, the INA also provides for detention of noncitizens who have already been ordered removed. *See* 8 U.S.C. § 1231(a)-(b). Section 1231 is not relevant here.
31. This case concerns Respondents’ erroneous decision that Ms. Gonzalez Medina is subject to mandatory detention without bond under § 1225(b)(2), because she is an “applicant for admission” rather than being bond-eligible under § 1226(a).
32. In general, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A); *see also Jennings*, 583 U.S. at 287 (explaining that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.”).
33. On May 11, 2026, the Sixth Circuit ruled that individuals who are “applicants for admission” are not analogous to those “seeking admission” and thus are not subject to mandatory detention under §1225(b). Further, the court concluded that denying individualized bond hearing to individuals who have been present in the United States for a significant amount of time violates their right to due process. *See Lopez-Campos*.
34. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.
35. Further, the Immigration Judge’s alternative finding, that the Petitioner is a danger to the community, was based solely on an unindicted felony charge.
36. The Petitioner has essentially been placed into a position where the United States government is punishing her for a criminal charge for which she has not had and will not

have the opportunity to defend herself against, directly violating the fifth and sixth amendments to the United States Constitution. She cannot assert her right to a speedy and public trial while in immigration detention. She cannot hold the State of Ohio to their burden of proving her guilt “beyond a reasonable doubt.”

37. There are nine factors that an Immigration Judge may consider when making a custody redetermination: (1) whether the alien has a fixed address in the United States; (2) the alien’s length of residence in the United States; (3) the alien’s family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien’s employment history; (5) the alien’s record of appearance in court; (6) the alien’s criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the alien’s history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien’s manner of entry to the United States. See *In Re Juan Gurrera*, 24 I&N Dec. 37 (BIA 2006).
38. During her bond hearing, the Petitioner presented documentary evidence significant ties to the Columbus community, as well as all available court records that show that her felony was dismissed out of the Franklin Country Municipal court. No additional documents relating to the charge were filed, as no indictment documents exist.
39. The Immigration Judge in Petitioner’s case does not address any of the factors articulated in *Gurrera* in his alternative finding that the Respondent is a “danger to the community” outside of the dismissed charge.
40. Any months-long appeal of an IJ’s decision to the BIA would be futile. By the time the BIA could even issue an appeal—a process that typically takes approximately six months,

Rodriguez Vazquez, 779 F. Supp. 3d at 1253—the harm of his unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable.

CLAIMS FOR RELIEF

COUNT 1

Violation of the INA

41. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
42. Section 1225(b) does not apply to Petitioner because she was apprehended on December 17, 2025, after residing in the United States for around three (3) years and was therefore not apprehended upon arrival or "seeking admission" when he was apprehended.
43. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates the INA.

COUNT 2

Violation of Due Process

44. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
45. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V.
46. The Due Process Clause of the United States Constitution applies to “all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects.” *Id.* at 690.

47. Petitioner has a fundamental interest in liberty and being free from official restraint.
48. Immigration detention must further the twin goals of ensuring a non-citizen's appearance during removal proceedings and preventing danger to the community. In light of these goals, Petitioner's detention is wholly unjustified. Indeed, it bears no reasonable relation to any legitimate government purpose.
49. Petitioner is not a flight risk. Petitioner's, resides in Columbus, Ohio. Petitioner has legitimate fears of persecution in Afghanistan—which is why he applied for asylum in the United States. Petitioner has a pending asylum application and is therefore not currently removable from the United States.
50. Petitioner is not a danger to the community. Petitioner has no convictions.
51. Because Petitioner's detention bears no reasonable relation to a legitimate government purpose, it is punitive.
52. Petitioner is being held in ICE detention as a civil detainee without bond.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Honorable Court will:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner not be transferred outside of this District pending the adjudication of this Petition;
- c. Issue an Order to Show Cause requiring Respondents to show cause why this Petition should not be granted within three days;
- d. Declare the Petitioner's detention is unlawful;

- e. Issue a Writ of Habeas Corpus requiring that within one day, Respondents release Petitioner from custody; or alternatively,
- f. Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner unless they provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any other and further relief that this Court deems just and proper to preserve Petitioner's statutory and constitutional rights.

Dated: June 29, 2026

Respectfully submitted,

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