

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

CHRISTINE MARTINEZ,	:	CASE NO.: 1:25-cv-00943
	:	
Petitioner,	:	JUDGE DOUGLAS R. COLE
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
BUTLER COUNTY SHERIFF, ET AL.,	:	MOTION TO DISMISS
	:	
Respondents.	:	

RESPONDENT MONTGOMERY COUNTY JAIL- SHERIFF ROB STRECK'S
MOTION TO DISMISS PLAINTIFF'S AMENDED PETITION FOR WRIT OF
HABEAS CORPUS (DOC. 21)

Now comes Respondent Montgomery County Jail – Sheriff Rob Streck (hereinafter “Respondent”) and respectfully moves the Court to dismiss Petitioner Christine Martinez’s (hereinafter “Petitioner”) Amended Writ of Habeas Corpus (Doc. 21) pursuant to Fed. R. Civ. P. 12(B)(6). A Memorandum in Support of the Respondent’s Motion to Dismiss follows.

Respectfully submitted,

MATHIAS H. HECK, JR.
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MEMORANDUM

I. STATEMENT OF FACTS & PROCEDURAL HISTORY

On December 17, 2025, Petitioner Christine Martinez filed for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is currently detained at the Butler County Jail in Hamilton, Ohio. Petitioner joined several separate entities in this action as Respondents in an attempt by Petitioner to be released from Butler County Jail custody to be “evaluated by an orthopedic Dr. Scott Ryan Day” for a “bone infection specified as osteomyelitis in her hand,” which according to Petitioner requires emergency surgery. *See* (Doc No. 1. PAGEID 1, 3). Respondent Montgomery County Jail does not have custody of Petitioner. *Id.* Respondent Butler County Jail does admit that an inmate by the name of Christina Carolyn Maria Martinez as being held at the Butler County Jail. (Doc. No. 8 PAGEID 35).

On August 13, 2025, Petitioner states she was arrested as a passenger in a vehicle. (Doc. No. 1. PAGEID 2). Petitioner was allegedly then detained in the Montgomery County Jail until sometime around September 17, 2025, when the charges were dismissed and transferred to Butler County Jail where she is currently being held. *Id.* Petitioner further states she has had multiple appearances before the Honorable Judge Jennifer Riedthaler-Williams, after this transfer and alleges that she is being held solely on an immigration detainer at present. *Id.* at 3 There are no outstanding charges or cases against Petitioner in Montgomery County. The Petitioner is not being held in the Montgomery County Jail.

On December 30, 2025, Respondent Butler County Jail filed its Motion to Dismiss where they submit that an inmate by the name of Christina Carolyn Maria Martinez being held at their facility. Doc 8 PAGEID 35. Respondent Montgomery County Jail followed on December 31, 2025 with its own Motion to Dismiss. *See* Doc. 9. On January 2, 2026, the Court held a telephone

conference with all parties attended including Petitioner. See Minute Entry dated January 2, 2026. Petitioner's status of being held in the Butler County Jail was confirmed and Petitioner was granted an extension to respond to the all Respondents outstanding motions including Respondent Montgomery County Jail's motion to dismiss. The Court ordered additional briefing by Respondents Butler County Jail and Director of Immigration and Customer Enforcement and Judge Riedthaler-Williams. On January 30, 2026 Petitioner filed a Motion to Amend her Writ of Habeas Corpus (Doc. 17) and Reply to Respondents Director of Immigration and Customer Enforcement and Judge Riedthaler-Williams's Return of Writ (Doc. 18). The Court granted Petitioner's Motion to Amend on February 2, 2026 and directed Petitioner to file her amended petition on the Court's docket. See Doc. 19. The Court granted Respondents fourteen days (on or before February 16, 2026) to file a response or instead stand on their already-filed responses by incorporating the previously filed responses by reference. Doc. 19 PAGEID 106. Petitioner filed her Amended Petition for Writ of Habeas Corpus (Doc 21) on March 9, 2026. The claims asserted against the Montgomery County Jail in her Writ of Habeas Corpus remain the same.

Petitioner's status as an inmate of the Butler County Jail, not the Montgomery County Jail also remains the same. See Doc. 21 PAGEID 120. The Court cannot address Petitioner's other arguments through a habeas petition. Therefore, Respondent Montgomery County Jail renews its Motion to Dismiss and seeks the Court grant Respondent Montgomery County Jail's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

II. LAW AND ARGUMENT

A. Standard for a Federal Rule of Civil Procedure 12(b)(6) Motion to Dismiss

Federal Rule of Civil Procedure 12(b)(6) authorizes dismissal of a complaint on the basis that it "fail[s] to state a claim upon which relief can be granted." The moving party bears the burden

of showing that the opposing party has failed to adequately state a claim for relief. *DirectTV, Inc. v. Treesh*, 487 F.3d 471, 476 (6th Cir. 2007) (citing *Carver v. Bunch*, 946 F.2d 451, 454–55 (6th Cir. 1991)). The purpose of a motion to dismiss under Rule 12(b)(6) “is to allow a defendant to test whether, as a matter of law, the plaintiff is entitled to legal relief even if everything alleged in the complaint is true.” *Mayer v. Mylod*, 988 F.2d 635, 638 (6th Cir. 1993). In ruling on a 12(b)(6) motion, a court must “construe the complaint in the light most favorable to the plaintiff, accept its allegations as true, and draw all reasonable inferences in favor of the plaintiff.” *Handy-Clay v. City of Memphis*, 695 F.3d 531, 538 (6th Cir. 2012) (quoting *DirectTV*, 487 F.3d at 476).

Nevertheless, to survive a motion to dismiss under Rule 12(b)(6), the complaint must contain enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 1974 (2007). Unless the facts alleged show that the plaintiff’s claim crosses “the line from conceivable to plausible, [the] complaint must be dismissed.” *Id.* Although this standard does not require “detailed factual allegations,” it does require more than “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Id.* at 555. “Rule 8 ... does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678–679 (2009). Legal conclusions “must be supported by factual allegations” that give rise to a plausible inference that the defendant is, in fact, liable for the misconduct alleged. *Id.* at 679.

A claim possesses facial plausibility when the plaintiff pleads sufficient factual content to allow the court to reasonably infer that the defendant is liable for the alleged misconduct. *Twombly*, 550 U.S. at 556. The plausibility standard asks for greater than a mere possibility that a defendant has conducted himself unlawfully. *Id.* Although legal conclusions can provide the framework of a complaint, *Twombly* necessitates that they be supported by factual allegations. *Id.*

B. Petitioner has failed to state a claim upon which Respondent can grant relief.

The District Courts are given “broad jurisdiction to issue a writ of habeas corpus” pursuant to 28 U.S.C. § 2241. *Coronado v. Secy., Dept. of Homeland Sec.*, S.D.Ohio No. 1:25-cv-831, 2025 U.S. Dist. LEXIS 258690, at *5 (Dec. 15, 2025) citing *Jones v. Hendrix*, 599 U.S. 465, 473, 143 S. Ct. 1857, 216 L. Ed. 2d 471 (2023). A prisoner can bring a writ of habeas corpus when he/she “is in custody in violation of the Constitution or laws or treaties of the United States.” *Id.* also citing 28 USCS § 2241 (c)(3)

Petitioner’s Writ of Habeas Corpus fails to state a claim upon which relief can be granted because Respondent Montgomery County Jail – Sheriff Rob Streck is not the custodian of the Petitioner. Petitioner does not articulate any facts or legal arguments that would demonstrate that Respondent is the custodian with jurisdiction over her restraint. “As a general rule, a Plaintiff should name as a respondent to his habeas corpus petition ‘the individual having day-to-day control over the facility in which [the alien] is being detained.’” *Roman v. Ashcroft et al.*, 340 F.3d 314, 319 (2003), quoting in part *Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir. 2000). The Montgomery County Jail - Sheriff Rob Streck does not have jurisdiction over Petitioner because Petitioner is being held in Butler County Jail. (Doc. No. 1. PAGEID 2) (Doc. No. 8 PAGEID 35). The writ of habeas corpus must relate to the person holding the Petitioner in unlawful custody. *Roman*, at 319.

There are no pending charges or cases against Petitioner in Montgomery County that would lead to Respondent having jurisdiction. Respondent cannot release someone, who claims to be unlawfully detained, over whom they do not have in their custody. There is an adequate remedy available to Petitioner of which the Respondent cannot grant because that remedy lies in

immigration court. Therefore, Petitioner's writ fails to state a claim against Respondent Montgomery County Jail.

III. CONCLUSION

Based on the foregoing, Petitioner's Amended Petition for a Writ of Habeas Corpus fails to state a claim upon which relief can be granted. Respondent Montgomery County Jail – Sheriff Rob Streck, respectfully moves to dismiss Petitioner's Amended Writ of Habeas Corpus pursuant to Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,

MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2026, the foregoing document was served on all parties or their counsel of record through the court's CM/ECF system, if they are registered users (pursuant to Fed. R. Civ. P 5(b)(2)(E)) or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record (pursuant to Fed. R. Civ. P 5(d)).

Christine Martinez
Butler County Jail
705 Hanover Street
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/s/ Anu Sharma

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