IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTINE MARTINEZ,	
Petitioner,	Case No. 1:25-cv-00943
v.	District Judge Douglas R. Cole
BUTLER COUNTY SHERIFF, *et al.*,	Magistrate Judge Caroline H. Gentry
Respondents.	

RETURN OF WRIT

Petitioner, Christine Martinez, is lawfully detained pursuant to 8 U.S.C § 1231(a). Petitioner is (1) challenging the adequacy of the medical care she is receiving while in detention; and (2) claiming that Respondents lacked authority to detain her after the alleged unlawful initial detention in Montgomery County, Ohio. This Court cannot enjoin action taken to remove Petitioner from the United States. As such, this Court should deny and dismiss the Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. (Petition, ECF 1.) Petitioner claims are not available pursuant to a § 2241 habeas petition, Petitioner was lawfully arrested and detained, Petitioner raised no issues subject to judicial review, pled no facts inconsistent with the Fourth Amendment, and this Court cannot interfere with her removal order. Therefore, this Court should dismiss the petition under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and 12(b)(6) for failure to state a claim upon which relief can be granted.

I. FACTUAL BACKGROUND

Petitioner, Christine Carolyna Maria Martinez, *Pro se* ("Petitioner" or "Martinez"), brings this action as a petition for habeas corpus under 28 U.S.C. § 2241. (Petition, ECF 1, PageID 1.) She is a 34-year old native and citizen of Canada. (Notice to Appear ("NTA"), Ex. A, at 1, ¶2; DHS Evidence, I-213, Ex. B, at 4.) She was admitted to the United States at Port Huron, Blue Water Bridge, on or about July 6, 2024, as a nonimmigrant Visitor For Pleasure, with authorization to remain in the United States temporarily until September 29, 2024. (NTA, Ex. A, at 1, ¶3.)

On August 13, 2025, Petitioner was arrested in Miamisburg, Ohio for Obstructing Official Business. DHS Evidence, I-213, Ex. B, at 6.) Those charges were dismissed on September 17, 2025. (*Id.*) After her release from the Montgomery County, Ohio Jail, she was arrested by ICE on a Warrant for Arrest of Alien. (I-200 Warrant for Arrest of Alien, Ex. C.)

Petitioner was issued a Notice to Appear on September 18, 2025 for remaining in the United States beyond September 29, 2024, without authorization. (NTA, Ex. A, at 1, ¶3.)

Since September 18, 2025, Petitioner has been in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Butler County Correctional Complex. (Petition, ECF 1, PageID 4.) She has been detained for about four months. (*Id.*)

On October 31, 2025, a custody redetermination hearing was held where Ms. Martinez was denied release on bond by the Immigration Judge because it was determined that she was a flight risk and a danger to the community. (Order Denying Bond, Ex. D, at 1.) The appeal deadline for the bond denial was December 1, 2025. (*Id.* at 2.)

On November 25, 2025, she was ordered removed from the United States to Canada. (Removal Order, Ex. E, at 3.) The appeal deadline for the removal order was December 26, 2025. (*Id.* at 4.) Thus, Petitioner is detained pursuant to 8 U.S.C. § 1231(a).

Other than Petitioner's own unsubstantiated verbal representation to this Court pursuant to the parties' January 2, 2026 telephone conference, there is no evidence that Petitioner appealed either the bond order or her removal order. The U.S. Mail at Butler County Correctional Complex is not tracked or recorded in the ordinary course of business. (Letter and Affidavit, ECF 10, PageID 44-46.)

This Petition was filed on December 17, 2025, and requests immediate release from custody for the medical treatment of osteomyelitis, a serious bone infection, in Petitioner's hand. (Petition, ECF 1, PageID 1, 4, 11, 19.) Petitioner claims that she is in custody in violation of the Fourth Amendment to the United States Constitution and laws prohibiting false imprisonment. (*Id.* at PageID 2, ¶4.) She seeks relief under the habeas corpus statute, 28 U.S.C. § 2241 et. seq. (*Id.* at ¶¶1, 19.)

II. LEGAL AND STATUTORY BACKGROUND

"The Immigration and Nationality Act (INA) establishes procedures for removing aliens living unlawfully in the United States." *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). "If the immigration judge decides that the alien is inadmissible or deportable and that the alien is not entitled to any of the relief or protection that he requested, the immigration judge will issue an order of removal." *Id.* at 528 (citing 8 U.S.C. § 1229a(c)(5)).

The INA provides a statutory scheme for the civil detention of aliens pending a decision during removal proceedings as well as once a final order of removal has been entered. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. The time and circumstances of entry, as well as the stage of the removal process, determines where an alien falls within this scheme and whether detention of the alien is discretionary or mandatory.

The statute referring to a 90-day removal period, 8 U.S.C. § 1231(a)(1)(A), holds: "Except as otherwise provided in this section, when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the 'removal period')." *Martinez v. Larose*, 968 F.3d 555, 559 (6th Cir. 2020).

"The removal period is defined as beginning on the latest of three events: (1) "[t]he date the order of removal becomes administratively final"; (2) "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order"; or (3) "[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement." *Id.* at 559–60 (citing 8 U.S.C. § 1231(a)(1)(B)).

Regarding detaining an alien beyond the 90-day period, 8 U.S.C. § 1231(a)(6) states:

> An alien ordered removed who is inadmissible under section 1182 of this title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in paragraph (3).

"§ 1231(a)(3) allows for supervised release after the 90-day removal period expires '[i]f the alien does not leave or is not removed' during that time period." *Johnson v. Guzman Chavez*, 594 U.S. 523, 538 (2021).

Once the 90-day removal period has elapsed, the alien becomes subject to 8 U.S.C. § 1231(a)(6) which makes detention discretionary. *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 639 (D. Mass. 2018). "Continued detention under this provision creates the 'post-removal-period.'" *Id.* "[I]n enacting § 1231, Congress and the President anticipated that not all aliens ordered removed would be deported during the removal period. *See* § 1231(a)(3) (referring to 'an alien' who 'does not leave ... within the removal period')." *Jimenez v. Cronen*, 317 F. Supp. 3d at 651. Thus, 8 U.S.C. § 1231 expressly anticipates detention beyond the 90-day removal period.

III. ARGUMENT

Ms. Martinez is lawfully detained pursuant to 8 U.S.C. § 1231(a). Habeas relief is not available for Petitioner's claims requesting release to obtain emergency medical care for a bone infection because it challenges the conditions of confinement. Petitioner was lawfully arrested by ICE pursuant to a Warrant of Arrest of Alien and ordered removed from the United States to Canada by an Immigration Judge. This Court has no authority to stay her removal for medical care. Thus, the Court should deny and dismiss her Petition.

IV. STANDARD OF REVIEW

This Court should begin its analysis with the threshold issue of "whether this the Court has subject matter jurisdiction." *See e.g., Zhen v. Doe,* Case No. 3:25-cv-01507, 2025 WL 2258586 (N.D. Ohio Aug. 7, 2025) (citing *Karki v. Jones,* Case No. 1:25-cv-281, 2025 WL 1638070, at *3 (S.D. Ohio June 9, 2025) ("The fundamental question of subject matter jurisdiction must precede any analysis of the merits on this matter.").

The jurisdiction of the federal courts is presumptively limited. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Federal courts are courts with limited jurisdiction and may only hear cases that are "authorized by Constitution and statute." *Id.* If at any time, the court determines that it lacks subject-matter jurisdiction, that court must dismiss the action in front of them. *Mich. Emp't Sec. Comm'n v. Wolverine Radio Co.*, 930 F.2d 1132 (6th Cir. 1991).

The requirement that a plaintiff establish subject-matter jurisdiction "as a threshold matter 'spring[s] from the nature and limits of the judicial power of the United States' and is 'inflexible and without exception.'" *Steel Co. v. Citizens for a Better Env't,* 523 U.S. 83, 95 (1998) (some internal quotation marks omitted).

A motion under Fed. R. Civ. P. 12(b)(1) can raise facial or factual attacks. *W6 Rest. Grp., Ltd v. Loeffler,* 140 F.4th 344, 349 (6th Cir. 2025). Regardless of which attack is used, the plaintiff bears the burden of persuading the Court that subject matter jurisdiction exists. *Dismas Charities, Inc. v. U.S. Dep't of Justice*, 401 F.3d 666, 671 (6th Cir. 2005).

A motion to dismiss for failure to state a claim under Rule 12(b)(6) tests whether that plaintiff has pleaded a cognizable claim in his or her complaint. "To survive a motion to dismiss under Rule 12(b)(6), a complaint must contain either direct or inferential allegations respecting all the material elements to sustain a recovery under some viable legal theory." *Advocacy Org. for Patients & Providers v. Auto Club Ins. Ass'n*, 176 F.3d 315, 319 (6th Cir. 1999) (internal quotation omitted).

A court should dismiss a claim under Rule 12(b)(6) when the plaintiff has failed to plead sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Braden v. Wal-Mart Stores, Inc.*, 588 F.3d 585, 594 (8th Cir. 2009) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). "A claim has facial plausibility when the plaintiff [has pleaded] factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678 (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)). A complaint need not contain detailed factual allegations but must raise a right to relief above the speculative level. *Twombly*, 550 U.S. at 555.

The Court should deny the Petition because this Court lacks subject-matter jurisdiction because 8 U.S.C. § 1252, et seq., precludes the review. Even if the Court has jurisdiction, Petitioners still fail to plead plausible claims for relief.

V. THIS COURT LACKS JURISDICTION

A. This Court Lacks Jurisdiction Pursuant to 8 U.S.C. § 1252

Petitioner is challenging her arrest and detention requesting release and a stay for medical treatment. The Court lacks jurisdiction to hear a challenge to Petitioner's removal under 8 U.S.C. § 1252. As such, this Court should deny the Petition and dismiss this action for lack of subject matter jurisdiction. In enacting the REAL ID Act, Congress limited the jurisdiction of federal courts through 8 U.S.C. § 1252(g) as follows:

> Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), *including section 2241 of title 28*, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or *execute removal orders* against any alien under this chapter.

8 U.S.C. § 1252(g) (emphasis added). "In the REAL ID Act, Congress decided that, as a matter of public policy, [federal courts] do not have jurisdiction to decide claims that arise from the decision of the Executive Branch to execute a removal order." *Rranxburgaj v. Wolf*, 825 F. App'x 278, 283 (6th Cir. 2020). This holds true "whether or not [federal courts] agree with ICE's decision to execute [a petitioner's] removal order." *Id.*

These types of claims are barred under 8 U.S.C. §1252(g). This statute bars claims arising from the three discrete actions identified in § 1252(g), including, as relevant here, the decision or action to "execute removal orders." Congress spoke clearly, emphatically, and repeatedly, providing that "no court" has jurisdiction over "any cause or claim" arising from the execution of removal orders, "notwithstanding any other provision of law," whether "statutory or nonstatutory," including habeas, mandamus, or the All Writs Act. 8 U.S.C. § 1252(g). Accordingly, by its terms, this jurisdiction-stripping provision precludes habeas review under 28 U.S.C. § 2241 (as well as review pursuant to the All Writs Act and Administrative Procedure Act) of claims arising from a decision or action to "execute" a final order of removal. *See Reno v. American-Arab Anti-Discrimination Comm. ("AADC")*, 525 U.S. 471, 482 (1999).

The Sixth Circuit and including other Courts of Appeals have consistently held that similar petitioners' challenges to removal are barred by § 1252(g). *Hamama v. Adducci*, 912 F.3d 869, 874–77 (6th Cir. 2018) (vacating district court's injunction staying removal, concluding that § 1252(g) stripped district court of jurisdiction over removal-based claims and remanding with instructions to dismiss those claims); *see also Rauda v. Jennings*, 55 F.4th 773, 778 (9th Cir. 2022); *Camarena v. Dir., ICE*, 988 F.3d 1268, 1274 (11th Cir. 2021) ("[W]e do not have jurisdiction to consider 'any' cause or claim brought by an alien arising from the government's decision to execute a removal order. If we held otherwise, any petitioner could frame his or her claim as an attack on the government's authority to execute a removal order rather than its execution of a removal order."); *E.F.L. v. Prim*, 986 F.3d 959, 964-65 (7th Cir. 2021) (rejecting the argument that jurisdiction remained in similar circumstances because petitioner was challenging, DHS's legal authority as opposed to its "discretionary decisions"); *Tazu v. Att'y Gen., U.S.*, 975 F.3d 292, 297 (3d Cir. 2020) (observing that "the discretion to decide *whether* to execute a removal order includes the discretion to decide *when* to do it" and that "[b]oth are covered by the statute") (emphasis in original); *Silva v. United States*, 866 F.3d 938, 941 (8th Cir. 2017) (Section 1252(g) applies to constitutional claims arising from the execution of a final order of removal, and language barring "any cause or claim" made it "unnecessary for Congress to enumerate every possible cause or claim").

8 U.S.C. § 1252(g) therefore limits jurisdiction as it relates to claims arising from such execution of removal orders—even if federal question jurisdiction would otherwise be proper. *See Elgharib v. Napolitano,* 600 F.3d 597, 607 (6th Cir. 2010). By its terms, this statutory limitation also applies to habeas relief under 28 U.S.C. § 2241, which would typically provide jurisdiction over cases where an alien is held in custody in violation of the Constitution or the laws of the United States. *Zadvydas v. Davis,* 533 U.S. 678, 687 (2001).

As a result, this Court lacks jurisdiction to release Petitioner and stay her removal order for medical treatment in the United States.

B. Sections 1252(a)(5) and (b)(9) Bar Review of Petitioners' Claims.

This Court also lacks jurisdiction over Petitioners' claims concerning removal orders issued under section 1229a given 8 U.S.C. § 1252(a)(5) and (b)(9). Section 1252(b)(9) provides:

> Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of Title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9). Section 1252(a)(5) provides that [n]otwithstanding any other provision of law (statutory or nonstatutory) . . . or any other habeas corpus provision . . . a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal . . ."

In relation to section 1252(a)(9), the Sixth Circuit has explained that district courts "are prohibited from reviewing and vacating a removal order." *Hamdi v. Napolitano*, 620 F.3d 615 F.3d 615, 625 (6th Cir. 2010); *see also Lopez-Meija v. Lynch*, Case No. 1:16-cv-549, 2017 WL 25501, *5 (S.D. Ohio Jan. 3, 2017). In fact, the First Circuit has noted that § 1252(b)(9)'s "expanse is breathtaking." *Aguilar v. U.S. Immigration & Customs Enf't Div. of the Dep't of Homeland Sec.*, 510 F.3d 1, 9-12 (1st Cir. 2007).

Petitioner could have appealed her removal order pursuant to the administrative process, 8 U.S.C. § 1229a(c)(7); 8 C.F.R. § 1003.2(c), or seek an emergency stay of removal as a part of the administrative process. *See generally* 8 C.F.R. § 1003.2(f), 1003.23(b)(v). However, there is no evidence of an appeal or motion to stay. Because Petitioner requested relief arises from and "action taken . . . brought to remove" Petitioner "from the United States" and is a petition for habeas corpus, this court lacks jurisdiction. § 1252(b)(9).

Thus, to obtain habeas relief, Petitioner must show that she is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *see also Dickerson v. United States*, 530 U.S. 428, 439, n.3 (2000) ("Habeas corpus proceedings are available only for claims that a person 'is in custody in violation of the Constitution or laws or treaties of the United States.'" (quoting 28 U.S.C. § 2254(a)). Petitioner cannot meet this burden.

Therefore, this Court lacks jurisdiction to consider Petitioner's challenge to her arrest and detention, request for release for medical treatment, and stay her pending removal order.

VI. PETITIONER'S ARREST AND DETENTION PENDING REMOVAL IS LAWFUL.

There is no question that ICE has authority to detain Petitioner during the removal process. "Detention during removal proceedings is a constitutionally permissible part of [the removal] process." *Demore v. Kim*, 538 U.S. 510, 531 (2003); Moreover, Petitioner's four-month detention is too short to make a valid claim under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Amidst the parties' January 2, 2026 telephone conference with this Court, Petitioner alluded to suspicion of ICE's ability to detain her claiming unlawful arrest and detention on criminal charges by the Montgomery Couty Jail. This Court made the logical connection between Petitioner's allusion and the legal theory applied to suppression of evidence – fruit of an unlawful arrest. However, neither Petitioner's identity nor her immigration status are subject to suppression.

It is well established that "[t]he 'body' or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest." *JNS v. Lepez-Mendoza,* 468 U.S. 1032, 1039 (1984). This is true even where, *unlike* here, the government has effected an unlawful arrest. *Id.; see also United*

States v. Del Toro Gudino, 376 F.3d 997, 1001 (9th Cir. 2004) ("[w]e continue to hold today that the simple fact of who a defendant is cannot be excluded, regardless of the nature of the violation leading to his identity"); *United States v. Garcia-Beltran,* 389 F.3d 864, 867 (9th Cir. 2004) (fingerprints taken for the purpose of identification, rather than to establish criminal activity, are not subject to suppression); *United States v. Guzman-Bruno,* 27 F.3d 420,422 (9th Cir. 1994) (neither identity nor records of criminal and immigration history may be suppressed based on an illegal arrest).

Since identity is never suppressible as the fruit of an unlawful arrest, the exclusionary claim that ICE could not arrest her after she was released from the Montgomery County Jail is without merit. She was lawfully arrested pursuant to a Warrant for Arrest of Alien and placed in removal proceedings because her authorization to be in the United States as a nonimmigrant Visitor for Pleasure expired in September 2024. (NTA, Ex. A; Warrant for Arrest of Alien, Ex. C.) Now, because an Immigration Judge ordered her removed from the United States to Canada, she is lawfully detained pending removal pursuant to 8 U.S.C. § 1231(a). (Removal Order, Ex. E, at 3.)

VI. PETITIONER'S CLAIM FOR EMERGENCY RELEASE FOR MEDICAL CARE IS NOT AVAILABLE IN A § 2241 HABEAS PETITION

Petitioner's claim for "immediate release, pending emergency medical stay for her to obtain proper emergency care" challenges the conditions of confinement, which is not available in a § 2241 habeas petition. (Petition, ECF 1, PageID 19.) *See Wilson* *v. Williams*, 961 F.3d 829, 837-38 (6th Cir. 2020); *see also Martin v. Overton*, 391 F.3d 710, 712-14 (6th Cir. 2004).

In *Martin v. Overton*, the Sixth Circuit determined that a claim seeking "transfer to a difference prison facility for the purpose of medical treatment," asserting a violations of laws or the United States Constitution by state officials is properly brought pursuant to 42 U.S.C. 1983. *Martin v. Overton*, 391 F.3d 710, 712-13, 714 (6th Cir. 2004)); *see also Fox v. Warden, Ross Correctional Institution*, No. 2:12-cv-476, 2012 WL 3878143 (S.D. Ohio Sept. 6, 2012), report and recommendation adopted, 2012 WL 5198362 (Oct. 19, 2012) (§ 2241 habeas petition dismissed because petitioner seeking relocation or release for medical treatment challenges conditions of confinement).

Indeed, a claim regarding medical care by one in federal custody, is a challenge regarding the conditions of confinement, and must be raised in a civil rights action, such as one under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971); *Preiser v. Rodriguez*, 411 U.S. 475, 486-87 (1973); *see e.g., Navarro-Horta v. Warden, Mahoning County Justice Center*, 4:46-cv-0005, 2026 WL 31184, *1-*2 (N.D. Ohio Jan. 6, 2026) (slip copy) (dismissing § 2241 petition where petitioner sought order for immediate and adequate medical care or release from custody); *see also Patel v. Dept. Homeland Security*, 2025 WL 3765697 (E.D. Tenn. Dec. 30, 2025) (slip copy) (citing *Martin v. Overton*, 391 F.3d 710, 714 (6th Cir. 2004) (The "constitutional sufficiency of medical care is the type of 'condition of confinement' claim that is not cognizable on habeas review."); *Martinez v. Williams*, No. 4:21-cv-

245, 2022 WL 899542 (N.D. Ohio Mar. 28, 2022) (dismissing § 2241 petition regarding petitioner's claims alleging failure to properly treat various medical conditions); *Jones v. Williams*, No. 3:21-cv-01350, 2022 WL 2666610, at *3 (N.D. Ohio 2022) (citing *Martin*, 391 F.3d at 714) (Section 2241 not available to review questions unrelated to the cause of detention);

Here, the question for the Court is whether Petitioner's claims legally require her release. *See Pinson v. Carvajal*, 69 F.4th 1059, 1072 (9th Cir. 2023). The fact is, they do not. The respondent to a return of writ to a petition for a writ of habeas corpus, is required to certify "the true cause of detention." 28 U.S.C. § 2243.

The true cause of detention is that Petitioner was arrested, placed in removal proceedings, and ordered removed from the United States to Canada. (Removal Order, Ex. E, at 3.) As a result, Ms. Martinez is lawfully detained pursuant to 8 U.S.C. 1231(a), pending her removal to Canada. Ms. Martinez's request for release and stay of her removal order for medical treatment is not related to the cause of detention.

Petitioner cannot demonstrate that she "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). She has not brought claims that challenge the fact or extent of her confinement as required under §2241. *See Wilson v. Williams*, 961 F.3d 829, 837-38 (6th Cir. 2020). Indeed, she does not claim, and cannot demonstrate, that no set of conditions of confinement can accommodate her medical needs. *Id.* at 838 (citation omitted).

Petitioner has not alleged any facts to demonstrate that she has not, or will not, be provided with constitutional medical care. And, there is no allegation that she cannot receive medical care in Canada.

Ms. Martinez's request for relief, release for emergency medical care, is not available in a petition for habeas corpus under 28 U.S.C. § 2241. In fact, Petitioner's claims can be remedied by access to the appropriate medical care. Because the Petition challenges the conditions of her confinement in violation of her rights under the U.S. Constitution by the Respondents, Petitioner's claims should be brought pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

As a result, the Petition must be denied and dismissed.

VII. CONCLUSION

Petitioner's arrest and detention pending removal is lawful and her claims regarding her medical care are not available in habeas. This court has no jurisdiction to stay Petitioner's removal. Therefore, this Court must deny relief and dismiss the action.

Respectfully submitted,

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