UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FRANCISCO GABINO DIAZ, [redacted]	)	
Petitioner,	)	
	)	CASE NO.
-vs-	)	JUDGE:
WILLIAM J. CUNNINGHAM, Seneca County Jail Administrator; MARKWAYNE MULLIN, Secretary, US Department of Homeland Security; TODD BLANCHE, US Attorney General; KEVIN RAYCRAFT, Field Office Director of ERO, Ohio	)	
Respondents.	)	

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND MOTION FOR IMMEDIATE RELEASE OR PROMPT BOND HEARING

I. INTRODUCTION

Petitioner, Francisco Gabino Diaz, is a 36-year-old Mexican national detained solely for civil immigration purposes at the Seneca County Jail in Tiffin, Ohio.

Petitioner is confined without any criminal charges, without a judicial warrant, and without lawful authority.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and the Suspension Clause of the U.S. Constitution (Art. I, § 9, cl. 2).

Venue is proper in the Northern District of Ohio, Western Division, because Petitioner is detained in Seneca County, Ohio.

III. PARTIES

Petitioner:

Francisco Gabino Diaz, A# [redacted] is an immigration detainee at Seneca County Jail in Tiffin, Ohio.

Respondents:

- **William J. Cunningham**, Administrator of the Seneca County Jail, has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement and is therefore a legal custodian.
- **Markwayne Mullin**, in his official capacity as Secretary of the U.S. Department of Homeland Security (DHS), is responsible for implementing and enforcing the Immigration and Nationality Act and oversees ICE and CBP, the agencies responsible for Petitioner's detention.
- **Todd Blanche**, in his official capacity as Attorney General of the United States, oversees the Department of Justice and the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals.
- **Kevin Raycraft**, in his official capacity as Acting Director of the Detroit/Columbus Field Office of Enforcement and Removal Operations, is a legal custodian of Petitioner and is responsible for detention and release decisions.

IV. FACTUAL BACKGROUND

1. Petitioner is a 36 year old, Mexican national. (Exhibit A)
2. Petitioner entered the United States in 2005 and has maintained residence in the United States for over 20 years.
3. Petitioner was detained by ICE on a child support warrant. Petitioner was unaware of the child support matter and never received notice of a hearing. Immediately upon learning of the debt, it was paid in full. (Exhibit B)
4. Petitioner has four (4) United States Citizen children ages, 4, 6, 12 and 14. (Exhibit C)
5. Petitioner currently has a VAWA petition pending with U.S. Citizenship and Immigration Services. (Exhibit D)
6. Petitioner is gainfully employed at Nutrifresh Egg in Willard, Ohio with valid employment authorization. (Exhibit E)

V. LEGAL FRAMEWORK

A. **8 U.S.C. § 1226(a)** governs the detention of noncitizens already present in the United States and authorizes release on bond or conditional parole.

B. **8 C.F.R. § 1236.1(d)(1)** grants Immigration Judges authority to redetermine custody for individuals detained under § 1226(a).

C. The **Fifth Amendment** prohibits prolonged civil detention without a meaningful opportunity to seek release.

D. The **Fourth Amendment** prohibits unreasonable seizures of the person.

VI. CLAIMS FOR RELIEF

Claim One — Unlawful Detention Under 8 U.S.C. § 1226(a)

Petitioner is detained under § 1226(a), which authorizes release on bond and provides for Immigration Judge custody review. *Jennings v. Rodriguez*, 583 U.S. at 298–99, confirms that § 1226(a) detainees are entitled to bond consideration.

Claim Two — Procedural Due Process (Fifth Amendment)

Civil immigration detention is subject to the Due Process Clause. *Zadvydas*, 533 U.S. at 690. Due process is violated when a person is detained without a real opportunity for release, and courts have found that prolonged detention without a bond hearing is unconstitutional. *See, e.g.*, Santos v. Warden Pike Cnty. Corr. Facility, 965 F.3d 203, 210–11 (3d Cir. 2020). Due process requires an individualized hearing when detention becomes unreasonable prolonged.

Claim Three – Unlawful Seizure in Violation of the Fourth Amendment

The Fourth Amendment prohibits unreasonable seizures of the person. A seizure that is unsupported by a warrant, probable cause, or lawful statutory authority is per se unreasonable. Administrative paperwork issued by ICE officers does not satisfy the Fourth Amendment's warrant requirement and cannot substitute for judicial authorization. Petitioner's continued detention is unsupported by the Fourth Amendment. The only appropriate remedy is immediate release.

VII. EXHAUSTION

There is no statutory exhaustion requirement under 28 U.S.C. § 2241. Exhaustion is not required and would be futile in this matter.

VIII. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

A. Issue a Writ of Habeas Corpus ordering Respondents to provide an individualized § 1226(a) bond hearing within three (3) days, or, in the alternative, release Petitioner under reasonable conditions of supervision; and

B. Grant any additional relief the Court deems just and proper.

Respectfully Submitted,

/s/ Jay G. Perez

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, represent Petitioner, Francisco Gabino Diaz, and submit this verification on his behalf. I verify that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 20, 2026

/s/ Jay G. Perez

Jay G. Perez (0067619)

IN THE COURT OF COMMON PLEAS OF SENECA COUNTY, OHIO
JUVENILE DIVISION

Nilda Rendon	*	Case No. 22070055, 22070056
Plaintiff	*	Sets No. 7123441326 IV-D
vs.	*	Judge Jay A Meyer
Francisco G. Diaz	*	
Defendant	*	MOTION TO DISMISS CITATION IN CONTEMPT

Now comes the Seneca County Department of Job & Family Services/CSEA by and through its Attorney, David N. LaRocco, and respectfully moves this Court for an Order dismissing the Citation in Contempt filed January 22, 2026 by the Seneca County CSEA Defendant/Obligor. **Franciso Diaz** is being held by Immigration and Custom Enforcement. CSEA retains the right to refile the citation in contempt if Obligor remains in the United States.

WHEREFORE, the Seneca County Department of Job & Family Services/CSEA requests an order Dismissing the Citation in Contempt filed January 22, 2026.

Respectfully submitted,

David LaRocco

David N. LaRocco (#0079342)
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of Job & Family Services/CSEA
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EX B