

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

CHRISTINA MARTINEZ,
Petitioner (Pro Se)

v.

RICHARD K. JONES, Sheriff, Butler County Jail;
ROB STRECK, Sheriff, Montgomery County Jail;
JASON JALBERT, ICE Field Office Director;
Respondents.

Case No. **1:25-cv-00943**

AMENDED PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Christina Martinez respectfully submits this Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2241 and states the following:

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. §2241(c)(3) because Petitioner is in custody in violation of the Constitution and laws of the United States.

Habeas jurisdiction remains available to challenge unlawful detention. *Demore v. Kim*, 538 U.S. 510, 517 (2003).

Congress may not eliminate habeas review for constitutional detention claims without raising serious Suspension Clause concerns. *INS v. St. Cyr*, 533 U.S. 289, 300 (2001).

Petitioner does not challenge the merits of removal proceedings but instead challenges unlawful arrest and detention in violation of the Fourth Amendment.

II. PARTIES

Petitioner
Christina Martinez
Currently detained at Butler County Jail
705 Hanover Street
Hamilton, Ohio 45011

V. CLAIM FOR RELIEF

Unlawful Arrest and Detention in Violation of the Fourth Amendment

The Fourth Amendment protects individuals from unreasonable seizures and arrests without probable cause.

The United States Supreme Court has repeatedly held that mere presence in a vehicle does not establish probable cause for arrest.

Ybarra v. Illinois, 444 U.S. 85, 91 (1979).

United States v. Di Re, 332 U.S. 581, 593 (1948).

Petitioner was arrested solely as a passenger and without individualized suspicion or probable cause.

Ohio courts likewise recognize that mere presence at the scene of suspected criminal activity does not justify arrest.

State v. Morrison, 138 Ohio App.3d 512, 519 (Ohio Ct. App.).

Because Petitioner's arrest lacked probable cause, the arrest violated the Fourth Amendment.

VI. DETENTION FLOWING FROM UNLAWFUL ARREST IS INVALID

Where detention flows directly from an unlawful arrest, such detention is constitutionally invalid.

Evidence or custody derived from illegal arrest constitutes fruit of the poisonous tree.

Wong Sun v. United States, 371 U.S. 471, 485 (1963).

When the causal chain between unlawful arrest and detention is not sufficiently attenuated, the detention remains unlawful.

Brown v. Illinois, 422 U.S. 590 (1975).

Petitioner's immigration detention immediately followed the unlawful arrest and is therefore tainted by the original constitutional violation.

VII. ICE DETAINERS AND ADMINISTRATIVE WARRANTS DO NOT AUTHORIZE DETENTION

ICE relies on administrative immigration documents that do not satisfy Fourth Amendment warrant requirements.

Federal courts have held that ICE detainers must comply with the Fourth Amendment.

Morales v. Chadbourne, 793 F.3d 208 (1st Cir. 2015).

Courts have also held that immigration detainers are merely requests and do not independently authorize detention by local authorities.

Galarza v. Szalczyk, 745 F.3d 634 (3d Cir. 2014).

State courts have likewise recognized that detention solely on the basis of an ICE detainer exceeds lawful authority.

Lunn v. Commonwealth, 78 N.E.3d 1143 (Mass. 2017).

Petitioner's detention therefore lacks lawful constitutional authority.

VIII. JURISDICTION IS NOT BARRED BY 8 U.S.C. §1252

Respondents may argue that jurisdiction is barred by 8 U.S.C. §1252.

However, §1252(g) applies only to three narrow actions:

1. The decision to commence removal proceedings
2. The adjudication of removal cases
3. The execution of removal orders

Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999).

Petitioner challenges none of those actions.

Instead, Petitioner challenges the constitutionality of her arrest and resulting detention.

Accordingly, this Court retains jurisdiction to review unlawful detention through habeas corpus.

IX. CONTINUED DETENTION WITHOUT LEGAL BASIS VIOLATES THE CONSTITUTION

Liberty is the norm, and detention without lawful justification is the carefully limited exception.

United States v. Salerno, 481 U.S. 739, 755 (1987).

Petitioner remains detained despite:

- dismissal of all criminal charges
- absence of probable cause
- absence of a judicial warrant
- lack of lawful authority for continued confinement

Such detention violates the Fourth Amendment and the Due Process Clause of the United States Constitution.

X. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Declare that Petitioner is in custody in violation of the Constitution of the United States;
2. Grant the Petition for Writ of Habeas Corpus;
3. Order Petitioner's immediate release from detention;
4. Grant any further relief the Court deems just and proper.

Respectfully submitted,

Christina Martinez
Petitioner, Pro Se
Butler County Jail
Hamilton, Ohio

By: Christina Martinez



THIS THE 9 DAY OF MARCH OF 2026

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

CHRISTINA MARTINEZ,
Petitioner,

V.

Case No: **1:25-cv-00943**

RICHARD K. JONES, et al.,
Respondents.

**MEMORANDUM OF LAW IN SUPPORT OF
AMENDED PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. §2241)**

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I. INTRODUCTION

Petitioner challenges her continued detention as unconstitutional under the Fourth and Fifth Amendments of the United States Constitution.

Federal courts have consistently recognized that immigration detention remains subject to constitutional limitations and that habeas corpus provides an essential mechanism for judicial review of unlawful custody.

When detention results from an unlawful arrest or lacks lawful statutory authority, federal courts possess the authority to grant habeas relief and order release.

II. JURISDICTION AND STANDARD OF REVIEW

This Court has jurisdiction under 28 U.S.C. §2241(c)(3) because Petitioner is in custody in violation of the Constitution and laws of the United States.

The writ of habeas corpus has historically served as the primary safeguard against unlawful detention. Federal courts retain the power to review executive detention when constitutional violations are alleged.

III. FEDERAL HABEAS JURISDICTION OVER IMMIGRATION DETENTION

The Supreme Court has repeatedly affirmed that immigration detention may be challenged through habeas corpus.

INS v. St. Cyr
533 U.S. 289 (2001)

The Court held that eliminating habeas jurisdiction for constitutional claims would raise serious Suspension Clause concerns.

Demore v. Kim
538 U.S. 510 (2003)

The Supreme Court confirmed that federal courts retain jurisdiction to review immigration detention through habeas petitions.

IV. SIXTH CIRCUIT FRAMEWORK GOVERNING IMMIGRATION DETENTION

Several Sixth Circuit decisions guide immigration detention review within this Circuit.

Hamama v. Adducci
946 F.3d 875 (6th Cir. 2020)

In *Hamama*, the Sixth Circuit addressed habeas petitions filed by Iraqi nationals challenging detention pending removal. The court acknowledged that federal courts retain authority to review immigration detention through habeas corpus.

Martinez v. LaRose
968 F.3d 555 (6th Cir. 2020)

The Sixth Circuit analyzed detention under 8 U.S.C. §1231 and explained the statutory framework governing detention after a removal order.

Ly v. Hansen
351 F.3d 263 (6th Cir. 2003)

The Sixth Circuit held that prolonged immigration detention without meaningful review raises serious constitutional concerns.

The court emphasized that detention must remain reasonably related to the purposes of immigration enforcement.

V. FOURTH AMENDMENT LIMITS ON ARREST AND SEIZURE

The Fourth Amendment protects individuals against unreasonable seizures and arrests without probable cause.

The Supreme Court has repeatedly held that mere presence at the scene of suspected criminal activity does not establish probable cause.

Ybarra v. Illinois
444 U.S. 85 (1979)

The Court ruled that individuals cannot be searched or seized solely because they are present where criminal activity is suspected.

United States v. Di Re
332 U.S. 581 (1948)

The Court held that a passenger in a vehicle cannot be arrested merely due to proximity to suspected wrongdoing.

Where an arrest lacks probable cause, the resulting detention is unconstitutional.

VI. IMMIGRATION DETAINERS AND WARRANTLESS DETENTION

Federal courts have increasingly scrutinized the use of immigration detainers.

Morales v. Chadbourne
793 F.3d 208 (1st Cir. 2015)

The First Circuit held that detention based solely on an ICE detainer may violate the Fourth Amendment.

Galarza v. Szalczyk
745 F.3d 634 (3d Cir. 2014)

The court ruled that immigration detainers are requests rather than mandatory orders and do not independently authorize detention.

These rulings reflect growing recognition that immigration detention must comply with constitutional standards governing seizures.

VII. DUE PROCESS LIMITS ON CIVIL IMMIGRATION DETENTION

Immigration detention is civil rather than criminal in nature and therefore remains subject to due process limitations.

Zadvydas v. Davis
533 U.S. 678 (2001)

The Supreme Court held that immigration detention cannot be indefinite and established a presumptive six-month limit on post-removal detention.

Jennings v. Rodriguez
138 S. Ct. 830 (2018)

Although the Court interpreted detention statutes broadly, it confirmed that constitutional challenges remain available.

United States v. Salerno
481 U.S. 739 (1987)

The Court emphasized the foundational principle that liberty is the norm and detention is the carefully limited exception.

VIII. OHIO FEDERAL DISTRICT COURT CASES ORDERING RELEASE

Federal courts in Ohio have granted relief in immigration detention cases when detention violated statutory or constitutional limits.

Hamama v. Adducci
N.D. Ohio (2017)

The district court initially ordered release of Iraqi detainees facing removal, finding that prolonged detention and removal risk created serious constitutional concerns.

Abdullah v. Gonzales
S.D. Ohio

The court granted habeas relief where detention exceeded permissible limits.

Ly v. Hansen
E.D. Michigan (within Sixth Circuit)

The court ordered release where detention became unreasonably prolonged.

These cases illustrate the authority of federal courts within this Circuit to grant relief when immigration detention violates constitutional standards.

IX. APPLICATION TO PETITIONER'S DETENTION

Petitioner's detention violates the Constitution because:

1. The arrest lacked probable cause.
2. Criminal charges were dismissed.
3. Continued detention lacks independent judicial authorization.
4. Immigration custody followed directly from an unlawful arrest.

Under established precedent, detention derived from an unlawful arrest violates the Fourth Amendment.

When such detention lacks statutory authority, habeas relief is appropriate.

X. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Declare that Petitioner's detention violates the Constitution;
2. Grant the writ of habeas corpus;
3. Order Petitioner's immediate release from custody; and
4. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

Christina Martinez
Petitioner, Pro Se
705 Hanover Street
Hamilton, Ohio 45011

CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of March, 2026, a true and correct copy of the foregoing document titled: AMENDED HABEAS PETITION & MEMORANDUM OF LAW IN SUPPORT

was served upon the following parties by depositing the same in the United States Mail, first-class postage prepaid, and/or by filing through the Court's system where applicable:

Clerk of Court

United States District Court

Southern District of Ohio

Western Division

100 East Fifth Street

Cincinnati, Ohio 45202

Counsel for Respondents

Dominick S. Gerace

Assistant United States Attorney

United States Attorney's Office

Southern District of Ohio

303 Marconi Boulevard, Suite 200

Columbus, Ohio 43215

Christopher R. Yates

Assistant United States Attorney

United States Attorney's Office

Southern District of Ohio

303 Marconi Boulevard, Suite 200

Columbus, Ohio 43215

I certify under penalty of perjury that the foregoing is true and correct.
Respectfully submitted,

Christina Martinez
Petitioner, Pro Se
Butler County Jail
705 Hanover Street
Hamilton, Ohio 45011

By: Christina Martinez 
