FILED
MAR 17 2026
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

Prose
Detained

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
DIVISION

GISELL ADRIANA PEREIRA ONTIVEROS
[redacted]
Petitioner, (PROSE)
v.

WARDEN, Corrections Center of Northwest Ohio,
and
Director, U.S. Immigration and Customs Enforcement,

and **ICE Field Office Director (Detroit),**

Respondents.

Case No. 3:26 CV 632

Judge _____ JUDGE LIOI **MAG JUDGE KNAPP**

Receipt #15528

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

INTRODUCTION

Petitioner Gisell Adriana Pereira Ontiveros is a Venezuelan national currently detained by ICE at the Corrections Center of Northwest Ohio. Petitioner is proceeding pro se (without counsel). She was processed as an arriving alien and was granted parole after entry through CBP One, reflected on her I-94 as class DT. Petitioner has no criminal history, has strong community support, and has a sponsor and stable housing available. Continued civil immigration detention without a meaningful and timely individualized review violates the Fifth Amendment's Due Process Clause. Petitioner requests release or, in the alternative, a prompt individualized custody hearing and appropriate conditions of supervision.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within this District.
2. Venue is proper in the Northern District of Ohio because Petitioner's immediate custodian (the Warden of CCNO) is within this District.

II. PARTIES

3. Petitioner: Gisell Adriana Pereira Ontiveros ([redacted], detained at CCNO, 639 North County Road 73, Stryker, Ohio.
4. Respondent Warden is Petitioner's immediate custodian.
5. Respondent Director of ICE.
6. Respondent ICE Field Office Director (Detroit) oversees ICE custody decisions affecting Petitioner.

III. FACTS

7. Petitioner entered the United States via CBP One and was granted parole (class DT) as reflected on her I-94. (Exhibit B.)
8. Petitioner was detained by ICE in or about February 2026 and remains detained.
9. Petitioner is in removal proceedings under INA § 240. Her next Master Calendar Hearing is scheduled for March 17, 2026 at 9:00 a.m. before Immigration Judge Richard Drucker via Webex.
10. Petitioner has no criminal record.
11. Petitioner has strong equities supporting release, including:
- ***a. Letters of support from friends/community (Exhibits D–E);***
- ***b. A sponsor affidavit (Exhibit F);***
- ***c. Stable residence available upon release; and***
- ***d. Ability to comply with supervision requirements.***

12. Despite these facts, Petitioner remains detained.

IV. GROUNDS FOR RELIEF

Ground One – Fifth Amendment Due Process (unreasonable/prolonged civil detention without meaningful individualized review).

13. Immigration detention is civil and must not become punitive. Due process requires that detention remain reasonably related to the government's purposes (ensuring appearance and protecting the community).

14. Petitioner's continued detention without a meaningful individualized process considering release and alternatives to detention violates due process.

Ground Two – Unclear/unsupported statutory detention authority; request for identification and compliance.

15. Petitioner is detained pre-final order. As an arriving alien paroled (DT), DHS may assert detention authority under INA § 235(b) or another provision. Petitioner requests an order requiring Respondents to (a) state the exact statutory authority for detention and (b) provide constitutionally adequate individualized review and release when detention is not justified.

V. REQUEST FOR RELIEF

Petitioner respectfully asks this Court to:

A. Grant this Petition for Writ of Habeas Corpus;

B. Order Petitioner's immediate release from ICE custody; or, in the alternative,

C. Order a prompt individualized custody hearing/review with consideration of alternatives to detention and Petitioner's ability to pay, and order release on appropriate conditions;

D. Grant any other relief the Court deems just and proper.

VI. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Date:03/10/2026

Gisell P

Gisell Adriana Pereira Ontiveros [redacted]

Pro Se Petitioner

PROSE

CERTIFICATE OF SERVICE

I certify that on 03/10/2026, ***I served a copy of the foregoing Petition for Writ of Habeas Corpus on the Office of the Principal Legal Advisor (OPLA), U.S. Immigration and Customs Enforcement, by U.S. Mail UPSP PRIORITY***

ICE Office of the Principal Legal Advisor (OPLA)
Cleveland, Ohio
925 KEYNOTE CIRCLE ROOM201
BROOKLYN HIGHTS OH

U.S. ATTORNEY OFFICE
FOUR SEAGATE 433 NORTH SUMMIT ST
SUITE 308, TOLEDO, OH 43604

Date: 03/10/2026

Gisell P
Gisell Adriana Pereira Ontiveros
(A# 244-643-318)

PROSE

DETAINEE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GISELL ADRIANA PEREIRA ONTIVEROS
A# 244-643-318
Petitioner, Pro Se

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),
Respondents

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

INTRODUCTIONLIST

Petitioner Gisell Adriana Pereira Ontiveros respectfully submits this Memorandum of Law in support of her Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") despite having been lawfully admitted into the United States, maintaining an active asylum-based process, and lacking any criminal history.

Petitioner's continued civil immigration detention—without meaningful, individualized consideration of release—has become arbitrary and excessive. It violates the Immigration and Nationality Act ("INA"), including INA § 236(a), and the Due Process Clause of the Fifth Amendment.

FACTUAL BACKGROUND

1. Petitioner is a citizen of Venezuela who entered the United States on July 28, 2024, at the Hidalgo, Texas Port of Entry.

2. Petitioner was **lawfully admitted** into the United States as reflected by her Form I-94 admission record.

3. Petitioner has complied with all immigration procedures and has an approved Employment Authorization Document ("EAD") under category **(c)(8)** based on a pending asylum application.

4. Petitioner has **no criminal history**.

5. Petitioner has community ties and individuals willing to provide sponsorship, housing, and support upon release.

6. Petitioner remains detained at the Corrections Center of Northwest Ohio.

7. Petitioner was initially housed in a rehabilitation detention setting despite having no history of substance abuse, alcohol dependency, or relevant mental health conditions, underscoring the lack of individualized assessment and the punitive character of her confinement.

LEGAL STANDARD

A petition under 28 U.S.C. § 2241 is the proper vehicle to challenge the **legality and constitutionality of immigration detention**, including prolonged detention without adequate procedural safeguards and meaningful review.

LEGAL ARGUMENT

I. PETITIONER'S DETENTION IS GOVERNED BY INA § 236(a) AND REQUIRES MEANINGFUL INDIVIDUALIZED REVIEW

Under INA § 236(a), certain noncitizens pending removal proceedings may be detained or released on bond or conditional parole. This framework requires **individualized consideration**, and it does not authorize detention that becomes effectively indefinite or automatic without meaningful review.

Petitioner is eligible for release consideration because she was admitted into the United States and has no criminal disqualifications that would categorically bar bond. ICE's continued detention without meaningful release consideration exceeds the statutory purpose of § 236(a) and conflicts with the civil, regulatory nature of immigration detention.

II. PROLONGED CIVIL IMMIGRATION DETENTION WITHOUT ADEQUATE PROCEDURAL SAFEGUARDS VIOLATES THE FIFTH AMENDMENT

Immigration detention is civil, not punitive. The Due Process Clause prohibits civil detention from becoming excessive in relation to its legitimate purposes (such as ensuring appearance at proceedings or protecting the community). When detention becomes prolonged and the government fails to provide meaningful, individualized justification and procedures to reassess detention, it violates due process.

Here, continued detention is arbitrary and excessive given:
- Petitioner's lack of criminal history;
- demonstrated compliance with immigration procedures;
- existing community support, potential sponsors, and housing options; and
- availability of less restrictive alternatives to detention.

Accordingly, due process requires, at minimum, a prompt and meaningful individualized hearing that considers whether continued detention is justified and whether release with conditions (including bond) is appropriate.

III. PETITIONER MAY BE A MEMBER OF THE MALDONADO-BAUTISTA CLASS AND ENTITLED TO ADDITIONAL RELIEF

Petitioner has received notice that certain immigration detainees may be members of the class certified in **Maldonado-Bautista v. Santacruz**. That litigation addresses circumstances in which detainees may be held unlawfully without an adequate opportunity to seek release on bond or conditional parole.

Petitioner's circumstances indicate she may fall within that class and may be entitled to relief consistent with the protections recognized in that case, including access to appropriate release procedures and meaningful review of custody.

IV. ARBITRARY PLACEMENT AND DETENTION CONDITIONS SUPPORT A FINDING OF UNREASONABLENESS AND LACK OF INDIVIDUALIZED ASSESSMENT

The government's decision to initially place Petitioner in a rehabilitation-type detention setting, despite no documented medical or behavioral need, underscores the absence of an individualized assessment and supports the conclusion that Petitioner's detention has been administered in an arbitrary and punitive manner.

Civil detention must be reasonably related to legitimate regulatory goals. A placement decision disconnected from individualized needs further demonstrates the irrationality of continued detention and supports habeas relief.

V. INTERNATIONAL HUMAN RIGHTS PRINCIPLES CONFIRM THAT ARBITRARY IMMIGRATION DETENTION IS IMPROPER

International norms, including principles reflected in the International Covenant on Civil and Political Rights ("ICCPR"), recognize that immigration detention should be used only when necessary and proportionate, and that arbitrary detention is prohibited.

While such principles are not always directly enforceable as domestic law, they reinforce the constitutional requirement that civil detention be justified, non-arbitrary, and subject to meaningful review.

RELIEF REQUESTED

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

1. **Grant the Petition for Writ of Habeas Corpus**;
2. **Order Petitioner's immediate release** from ICE custody;
3. In the alternative, **order an immediate, meaningful individualized bond hearing** before a neutral decisionmaker with consideration of less restrictive alternatives; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Gisell P

Gisell Adriana Pereira Ontiveros
A# 244-643-318
Petitioner, Pro Se