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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

**UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF OHIO**

KEENO NICHOLAS ROWE

A#



Petitioner,

v.

**BEAU SNEDDON, Warden,
Butler County Jail;
KEVIN RAYCRAFT, Field Office
Director, U.S. Immigration
and Customs Enforcement and Removal
Operations ("ICE/ERO"), Detroit Field
Office; TODD LYONS, Acting
Director of U.S. Immigration and Customs
Enforcement ("ICE"); MARKWAYNE
MULLIN, Secretary of
U.S. Department of Homeland Security
("DHS");
TODD BLANCHE, Attorney General of
the United States,**

Respondents.

Case No. **1:26 CV 01142**

JUDGE BARKER

MAG JUDGE GRIMES

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER
28 U.S.C. § 2241**

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PETITION FOR WRIT OF HABEAS CORPUS

1. Pursuant to 28 U.S.C. § 2241 Keeno Nicholas Rowe ("Petitioner"). asks the Court to issue a Writ of Habeas Corpus requiring Respondents to release him, or, in the alternative, to provide Petitioner with a bond hearing before the Immigration Judge within seven (7) days.
2. Petitioner requested release on bond before the Immigration Court; the Immigration Judge denied bond after concluding that Petitioner allegedly constituted a danger to the community based primarily upon a nonviolent criminal offense.
3. The Immigration Judge's custody determination failed to meaningfully consider substantial favorable equities demonstrating that continued detention is unwarranted and unconstitutional.

PARTIES

4. Petitioner Keeno Nicholas Rowe, a native and citizen of Jamaica is currently detained at the Butler County Jail ("Butler"), a detention center in Hamilton, Ohio.
5. Respondent Beau Sneddon is the Warden of the Butler County Jail at which Petitioner is currently detained.
6. Respondent Kevin Raycraft is the Acting Field Office Director for the Detroit Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"). The Detroit Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. Respondent Raycraft is a legal custodian of Petitioner.

7. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, and has authority over the actions of respondent Kevin Raycraft and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
8. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Lyons is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
9. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
10. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.
11. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.
12. This action is commenced against all Respondents in their official capacities.

FACTUAL BACKGROUND

13. Petitioner is 27-year-old native and citizen of Jamaica. He entered the United States with a B2 visa at the Baltimore Airport on February 26, 2021. Prior to detention, he was living in Schenectady, New York.
14. On March 11, 2026, ICE issued a Notice to Appear charging him as removable under 8 USC § 1227(a)(1)(B), for being present in the United States you have remained in the

United States for a time longer than permitted. Ex. A, Notice to Appear, March 11, 2026.

On the same day, ICE took Mr. Rowe into custody. He is currently detained at Butler.

15. Petitioner is married to a United States Citizen and is a victim of domestic violence. He is eligible for relief in the form of VAWA Cancellation of Removal pursuant to INA § 240A(b). Specifically, Petitioner meets the statutory requirements and intends to pursue this relief before the Immigration Court and has a viable and non-frivolous claim for such relief. Ex. B, Marriage Certificate.

16. Petition has also received a prima facie determination under the Violence Against Women Act ("VAWA") from the U.S. Citizenship and Immigration Services. Ex. C, Prima Facie Determination for I-360 (VAWA).

17. Upon approval of the VAWA self-petition, Petitioner will be eligible to adjust status to lawful permanent resident. Petitioner therefore possesses a viable and realistic pathway toward lawful immigration status and is not merely pursuing speculative relief.

18. Petitioner is presently detained pursuant to 8 U.S.C. § 1226(a), the discretionary immigration detention statute. Although Petitioner requested release on bond before the Immigration Court, the Immigration Judge denied bond after concluding that Petitioner allegedly constituted a danger to the community based primarily upon a nonviolent criminal offense. Ex. D, Certified Disposition of Sentence.

19. The Immigration Judge's custody determination failed to meaningfully consider substantial favorable equities demonstrating that continued detention is unwarranted and unconstitutional.

20. Most significantly, Petitioner has received a prima facie determination under the Violence Against Women Act ("VAWA"), reflecting that United States

Citizenship and Immigration Services has determined that Petitioner has established apparent eligibility for humanitarian immigration relief under VAWA.

21. Despite these significant equities, Petitioner remains detained under a constitutionally deficient custody determination that improperly elevated a nonviolent offense above all other favorable evidence.
22. . The Immigration Judge failed to meaningfully weigh the humanitarian nature of Petitioner's VAWA claim, eligibility for adjustment of status, rehabilitation, community ties, and alternatives to detention. Continued detention under these circumstances violates the Due Process Clause of the Fifth Amendment because the custody determination was arbitrary, fundamentally unfair, and no longer reasonably related to the Government's legitimate civil detention interests.

LEGAL FRAMEWORK

I. A. Federal Habeas Jurisdiction Under 28 U.S.C. § 2241

23. Federal courts possess jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention and constitutional challenges arising from detention proceedings. Petitioner challenges the legality of continued detention and the constitutionality of the custody determination entered in immigration proceedings. Petitioner does not challenge a final order of removal. Accordingly, this Court retains jurisdiction over the instant habeas petition.
24. This Court additionally possesses jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States. Habeas jurisdiction remains available where a petitioner challenges unlawful detention rather than the underlying removal order itself.

II. PETITIONER'S DETENTION VIOLATES THE DUE PROCESS CLAUSE

A. The Fifth Amendment Protects Petitioner

25. The Due Process Clause of the Fifth Amendment applies to “all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the liberty that Clause protects.” *Id.* “The Due Process Clause forbids the Government from depriving a person of life, liberty, or property without adequate procedural protections.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).
26. Noncitizens detained pursuant to 8 U.S.C. § 1226(a) are entitled to meaningful individualized custody determinations comporting with due process. Such determinations require meaningful consideration of all favorable and unfavorable evidence relevant to custody, including family ties, rehabilitation, criminal history, eligibility for immigration relief, humanitarian considerations, and alternatives to detention.
27. Due process further requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
28. The Board of Immigration Appeals established the governing framework for immigration bond determinations in *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Under *Guerra*, Immigration Judges must conduct an individualized balancing analysis considering all favorable and unfavorable factors relevant to custody.
29. Relevant factors include criminal history, family ties, employment history, rehabilitation, community support, eligibility for immigration relief, history of appearances in court, and evidence bearing upon dangerousness or flight risk. The failure to meaningfully consider

favorable equities or properly balance relevant factors renders a custody determination fundamentally unfair and constitutionally deficient.

30. Here, the Immigration Judge failed to properly weigh Petitioner's substantial favorable equities, including the nonviolent nature of the underlying offense, the prima facie VAWA determination, eligibility for adjustment of status, rehabilitation, and alternatives to detention.

B. Sixth Circuit and Northern District of Ohio Authority Recognize Constitutional Limits on Immigration Detention and Support Habeas Review

31. The Sixth Circuit has repeatedly recognized that immigration detention is subject to constitutional limitations and may not become arbitrary or punitive.
32. In *Ly v. Hansen*, 351 F.3d 263, 270–71 (6th Cir. 2003), the Sixth Circuit emphasized that immigration detention is constitutionally permissible only for a reasonable period of time and only where detention remains reasonably related to legitimate governmental objectives. The Sixth Circuit further recognized that prolonged or unjustified detention raises serious constitutional concerns and that federal courts retain authority to remedy unconstitutional detention through habeas corpus proceedings.
33. Federal district courts within the Northern District of Ohio have likewise recognized habeas jurisdiction over constitutionally deficient immigration detention proceedings.
34. In *Ruiz-Zara v. Secretary of U.S. Department of Homeland Security*, No. 1:26-cv-499 (N.D. Ohio Mar. 9, 2026), the court granted habeas relief and ordered the Government to provide the petitioner with a bond hearing under 8 U.S.C. § 1226(a) or release the petitioner from custody.

35. Similarly, in *Ramirez Moreno v. Lynch*, No. 4:26-cv-275 (N.D. Ohio 2026), the court recognized that habeas jurisdiction exists where a petitioner challenges the legality and constitutional sufficiency of immigration detention proceedings.
36. These authorities confirm that this Court possesses both the authority and obligation to remedy unconstitutional immigration detention where continued custody violates due process or results from fundamentally deficient bond proceedings.

C. Continued Detention That Interferes with Access to Counsel and Preparation for Proceedings Violates Due Process

37. Due process requires that detained noncitizens possess a meaningful opportunity to prepare and present claims for relief in removal proceedings. Meaningful access to counsel is essential to ensuring fundamentally fair proceedings.
38. Petitioner is currently detained at Butler County Jail and has not had access to confidential legal calls and meaningful attorney-client communication necessary to prepare for the upcoming Individual Hearing scheduled for May 28, 2026.
39. Butler County Jail does not allow legal confidential calls with Petitioner's counsel because they are not formally considered a detention center.
40. Petitioner's counsel has been unable to adequately prepare Petitioner's VAWA cancellation of removal case because detention conditions have substantially limited meaningful access to Petitioner. Preparation of VAWA-based relief requires extensive factual development, corroborating evidence, witness preparation, and detailed attorney-client communication.

41. The inability to adequately communicate with counsel and prepare for proceedings substantially impairs Petitioner's ability to meaningfully present claims for relief and further exacerbates the constitutional deficiencies associated with continued detention.

D. Habeas Relief Is Appropriate Where Continued Detention Becomes Arbitrary or Fundamentally Unfair

42. Because Petitioner's continued detention results from constitutionally deficient bond proceedings and substantially interferes with the ability to prepare and present claims for relief, habeas relief is warranted.
43. Continued detention no longer bears a reasonable relation to the Government's legitimate civil detention interests and instead constitutes arbitrary deprivation of liberty in violation of the Fifth Amendment. Federal habeas corpus relief under 28 U.S.C. § 2241 therefore remains necessary to remedy the ongoing constitutional violations associated with Petitioner's detention.

CLAIMS FOR RELIEF

COUNT I: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

44. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.
45. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Noncitizens physically present within the United States, including those in immigration detention, are entitled to the protections of the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

46. Petitioner is currently detained pursuant to 8 U.S.C. § 1226(a), which requires an individualized custody determination consistent with constitutional due process protections. The Immigration Judge's denial of bond failed to comport with due process because the Immigration Judge did not meaningfully consider Petitioner's substantial favorable equities and instead relied disproportionately upon a nonviolent offense to justify continued detention.
47. Specifically, the Immigration Judge failed to adequately consider Petitioner's prima facie VAWA determination, eligibility for adjustment of status, rehabilitation, community support, lack of violent criminal history, and the availability of alternatives to detention. Petitioner possesses a viable pathway toward lawful permanent resident status and substantial incentives to appear for all future immigration proceedings.
48. The denial of bond effectively transformed civil immigration detention into punitive detention. Immigration detention must remain reasonably related to legitimate governmental interests and may not become arbitrary or excessive. *See Ly v. Hansen*, 351 F.3d 263, 270 (6th Cir. 2003).
49. Because continued detention no longer bears a reasonable relation to the Government's legitimate civil detention objectives, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

**COUNT II: FUNDAMENTALLY DEFICIENT BOND PROCEEDINGS UNDER 8
U.S.C. § 1226(a)**

50. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

51. Bond proceedings conducted pursuant to 8 U.S.C. § 1226(a) require a meaningful individualized assessment of dangerousness and flight risk. Under *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006), Immigration Judges must balance all favorable and unfavorable factors relevant to custody.
52. The Immigration Judge failed to conduct the individualized balancing analysis required under *Matter of Guerra* and instead improperly elevated a nonviolent offense above all other relevant evidence supporting release.
53. The Immigration Judge failed to meaningfully consider substantial favorable equities, including:
- a. Petitioner's prima facie VAWA determination;
 - b. Eligibility for adjustment of status;
 - c. The humanitarian nature of the relief sought;
 - d. Rehabilitation and lack of violent criminal history;
 - e. Family and community support; and
 - f. Less restrictive alternatives to detention.
54. As a result, the custody determination was arbitrary, fundamentally unfair, and constitutionally deficient.

**COUNT III: VIOLATION OF THE RIGHT TO MEANINGFUL ACCESS TO COUNSEL
AND PREPARATION OF RELIEF**

55. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

56. Due process guarantees detained noncitizens a meaningful opportunity to prepare and present claims for relief in removal proceedings. Meaningful access to counsel is essential to ensuring fundamentally fair proceedings.
57. Petitioner is currently detained at Butler County Jail and has experienced substantial difficulty obtaining confidential legal calls and meaningful attorney-client communication necessary to prepare for the pending Individual Hearing scheduled for May 28, 2026.
58. Petitioner's counsel has been unable to adequately prepare Petitioner's VAWA cancellation of removal case because detention conditions have substantially interfered with attorney-client communication and case preparation.
59. Preparation of VAWA cancellation of removal requires extensive factual development, corroborating evidence, witness preparation, and detailed attorney-client communication. The inability to adequately communicate with counsel substantially impairs Petitioner's ability to meaningfully present claims for relief and participate in removal proceedings.
60. The Supreme Court has recognized that due process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
61. Continued detention under these circumstances deprives Petitioner of a meaningful opportunity to prepare and present claims for humanitarian immigration relief and therefore violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Declaring that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment;
- (3) Declare that the bond proceedings conducted pursuant to 8 U.S.C. § 1226(a) were constitutionally deficient and fundamentally unfair;
- (4) Declare that Petitioner is detained under 8 U.S.C. § 1226(a) and that the denial of a bond hearing violates the INA and the Due Process Clause of the Fifth Amendment;
- (5) Order Petitioner's immediate release from custody under reasonable conditions of supervision;
- (6) Alternatively, Order Respondents to provide Petitioner with a new constitutionally adequate individualized bond hearing before a different Immigration Judge within seven (7) days of this Court's Order;
- (7) Grant such other and further relief as this Court deems just and proper.

I affirm, under penalty of perjury, that I am the Petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct.

Dated: May 12, 2026

Respectfully submitted,



KEENO NICHOLAS
ROWE
Butler County Jail
705 Hanover St,
Hamilton, OH 45011