UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSE ANTONIO VASQUEZ MEJIA,	**Civil Action No. 1:26-cv-711**
	Judge Jeffery P. Hopkins
Petitioners	
v.	
WARDEN, BUTLER COUNTY CORRECTIONAL COMPLEX, ET AL.	
Respondents	

RESPONDENT BUTLER COUNTY SHERIFF, RICHARD K. JONES' MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS

Now comes Respondent Butler County Sheriff, Richard K. Jones ("Respondent"), by and through undersigned counsel and respectfully requests this Court dismiss Petitioner's Writ of Habeas Corpus pursuant to Fed. R. Civ. P. 12(b)(6). A memorandum in support is attached.

Respectfully submitted.

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TABLE OF CONTENTS

INTRODUCTION……..……..…..1

TABLE OF AUTHORITIES……..……...……..3

PROCEDURAL HISTORY AND STATEMENT OF FACTS……..……...…..……....4

MEMORANDUM IN SUPPORT……..……...…4

CONCLUSION……..……...…..……..…5

CERTIFICATE OF SERVICE ……...……..6

TABLE OF AUTHORITIES

CASES

Bassett v. National Collegiate Athletic Ass'n, 528 F.3d 426, 430 (2008)……..…....…..5

Bell Atl. Corp. v. Twombly, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed 2d 929 (2007)……..……5

Braden v. 30th Judicial Circuit Ct. of Ky., 410 U.S. 484, 93 S.Ct. 1123, 35 L.Ed.2d 443 (1973)…..4

Henderson v. INS, 157 F.3d 106, 122 (2d Cir.1998)……...…..……5

Roman v. Ashcroft et al., 340 F.3d 314, 319 (2003)……..…..……4,5

Vasquez v. Reno, 233 F.3d 688, 696 (1st Cir. 2000)……..…...…4

STATUTES

Fed. R. Civ. P. 12(b)(6)……..……4,5

PROCEDURAL HISTORY AND STATEMENT OF FACTS

Counsel for Petitioner filed for Writ of Habeas Corpus with the United States District Court for the Southern District of Ohio on July 22, 2026. Respondent does acknowledge that a contract exists between Butler County and United States Immigration and Customs Enforcement ("ICE") for the housing of aliens awaiting deportation process by ICE and that Respondent does hold such persons at the Butler County Jail. Respondent does admit there is an inmate being held in the Butler County Jail whose name on the roster is Jose Antonia Vasquez Mejia.

MEMORANDUM IN SUPPORT

Respondent, despite Petitioner's claims, is not Petitioner's custodian in this case. Therefore, the Petition for Habeas Corpus must be dismissed against Respondent pursuant to Fed. R. Civ. P. 12(b)(6). "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). A "writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody." Roman at 319, quoting, Braden v. 30th Judicial Circuit Ct. of Ky., 410 U.S. 484, 495, 93 S.Ct. 1123, 35 L.E.d.2d 443 (1973).

The Sixth Circuit Court of Appeals has ruled in the case of aliens detained by United States Immigration and Customs Enforcement (ICE) (previously Immigration and Naturalization) that, "although the warden of each detention facility technically has day-to-day control over alien detainees, the INS District Director for the district where a detention facility is located 'has power

over' alien habeas corpus petitions." Roman at 320, citing, Henderson v. INS, 157 F.3d 106, 122 (2d Cir.1998). Where local law enforcement contract with ICE to hold aliens detained by the federal government the

> wardens of all these facilities act pursuant to INS Detention Standards and are considered agents of the INS District Director in their district. It is clear that the INS does not vest power over detained aliens in the wardens of detention facilities because the INS relies on state and local governments to house federal INS detainees. Whatever daily control state and local governments have over federal INS detainees, they have that control solely pursuant to the direction of the INS. Roman at 320.

Federal Rule of Civil Procedure 12(b)(6) requires dismissal of an action if the Plaintiff has failed, "to state a claim upon which relief can be granted." "Factual allegations contained in a complaint must 'raise a right to relief above the speculative level." Bassett v. National Collegiate Athletic Ass'n, 528 F.3d 426, 430 (2008), quoting in part, Bell Atl. Corp. v. Twombly, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed 2d 929 (2007). While Petitioner may or may not be entitled to the relief they seek, such relief cannot be granted by Respondent as he is not the immediate custodian of Petitioner but merely a contractual agent of ICE.

CONCLUSION

Wherefore, for the reasons stated above, Respondent prays this Honorable Court grant his motion to dismiss the Petition for Writ of Habeas Corpus pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was electronically filed on August 20, 2026 and will automatically be served on all the parties for whom counsel has entered an appearance.

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