UNITED STATES DISTRICT COURT
SOURTHERN DISTRICT OF OHIO
WESTERN DIVISION

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

REPLY OF RESPONDENT, WARDEN BUTLER COUNTY CORRECTIONAL COMPLEX, TO PETITIONER'S RESPONSE IN OPPOSITION TO WARDEN'S MOTION TO DISMISS

Now Comes Respondent Butler County Correctional Complex Warden, ("Respondent"), by and through undersigned counsel and respectfully offers the following reply to Petitioner's Response in Opposition to Warden's Motion to Dismiss filed September 9, 2026.

I. *Rumsfeld v. Padilla* is not applicable to Petitioner's case and *Roman v. Ashcroft* remains the applicable precedent.

Petitioner argues that *Rumsfeld v. Padilla* is the controlling precedent in this case. In *Padilla*, the Supreme Court held that, pursuant to the immediate custodian rule, the military commander of an American base where *Padilla* was incarcerated, was the proper Respondent to *Padilla's* Petition for Writ of Habeas Corpus and not Secretary of Defense Donald Rumsfeld. The Court ruled that the Commander exercised "day-to-day control over *Padilla's* physical custody" and the fact that *Padilla* was incarcerated on someone's else's order did not change that fact. 542 U.S.426, 427, 124 S.Ct. 2711, 159 L.Ed 2d 513 (2004).

Petitioner overlooks footnote 8 of *Padilla* which is the relevant part of that decision to this case:

> In *Ahrens v. Clark*, 335 U.S. 188, 68 S.Ct. 1443, 92 L.Ed. 1898 (1948), we left open the question whether the Attorney General is a proper respondent to a habeas petition filed by an alien detained pending deportation. The lower courts have divided on this question, with the majority applying the immediate custodian rule and holding that the Attorney General is not a proper respondent. Because the issue is not before us today, we again decline to resolve it. *Padilla*. at FN 8. (citations omitted).

The Sixth Circuit, in *Roman v. Ashcroft* has ruled that the immediate custodian of an I.C.E. detainee held in a non-I.C.E. facility, is the local director of I.C.E. and not the Warden of the local facility. *Roman v. Ashcroft*, 340 F.3d 314 (6th Cir. 2003). This is the continuing precedent in the Sixth Circuit and therefore, as Petitioner is an alleged illegal immigrant, detained by federal authorities, seeking relief via habeas corpus, it is clear that federal authorities not Respondent Warden Butler County Correctional Complex, are the immediate custodian of Petitioner.

As a final point, the Court may dismiss the case against Respondent Jones in this case without dismissing against other named Respondents. There is no requirement Respondent argue joinder as Petitioner argues in his response.

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 September 11, 2026, and will automatically be served on all the parties for whom counsel has entered an appearance.

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