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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Ifeoma Ada CHINWEOKE OJUKWU, Petitioner, v. Robert LYNCH, *in his official capacity* s ICE Detroit Field Office Director for the Michigan and Ohio, U.S. Immigration and Customs Enforcement and Enforcement of Removal Operations (ERO); David VENTURELLA, *in his official capacity* as Acting Director of U.S. Immigration and Customs Enforcement; Markwayne MULLIN, *in his official capacity* as Secretary of U.S. Department of Homeland Security; Todd BLANCHE *in his official capacity* as Attorney General of the United States; Daren MARGOLIN, Director for Executive Office for Immigration Review, Respondents.	C/A No.: 4:26-cv-2483 [redacted] **PETITION FOR WRIT OF HABEAS CORPUS** HEARING REQUESTED

INTRODUCTION

1. Petitioner, Ifeoma Ada Chinweoke OJUKWU, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of her ongoing detention by U.S. Immigration and Customs Enforcement ("ICE").

2. Petitioner has been detained since September 21, 2026, at the Mahoning County Jail in Youngstown, Ohio. Her detention is purportedly authorized under section 241(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1231(a).

3. This action challenges Petitioner's continued immigration detention without meaningful judicial review and the threatened transfer of Petitioner outside this District before the legality of her detention can be reviewed or her removal to a third country.

4. Petitioner seeks declaratory relief that her detention is unlawful pursuant to the Fifth Amendment's Due Process Clause, as there is no significant likelihood that Petitioner can be removed in the reasonably foreseeable future because removal to Nigeria is barred by her withholding grant, Respondents have identified no alternative country, and no travel document or other presently executable means of removal has been identified. Petitioner asks that this Court order Respondents to release Petitioner from custody or, in the alternative, an individualized bond hearing at which the Government bears the burden of justifying continued detention.

5. Petitioner also seeks such other relief as the Court deems just and proper to preserve this Court's jurisdiction over her habeas petition.

CUSTODY

6. Petitioner is currently in the custody of Immigration and Customs Enforcement ("ICE") at the Mahoning County Jail in Youngstown, Ohio. She is therefore in "'custody' of the Department of Homeland Security ("DHS") within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963). *See* Exhibit 1, ICE Detainee Locator.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 which authorizes federal courts to grant writs of habeas corpus to individuals held in custody in violation of the Constitution or laws of the United States, 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. Although Congress has limited judicial review over certain immigration decisions, habeas jurisdiction remains available to challenge the constitutional and statutory validity of detention. See *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018) (preserving constitutional challenges to prolonged detention).

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue lies in this District and Division because Petitioner is confined in Youngstown, Ohio, within the Eastern Division of the Northern District of Ohio. 28 U.S.C. § 2241(a); *Rumsfeld v. Padilla*, 542 U.S. 426, 442–43 (2004). This Court's jurisdiction attaches upon the filing of this petition and is not defeated by Petitioner's subsequent transfer. *See Ex parte Endo*, 323 U.S. 283, 304–07 (1944); *Padilla*, 542 U.S. at 440–41

PARTIES

12. Petitioner is a citizen and national of Nigeria who is detained by ICE at the Mahoning County Jail in Youngstown, Ohio. She is under custody and direct control of Respondents and their agents.

13. Respondent Robert Lynch is the ICE Detroit Field Office Director for the Michigan and Ohio area, U.S. Immigration and Customs Enforcement and Enforcement of Removal Operations (ERO); which has jurisdiction over ICE detention facilities in Youngstown, Ohio. He exercises authority over Petitioner's detention and is sued in his official capacity.

14. Respondent David J. Venturella is the Acting Director of ICE and is sued in his official capacity. He is a legal custodian of Petitioner because ICE has physical custody of Petitioner through a contract detention facility and is responsible for the enforcement decisions and policies challenged herein.

15. Respondent Markwayne Mullin is sued in his official capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Mullin is Petitioner's ultimate legal custodian.

16. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States.

17. Respondent Daren Margolin is the Director of the Executive Office for Immigration Review (EOIR). He has ultimate responsibility for overseeing the operation of the immigration courts and the BIA, including the conduct of bond hearings. Director Margolin is sued in his official capacity.

STATEMENT OF FACTS

18. Petitioner, Ifeoma Ada Chinweoke Ojukwu, is a native and citizen of Nigeria. She entered the United States in 1999, approximately 27 years ago.

19. On September 23, 2013, Immigration Court granted Petitioner Withholding of Removal to Nigeria pursuant to INA Section 241(b)(3); 8 USC 1231(b)(3) while denying her asylum and CAT withholding. Both parties waived appeal, and the order became administratively final that day. 8 C.F.R. § 1241.1(b). *See* Exhibit 2, Order of Immigration Judge.

20. In or about October 2013, approximately one month after the grant of withholding, ICE contacted Petitioner and directed her to report to ICE periodically. On information and belief, ICE placed Petitioner under an order of supervision pursuant to 8 U.S.C. § 1231(a)(3) and 8 C.F.R. § 241.5. Petitioner was never taken into ICE custody at any time before September 21, 2026.

21. For approximately thirteen years, Petitioner complied with every condition of her supervision, including reporting to ICE as directed. She has held employment authorization under 8 C.F.R. § 274a.12(a)(10).

22. She is married to a U.S. citizen spouse and is the mother of U.S. citizen children. She has established community and family ties in the United States for the past 27 years.

23. On September 14, 2026, ICE served Petitioner with Form G-56 directing her to report on September 21, 2026, at 9:00 a.m. to ICE's Brooklyn Heights office for "Case Review and Interview." *See* Exhibit 3, ICE Check-In Letter.

24. On September 21, 2026, Petitioner appeared as scheduled for a check-in at ICE office located at 925 Keynote Circle, Brooklyn Heights, OH 44131. ICE officers took her into custody at that appointment.

25. On information and belief, Respondents did not provide Petitioner with written notice of the reasons for revoking her release, did not conduct an informal interview, did not give her an opportunity to respond, and did not identify any violation of her conditions of supervision or any changed circumstances.

26. On information and belief, Respondents intended to remove her to a third country other than Nigeria.

27. Petitioner is currently and remains in the custody of U.S. Immigration and Customs Enforcement (ICE) at the Mahoning County Jail, 110 Fifth Ave. Youngstown, Ohio 44503, where she has remained in ICE custody since September 21, 2026.

28. Petitioner's family confirmed her location through Petitioner's phone call from Mahoning County Jail. Since her arrest, Petitioner has remained in immigration custody.

29. On information and belief, ICE routinely transfers detainees held in Ohio to facilities in other districts and states, often without advance notice to counsel, and

since 2025 DHS has sought to remove individuals granted withholding of removal to third countries with which they have no connection.

30. Upon information and belief, Petitioner has not received an individualized bond hearing before an immigration judge at which the necessity of her continued detention has been meaningfully reviewed.

31. Petitioner's continued detention substantially restrains her liberty and separates her from her family.

LEGAL BACKGROUND AND ARGUMENT

A. Detention After a Final Order of Removal

32. When a removal order becomes administratively final, the government has a 90-day "removal period" in which to remove the noncitizen. 8 U.S.C. § 1231(a)(1)(A)–(B). Detention is mandatory only during that period. *Id.* § 1231(a)(2). Petitioner's removal period began when her order became final in 2013 and expired more than a decade ago.

33. After the removal period, the government may continue detention under 8 U.S.C. § 1231(a)(6) or release the noncitizen under supervision under § 1231(a)(3). The Supreme Court has construed § 1231(a)(6) to authorize detention only for a period reasonably necessary to bring about removal, and not where removal is not reasonably foreseeable. *Zadvydas*, 533 U.S. at 689, 699–700; *see also Clark v. Martinez*, 543 U.S. 371, 377–78 (2005). Once the noncitizen provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the government must respond with evidence sufficient to rebut that showing. *Zadvydas*, 533 U.S. at 701.

34. Detention of a noncitizen who holds a final order of removal and a grant or claim of withholding is governed by § 1231, not 8 U.S.C. § 1226. *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021). Although § 1231(a)(6) does not itself require a bond hearing, the Supreme Court has left open whether the Constitution does. *Johnson v. Arteaga-Martinez*, 596 U.S. 573 (2022).

B. Withholding of Removal and Protection Against Third-Country Removal

35. A grant of withholding of removal prohibits the government from removing the noncitizen to the country where her life or freedom would be threatened. 8 U.S.C. § 1231(b)(3)(A). Removal to any other country is governed by 8 U.S.C. § 1231(b)(1)–(2) and remains subject to § 1231(b)(3) and to the Convention Against Torture as implemented by the Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"), Pub. L. No. 105-277, div. G, § 2242, 112 Stat. 2681-822 (codified at 8 U.S.C. § 1231 note), and 8 C.F.R. §§ 208.16–208.18 and 1208.16–1208.18.

36. Due process requires that a noncitizen facing removal to a country not designated in her removal order receive notice of the proposed country and a meaningful opportunity to present a claim for protection with respect to that country before removal.

C. Regulatory Limits on Revocation of Release

37. ICE's regulations prescribe how release under an order of supervision may be revoked. Under 8 C.F.R. § 241.4(l)(1), upon revocation the noncitizen must be notified of the reasons for revocation and must be afforded a prompt initial informal interview after her return to custody at which she may respond to those

reasons. Section 241.4(l)(2) limits the officials who may revoke release and the grounds on which they may do so.

38. Where release was granted based on a determination that there is no significant likelihood of removal in the reasonably foreseeable future, ICE may revoke release only if, on account of changed circumstances, it determines that there is a significant likelihood that the noncitizen may be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2). The noncitizen must be notified of the reasons for revocation and given an initial informal interview and an opportunity to submit evidence in response. *Id.* § 241.13(i)(3).

39. An agency must follow its own regulations, particularly where those regulations protect individual liberty. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954).

40. Independently, conditional liberty that the government has permitted a person to enjoy is a protected liberty interest, and it may not be revoked without notice and a meaningful opportunity to be heard. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

COUNT I

Unlawful Revocation of Release in Violation of 8 C.F.R. § 241.4(l) (Habeas Corpus, 28 U.S.C. § 2241; *Accardi* Doctrine

41. Petitioner realleges and incorporates by reference all preceding paragraphs.

42. Upon the expiration of her removal period, Petitioner became subject to supervision by operation of 8 U.S.C. § 1231(a)(3), and in or about October 2013 ICE implemented that supervision by requiring her to report periodically. She complied for nearly thirteen years.

43. Respondents revoked Petitioner's release without providing notice of the reasons for revocation, without a prompt informal interview, and without an opportunity to respond, in violation of 8 C.F.R. § 241.4(l)(1).

44. Respondents have identified no violation of Petitioner's conditions of supervision and, upon information and belief, have not provided any individualized determination identifying the circumstances that allegedly make enforcement of the removal order presently practicable or otherwise establish that continued detention is warranted.

45. Because Respondents failed to follow their own binding regulations, Petitioner's detention is "in violation of the . . . laws . . . of the United States," 28 U.S.C. § 2241(c)(3), and the revocation is arbitrary, capricious, not in accordance with law, and without observance of procedure required by law, 5 U.S.C. § 706(2)(A), (D). The appropriate remedy is Petitioner's release under the terms of her prior order of supervision.

COUNT II
Detention in Violation of 8 U.S.C. § 1231(a)(6) as Construed in *Zadvydas v. Davis*

46. Petitioner realleges and incorporates by reference all preceding paragraphs.

47. Section 1231(a)(6) authorizes detention only for the period reasonably necessary to effect removal. *Zadvydas*, 533 U.S. at 699–700.

48. There is no significant likelihood of Petitioner's removal in the reasonably foreseeable future. Her removal to Nigeria is barred by the withholding grant, 8 U.S.C. § 1231(b)(3)(A); Respondents have identified no country to which Petitioner can presently be removed and have obtained no travel document permitting her removal.

49. Petitioner's removal period expired more than a decade ago. For nearly thirteen years Respondents themselves determined that her detention was unnecessary, and nothing about her circumstances has changed except that she was taken into custody while complying with her reporting obligations. Petitioner has lived in the United States for nearly 27 years, and her U.S. citizen husband and children live here.

50. Because Petitioner's detention is not reasonably related to effectuating removal, it exceeds Respondents' authority under § 1231(a)(6).

COUNT III
Violation of the Due Process Clause of the Fifth Amendment (Unlawful Detention)

51. Petitioner realleges and incorporates by reference all preceding paragraphs.

52. The Due Process Clause protects all persons within the United States, regardless of immigration status, and freedom from imprisonment lies at the core of the liberty it protects. *Zadvydas*, 533 U.S. at 690, 693.

53. Civil immigration detention is permissible only where it bears a reasonable relation to its purposes of ensuring appearance for removal and protecting the community, and only with adequate procedural protections. *Id.* at 690–91.

54. Respondents deprived Petitioner of her liberty after nearly thirteen years of compliant supervision without notice, without any opportunity to be heard, and without any individualized determination that she poses a danger or a flight risk. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

55. For nearly thirteen years, Respondents permitted Petitioner to live at liberty under conditions of supervision with which she fully complied. That conditional liberty is a protected liberty interest, and it may not be revoked without notice and a

meaningful opportunity to be heard. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

56. Petitioner's detention serves neither legitimate purpose. She cannot be removed to Nigeria, and no third country has been identified. Her nearly thirteen years of full compliance with supervision, her residence in the United States for nearly 27 years, and her U.S. citizen husband and children foreclose any finding that she poses a flight risk or a danger.

57. Petitioner's detention therefore violates the Due Process Clause. In the alternative to release, due process requires a prompt, individualized hearing before a neutral decisionmaker at which Respondents bear the burden of justifying continued detention.

COUNT IV
Violation of the Due Process Clause, 8 U.S.C. § 1231(b)(3), and FARRA (Threatened Removal to a Third Country Without Notice or Opportunity to Seek Protection)

58. Petitioner restates and realleges all paragraphs as if fully set forth here.

59. Petitioner may not be removed to any country where her life or freedom would be threatened on account of a protected ground, 8 U.S.C. § 1231(b)(3)(A), or where it is more likely than not that she would be tortured, FARRA § 2242(a); 8 C.F.R. §§ 208.16–208.18, 1208.16–1208.18.

60. Petitioner's withdrawal of her Convention Against Torture application in 2013 concerned only Nigeria. Protection from removal is country-specific, and she has never had the opportunity to seek protection with respect to any other country.

61. These protections are meaningless unless Petitioner receives notice of any country to which Respondents propose to remove her and a meaningful opportunity to

present a claim for protection with respect to that country through the procedures provided by law, including, where applicable, before an Immigration Judge.

62. Respondents' threatened removal of Petitioner to a third country without such notice and opportunity would violate the Due Process Clause, 8 U.S.C. § 1231(b)(3), and FARRA, and would cause irreparable harm, including permanent separation from her U.S. citizen husband and children.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

1. Assume jurisdiction over this matter;
2. Order Respondents to produce Petitioner before this Court and show cause why her continued detention is lawful and why the writ should not be granted, returnable within three days, pursuant to 28 U.S.C. § 2243;
3. Declare that Respondents' revocation of Petitioner's release and her continued detention violate 8 C.F.R. § 241.4(l), 8 U.S.C. § 1231(a)(6), and the Due Process Clause of the Fifth Amendment;
4. Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately under the terms of her prior order of supervision;
5. In the alternative, order Respondents to provide Petitioner, within seven days, an individualized hearing before a neutral decisionmaker at which Respondents bear the burden of demonstrating that continued detention is justified under § 1231(a)(6) and the Due Process Clause, including, to the extent constitutionally required, by clear and convincing evidence;

6. Enjoin Respondents from removing Petitioner to Nigeria or any third country unless Respondents first provide Petitioner and her counsel written notice of the designated country and a meaningful opportunity, of not less than 15 days, to move to reopen and present a claim for protection as to that country before an Immigration Judge, and, if she does so, from removing her to that country until the claim is finally adjudicated;
7. Enjoin Respondents from transferring Petitioner in a manner that would frustrate this Court's jurisdiction while this petition is pending, or require Respondents to notify the Court promptly of Petitioner's current location if a transfer has already occurred;
8. Order Respondents to file with their return any order of supervision, notice of revocation, and reporting records concerning Petitioner;
9. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
10. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Margaret W. Wong
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Dated: September 22nd, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ifeoma Ada Chinweoke Ojukwu, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 22nd day of September, 2026.

/s/ Margaret W. Wong
Margaret W. Wong, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2026, a true and correct copy of the foregoing Writ of Habeas Corpus Petition was served via the Court's CM/ECF system, as required by 28 U.S.C. § 2243 and the Federal Rules of Civil Procedure.

Respectfully submitted,

/s /Margaret W. Wong
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Attorney for the Petitioner

INDEX OF EXHIBITS

Exhibit 1	Inmate Information at Mahoning County Jail
Exhibit 2	Order of the Immigration Judge, dated September 23, 2013
Exhibit 3	ICE Form G-56 Check-In Notice, dated September 14, 2026