UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALEXANDER BARROS MILLAN,
A# [redacted],

Petitioner,

v.

KENNETH HOOVER, Warden, Northeast Ohio Correctional Center, in his official capacity; and KEVIN RAYCRAFT, Acting Field Office Director, Detroit Field Office, U.S. Immigration and Customs Enforcement, in his official capacity,

Respondents.

Case No. _____

Judge _____

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

Petitioner Alexander Barros Millan, through counsel, petitions for a writ of habeas corpus and narrowly tailored emergency relief preserving his ability to receive constitutionally adequate notice and a meaningful opportunity to invoke country-specific protection before any removal to Mexico. He alleges as follows:

PRELIMINARY STATEMENT

1. On June 25, 2026, the Cleveland Immigration Court ordered Alexander removed to Ecuador. The order did not designate Mexico. This petition does not seek review of that order, challenge its validity, or ask this Court to adjudicate Alexander's underlying asylum claim.
2. Alexander is now detained at the Northeast Ohio Correctional Center ("NEOCC"). On August 7, 2026, he reported that ICE had told him it intended to remove him to Mexico because it could not remove him to Venezuela. He separately reported that ICE might act the same day or the next day, potentially after assembling a group of ten Venezuelan detainees.
3. At approximately 1:17 p.m. on August 7, Alexander telephoned his wife, María Eugenia Sánchez Montero, from NEOCC and relayed the Mexico announcement. Her signed declaration, executed under penalty of perjury that day, is Exhibit B. Neither Alexander

nor his family had received prior oral or written notice that Mexico had been selected or that the Ecuador designation had changed.

4. ICE has not provided written notice identifying the statutory basis for Mexico, the expected timing, any country-specific screening procedure, or a reasonable period to consult counsel and present any objection under 8 U.S.C. § 1231(b)(3), the Convention Against Torture ("CAT"), or the Due Process Clause.

5. Alexander does not ask this Court to decide whether he ultimately has a meritorious Mexico-specific protection claim. He asks only for the notice and opportunity required to determine and present any such claim before the physical act of removal makes that opportunity meaningless.

6. The Supreme Court has held that due process requires notice sufficient in time and substance to permit a person facing imminent removal actually to contact counsel and seek habeas relief. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025); *A.A.R.P. v. Trump*, 605 U.S. 91, 94–95 (2025). A same-day oral announcement supplies neither meaningful time nor the information needed to seek relief.

PARTIES

7. Petitioner Alexander Barros Millan, A# [redacted], is a citizen and national of Venezuela. He is in federal immigration custody at NEOCC, 2240 Hubbard Road, Youngstown, Ohio 44505.

8. Respondent Kenneth Hoover is the Warden of NEOCC and Alexander's immediate physical custodian. He is sued only in his official capacity.

9. Respondent Kevin Raycraft is the Acting Field Office Director of ICE Enforcement and Removal Operations for the Detroit Field Office, which exercises authority over Alexander's detention and threatened removal. He is sued only in his official capacity.

JURISDICTION AND VENUE

10. This Court has habeas jurisdiction under 28 U.S.C. § 2241(c)(3) because Alexander is in custody under color of federal authority and contends that his custody and threatened transfer for removal are contrary to the Constitution and laws of the United States. The Court also has federal-question jurisdiction under 28 U.S.C. § 1331.

11. The proper respondent to a core custody petition is ordinarily the immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 435–36 (2004). Warden Hoover is Alexander's immediate custodian, and Alexander is confined within this District.

12. Venue is proper under 28 U.S.C. § 1391(e) and Local Civil Rules 3.1 and 3.8 because Alexander is detained in Mahoning County, within the Eastern Division and Youngstown divisional office of this Court, and a substantial part of the threatened conduct will occur here.

13. Sections 1252(a)(5) and 1252(b)(9) do not strip jurisdiction because Alexander does not seek review of the Ecuador removal order or any issue that the immigration judge decided. He challenges a new, post-order destination announcement and the absence of notice and process before its execution. See *Jennings v. Rodriguez*, 583 U.S. 281, 292–94 (2018) (rejecting an uncritical reading that would make § 1252(b)(9) a bar to every claim connected to removal proceedings).

14. Section 1252(g) does not foreclose this narrow procedural claim. The claim is not that ICE may never execute the removal order; it is that ICE may not newly select Mexico and physically remove Alexander there without notice adequate to permit him to invoke applicable protection. *Hamama v. Adducci*, 912 F.3d 869, 874–77 (6th Cir. 2018), addressed a broad stay of long-existing Iraq orders while noncitizens pursued motions to reopen. It did not address an individual challenge to same-day notice of a destination that

was not in the order. Persuasive decisions have recognized jurisdiction over materially similar individual third-country notice claims. *Marfo v. Raycraft*, No. 3:26-cv-1293, ECF No. 18, slip op. at 8–18 (N.D. Ohio July 13, 2026); *Dia v. Raycraft*, No. 1:26-cv-1054, 2026 WL 1476507, slip op. at 4–19 (W.D. Mich. May 27, 2026).

15. Section 1252(f)(1) does not bar the requested individual, as-applied relief. See *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550–54 (2022). Alexander seeks no classwide or programmatic injunction.

16. This Court may preserve the status quo while it determines jurisdiction and the merits. *United States v. United Mine Workers of America*, 330 U.S. 258, 290 (1947).

PRIOR FEDERAL CASE

17. Alexander previously filed *Millan v. Voorhies*, No. 4:25-cv-02779-CEF (N.D. Ohio), assigned to Judge Charles Esque Fleming. That case concerned the legal basis for earlier detention and resulted in a § 1226(a) bond hearing. Final judgment entered on May 15, 2026; the docket reflects that the case is closed.

18. The prior stay expired by its own terms when final judgment entered. The present petition concerns Alexander's later detention and the new August 7, 2026 announcement of removal to Mexico. It neither seeks enforcement of the prior judgment nor asserts that any prior stay remains effective.

FACTUAL ALLEGATIONS

19. Alexander entered the United States near El Paso, Texas, on September 22, 2023, after presenting through the CBP One process. DHS records identify no criminal history and show that he was initially paroled for two years.

20. Alexander sought protection based on [redacted] [redacted] Those Venezuela allegations are not presented here as proof of a Mexico-

specific claim; they provide context for why advance notice of a third-country destination matters.

21. On June 25, 2026, Immigration Judge Richard Drucker pretermitted Alexander's Form I-589 under the United States–Ecuador asylum cooperative agreement and ordered him removed to Ecuador. The written order and decision are Exhibit A. Mexico is not listed as the country of removal.

22. By August 7, 2026, ICE had detained Alexander at NEOCC.

23. On August 7, an ICE officer or employee informed Alexander that ICE intended to deport him to Mexico and gave as the reason that ICE could not take him to Venezuela.

24. Alexander reported that removal could occur on August 7 or August 8 and could occur once ICE assembled a group of ten Venezuelan detainees. Because he is detained and the reported timetable is measured in hours, counsel has prepared Alexander's declaration for his immediate review and execution and will supplement the record as soon as it can be obtained.

25. At approximately 1:17 p.m. on August 7, Alexander called his wife from NEOCC and told her what ICE had announced. She executed a signed declaration under penalty of perjury memorializing the call and the absence of prior Mexico notice. Exhibit B.

26. Neither Alexander nor his family had received a prior oral or written Mexico notice. ICE has not supplied counsel with a written designation, the statutory clause on which it relies, a removal itinerary, the expected departure time, any acceptance or diplomatic assurance, or any record of a Mexico-specific fear screening.

27. The immigration court did not adjudicate whether Alexander would face persecution, torture, or onward refoulement from Mexico. Alexander has not been asked to identify any

Mexico-specific facts and has not been given a meaningful chance to consult counsel about those issues.

28. A person cannot meaningfully invoke country-specific protections without knowing the destination and having enough time to communicate with counsel, obtain the relevant facts, and present them to the responsible officials or a court.

29. Once ICE places Alexander beyond the territorial jurisdiction of the United States, his practical ability to obtain habeas review and prevent removal to the newly selected destination may be lost. Transfer away from this District for the purpose of immediate removal would create the same practical risk.

30. Alexander seeks a short status-quo order requiring written notice, access to counsel, disclosure of the intended legal and factual basis, and a genuine opportunity to invoke any applicable country-specific protection. He does not seek an order compelling release or permanently forbidding execution of the Ecuador order.

COUNT I — FIFTH AMENDMENT PROCEDURAL DUE PROCESS

31. Alexander incorporates paragraphs 1 through 30.

32. A person physically present in the United States is entitled to due process before the Government removes him. At minimum, due process requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319, 333, 335 (1976).

33. In the emergency-removal setting, notice must provide enough time and information for the affected person actually to contact counsel and seek habeas relief. *J.G.G.*, 604 U.S. at 673; *A.A.R.P.*, 605 U.S. at 94–95. Roughly twenty-four hours without information about how to challenge removal was inadequate in *A.A.R.P.* Id.

34. An oral announcement on the contemplated day of removal, without written destination notice, timing, legal basis, access to counsel, or a country-specific process, does not provide a meaningful opportunity to be heard.

35. The private interest is exceptionally weighty because removal is irreversible in practical effect. The risk of error is high where the destination differs from the immigration judge's order and no written explanation or screening record has been supplied. A short written-notice and review period imposes limited administrative burden.

36. Respondents' threatened removal of Alexander to Mexico without constitutionally adequate notice and opportunity to be heard violates the Fifth Amendment.

COUNT II — CUSTODY AND THREATENED REMOVAL CONTRARY TO FEDERAL LAW

37. Alexander incorporates paragraphs 1 through 36.

38. Section 1231(b) governs selection of a removal destination. For an arriving noncitizen, § 1231(b)(1) supplies the relevant framework, subject to other federal-law limits. Alexander does not allege that Mexico is categorically unavailable under every clause; Respondents have not disclosed which clause or factual predicate they invoke.

39. Whatever destination authority applies, § 1231(b)(3)(A) prohibits removal to a country where the noncitizen's life or freedom would be threatened on a protected ground, and federal CAT regulations prohibit removal where the applicable torture standard is met. Those country-specific limits cannot function if ICE provides no meaningful notice or opportunity to invoke them.

40. Persuasive decisions have held that threatened third-country removal without notice and country-specific process can render custody and removal contrary to federal law. *Marfo*, ECF No. 18, slip op. at 11–18; *Dia*, 2026 WL 1476507, slip op. at 10–19.

41. Respondents may ultimately establish lawful authority to select Mexico and may contest any protection claim Alexander presents. They may not extinguish the statutory opportunity through surprise removal before the claim can be identified and heard.

42. Alexander's present custody for the purpose of an unannounced, immediate Mexico removal is therefore contrary to federal law within the meaning of 28 U.S.C. § 2241(c)(3).

PRAYER FOR RELIEF

Alexander respectfully asks the Court to:

A. Issue the writ or an order to show cause under 28 U.S.C. § 2243;

B. Temporarily restrain Respondents from removing Alexander to Mexico, or transferring him for the purpose or practical effect of such removal, until the Court can adjudicate the request for preliminary relief;

C. Require prompt written notice of any intended Mexico removal, the statutory basis, anticipated timing, and the process available to present a country-specific objection;

D. Require a confidential legal call and a meaningful opportunity to present any withholding, CAT, due-process, or onward-refoulement objection before removal to Mexico;

E. Require a limited return and production of the written destination decision, itinerary and timing, legal authority, any acceptance or assurance, and any country-specific screening record;

F. Set an immediate hearing and enter preliminary and permanent individual relief as warranted; and

G. Grant any other relief the Court deems just and lawful.

The requested relief is limited to removal to Mexico and related process. It does not adjudicate or prohibit removal to Ecuador under the existing order, except to the extent a brief

transfer restriction is needed to preserve this Court's jurisdiction over the pending emergency application.

Respectfully submitted,
/s/ Jathniel C. Shao
Jathniel C. Shao (Ohio Bar No. 0099602)
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VERIFICATION UNDER 28 U.S.C. § 2242

I, Jathniel C. Shao, am counsel for Alexander Barros Millan. I submit this petition on his behalf because he is detained and faces a reported removal timetable measured in hours. Based on the immigration records, Alexander's report communicated through his family, and María Eugenia Sánchez Montero's signed declaration, I verify under penalty of perjury that the factual allegations are true and correct to the best of my present knowledge, information, and belief. Legal allegations are made on counsel's analysis. I will promptly supplement or correct the record if direct access to Alexander produces materially different information.

Executed on August 7, 2026.
/s/ Jathniel C. Shao
Jathniel C. Shao (Ohio Bar No. 0099602)
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CERTIFICATE OF SERVICE

I certify that on August 7, 2026, contemporaneously with filing through CM/ECF, I emailed courtesy copies of the emergency papers to Sara.DeCaro@usdoj.gov, usaohn.contact@usdoj.gov, ERO.INFO@ice.dhs.gov, and Detroit.Outreach@ice.dhs.gov, and faxed them to NEOCC at (330) 746-3318. Formal service will follow under Federal Rule of Civil Procedure 4(i) and 28 U.S.C. § 2243.
/s/ Jathniel C. Shao