

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

OSCAR DIAZ JUAN,

Petitioner,

v.

TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,

KRISTI NOEM, Secretary, United States
Department of Homeland Security;

DAREN K. MARGOLIN, Director
Executive Office for Immigration Review

**EMERGENCY EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER**

Case No.: 1:25-CV-00911 DRC CMV

**EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER
AND TO PROTECT HABEAS JURISDICTION**

Petitioner moves for an emergency ex parte Temporary Restraining Order to halt Respondents' ongoing interference with this Court's habeas jurisdiction and to remedy Petitioner's continued unlawful detention.

After receiving notice of this pending § 2241 action, Respondents transferred Petitioner 388 miles out of this District, cancelled his December 30, 2025 immigration court hearing, and severely impaired his access to counsel and family days before Christmas. This transfer occurred after service by fax on the United States Attorney's Office for the Southern District of Ohio and while emergency relief was pending. (See Attached A, I-830 noting transfer effective 12/19/2025,

and Attached B, Showing Pending Court dates have been cancelled, and prior Court Schedule Order for December 30, 2025.)

Absent immediate Court intervention, Respondents' actions will continue to frustrate judicial review and perpetuate irreparable constitutional harm.

JURISDICTION AND AUTHORITY

This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, 28 U.S.C. § 1651(a) (All Writs Act), and Article I, § 9 of the Constitution.

Jurisdiction attached at filing when Petitioner was detained at the Butler County Jail in Hamilton, Ohio, within this District. Respondents' post-filing transfer does not divest jurisdiction. *Ex parte Endo*, 323 U.S. 283, 304–07 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004); *Hamama v. Adducci*, 912 F.3d 869, 874 (6th Cir. 2018).

EMERGENCY FACTS

The § 2241 Petition was filed on December 10, 2025.

Copies of the pleadings were faxed to the U.S. Attorney's Offices in Columbus and Cleveland on December 11, 2025. Certified mail copies were sent to all Defendants on that date. Counsel for Petitioner has not yet received the return mail receipt cards.

Petitioner was detained at Butler County Jail at filing.

After notice of this action, Respondents transferred Petitioner to North Lake Correctional Facility in Baldwin, Michigan. The transfer places Petitioner 388 miles from Petitioner's family and home.

Petitioner's December 30, 2025 Immigration Court hearing was cancelled as a direct result.

Petitioner remains detained under a mandatory detention policy already vacated by federal

courts nationwide.

EX PARTE RELIEF IS WARRANTED (RULE 65(b))

A. Immediate and Irreparable Harm

Unlawful detention constitutes irreparable injury as a matter of law. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Here, harm is compounded by:

Forced separation from family days before Christmas;

Cancellation of a scheduled court hearing;

Impaired access to counsel; and

Continued detention without lawful authority.

B. Notice Would Be Impracticable

Respondents have already acted after notice to undermine this Court's jurisdiction. Requiring further notice would invite additional evasive transfers and further prejudice Petitioner.

Defendants have been served via certified mail. Counsel for Petitioner is currently waiting for the returned, certified mail receipts. These applications were also faxed by Counsel to the Office of the United States Attorney at both Columbus and Cincinnati, on December 11, 2025.

Counsel certifies that notice has been provided to the U.S. Attorney's Office and that ex parte relief is necessary to prevent further irreparable harm.

ALL WRITS ACT — PROTECTING JURISDICTION

Under 28 U.S.C. § 1651(a), this Court may issue orders necessary to preserve its jurisdiction. *United States v. New York Tel. Co.*, 434 U.S. 159, 172–73 (1977).

Respondents' post-notice transfer interferes with this Court's ability to grant effective habeas relief and must be enjoined.

RELIEF REQUESTED

Petitioner respectfully requests that the Court immediately:

Order Petitioner's immediate release, or alternatively,

Order Respondents to return Petitioner to the Southern District of Ohio, and maintain current Immigration Court dates.

Enjoin Respondents from any further transfer absent Court approval,

Order Respondents to restore and conduct Petitioner's custody hearing, and

Warn Respondents that noncompliance may result in contempt proceedings.

Respectfully submitted,



Robert A. Ratliff
Brennan, Manna and Diamond, LLC
200 Public Square, Suite 1850
Cleveland, OH 44114
(216) 658-2323

777-7188

CERTIFICATE OF SERVICE

I hereby certify that on this, the 19th day of December 2025, I have caused to be served via email and first class, United States Mail a copy of this pleading with all exhibits to the United States Attorney's office for the Southern District of Ohio on behalf of the following Respondents,

EOIR Director
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

USCIS Director
5900 Capital Gateway Drive,
Camp Springs, MD 20588-0009

Secretary, DHS
Office of General Counsel, DHS
2707 MLK, Jr. Ave SE
Washington, DC 20528-0485

United States Attorney General
USDOJ
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

United States Attorney, SD OH
303 Marconi Blvd.
Columbus, OH 43215

Signed: _____



Robert A. Ratliff
Brennan, Manna and Diamond, LLC
200 Public Square, Suite 1850
Cleveland, OH 44114
(216) 658-2323

777-7188

EXHIBIT A

Uploaded on: 12/19/2025 at 01:26:51 PM (Eastern Standard Time) Base City: CLE
 DEPARTMENT OF HOMELAND SECURITY
 U.S. Immigration and Customs Enforcement

NOTICE TO EOIR: ALIEN ADDRESS

Date: 12/19/2025

To: Enter Name of BIA or Immigration Court I-830 EOIR Cleveland
 Enter BIA or Immigration Court Three Letter Code@usdoj.gov CLE

From: Enter Name of ICE Office CLM- Westerville, OH DOCKET CONTROL OFFICE
 Enter Street Address of ICE Office ICE ERO Westerville 675 Brooksedge BLVD
 Enter City, State and Zip Code of ICE Office Westerville, OH 43081

Respondent: Enter Respondent's Name Diaz-Juan, Oscar
 Alien File No: Enter Respondent's Alien Number [REDACTED]

This is to notify you that this respondent is:

☐ Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

Enter Name of Institution where Respondent is being detained _____

Enter Street Address of Institution where Respondent is being detained _____

Enter City, State and Zip code of Institution where Respondent is being detained _____

Enter Respondent's Inmate Number _____

His/her anticipated release date is Enter Respondent's Anticipated Release Date. _____

☒ Detained by ICE on Enter Date Respondent was Detained by ICE at: 12/19/2025

Enter Name of ICE Detention Facility where Respondent is being detained North Lake

Enter Street Address of ICE Detention Facility where Respondent is being detained 1805 W 32nd St

Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained Baldwin, MI 49304

☐ Detained by ICE and transferred on Enter Date Respondent was transferred to: _____

Enter Name of ICE Detention Facility where Respondent has been transferred _____

Enter Street Address of ICE Detention Facility where Respondent has been transferred _____

Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred _____

☐ Released from ICE custody on the following condition(s):

- ☐ Order of Supervision or Own Recognizance (Form I-220A)
- ☐ Bond in the amount of Enter Dollar Amount of Respondent's Bond
- ☐ Removed, Deported, or Excluded
- ☐ Other _____

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:

Enter Respondent's Street Address _____

Enter Respondent's City, State and Zip Code _____

Enter Respondent's Telephone Number (including area code) _____

☐ I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title Danielle Nicol - ERA

EOIR - 1 of 1

EXHIBIT B

Court Information

Removal Charging Doc. Date: 10/15/2025 [Case Pending](#)

Bond Charging Doc. Date: 10/15/2025
Bond Request Date: 11/21/2025 [Case Completed](#)

End of list. Please file a Form EOIR-27 or EOIR-28 using "Appearance" link in the header to view additional cases.

Case Type: Removal

Charging Doc. Date: 10/15/2025

Alien Name: DIAZ-JUAN, OSCAR

Hearing Location: -- NA --

Next Case Hearing: -- NA --

Hearing Medium: -- NA --

Immigration Court: 477 MICHIGAN AVENUE, SUITE 440, DETROIT, MI 48226

U -- NA --

Decision Date:

U This case is pending.
Decision:

Court Actions

eROP Documents

Document Filters

☒ View All ☐ Filter at the Court ☐ Filter at the BIA

Actions	Document Type	Filed Date	Filed At	Filed By	Document Status
	I-830, Notice to EOIR: Alien Address	12/19/2025	Court	DHS	Accepted
	CASE Notice	12/16/2025	Court	OCU	Accepted
	CASE Notice	12/09/2025	Court	OCU	Accepted
	Order- Motion to Terminate (MT)	12/09/2025	Court	OCU	Accepted
	Order- Motion Order Generic (MOG)	12/09/2025	Court	OCU	Accepted
	Order- Motion Order Generic (MOG)	12/09/2025	Court	OCU	Accepted
	Written Decision- Motion	12/09/2025	Court	OCU	Accepted
	Order- Motion Order Generic (MOG)	12/09/2025	Court	OCU	Accepted
	Reply to Motion	12/05/2025	Court	Respondent Rep	Accepted
	Reply to Motion	12/05/2025	Court	Respondent Rep	Accepted

Total Count: 25

« Previous 2 3 Next »

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

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Dec 16, 2025
EAD Clock:

TO: Brennan, Manna and Diamond, LLC
Ratliff, Robert A
200 Public Square
Suite 1850
Cleveland, OH 44114

RE: [REDACTED] DIAZ-JUAN, OSCAR

Notice of Internet-Based Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Your hearing is not in person. You will access
your hearing by using the web page below.
URL: <https://eoir.webex.com/meet/IJ.Riedthaler-Williams>

Date: Dec 30, 2025
Time: 08:00 A.M. ET
Court Address: 801 W. SUPERIOR AVE, STE13-100, CLEVELAND, OH 44113

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]

TO: ☐ Noncitizen | ☐ Noncitizen c/o Custodial Officer |

☐ Noncitizen ATT/REP | ☐ DHS

DATE: 12/16/2025 BY: COURT STAFF MD

Attachments: ☐ EOIR-33 ☐ Appeal Packet ☐ Legal Services List ☐ Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਓਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੇਜ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পজের কোডটি স্ক্যান করলে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entelijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

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