UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

WESTERN DIVISION

IN THE MATTER OF:

Edwin Enrique Parada Quezada

Petitioner,

vs.

Kevin Raycraft in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement;

Markwayne Mullin, in his official capacity as Secretary, U.S. Department of Homeland Security;

David Venturella, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

Todd Blanche, in his official capacity as Attorney General of the United States;

Respondents.

Case No.

JUDGE

MAGISTRATE

DHS FILE NO. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Mr. Edwin Enrique Parada Quezada is detained in the Corrections Center of Northwest Ohio in violation of the Due Process Clause of the Fifth Amendment. This case presents a highly unusual fact-pattern, likely of first impression for this Court.

2. Mr. Parada Quezada is a forty-nine-year-old civil engineer from El Salvador, who was [redacted] Mr. Parada Quezada's most recent entry to the United States was on September 9, 2015, a lawful admission at Miami using his visitor visa. Mr. Parada Quezada's lawful spouse, Ms. Sulma Pleitez Salinas was lawfully admitted to the United States approximately a month later, using her visitor visa.

3. Mr. Parada Quezada affirmatively applied for asylum timely with United States Citizenship and Immigration Services (USCIS) on February 17, 2016. Mr. Parada Quezada seeks asylum in the United States due to [redacted] Mr. Parada Quezada applied for and was granted his Employment Authorization Document after his asylum application was pending with USCIS for six months. Mr. Parada Quezada continued to wait for his asylum application to be scheduled for interview by USCIS' Asylum Office.

4. Mr. Parada Quezada's affirmative asylum application remained pending with USCIS when he was detained by ICE on August 23, 2019, in Columbus, Ohio. On September 16, 2019, the Cleveland Immigration Court granted Mr. Parada Quezada a bond, which was paid and he was released from ICE custody. Subsequently, the Cleveland Immigration Court terminated removal proceedings against Mr. Parada Quezada on March 11, 2022.

5. Post-termination of removal proceedings, USCIS resumed its jurisdiction over Mr. Parada Quezada's affirmative asylum application, and Mr. Parada Quezada continued his law-

abiding life in Columbus, Ohio, with his wife and their three young children that were born in Columbus in 2017, 2018, and 2024.

6. Although the facts in his case remained the same, Mr. Parada Quezada was suddenly detained by ICE in Columbus, Ohio, on November 24, 2025, and removal proceedings against him were re-initiated. Mr. Parada Quezada again requested a custody redetermination hearing from the Cleveland Immigration Court, the same as he had done in 2019. However, on December 11, 2025, a different Immigration Judge denied him bond entirely, finding him to be both a danger to community and a flight risk, although there has been no change in his facts since his 2019 release, apart from Mr. Parada Quezada garnering more positive equities through additional six years of law-abiding behavior and community involvement in Columbus, Ohio.

7. Mr. Parada Quezada timely appealed the Immigration Judge's December 11, 2025, denial of bond to the Board of Immigration Appeals. Mr. Parada Quezada's brief in support of his bond appeal was timely filed with the Board of Immigration Appeals on April 20, 2026. The DHS did not file a brief in Mr. Parada Quezada's bond appeal. The DHS attempted to file a brief late, on April 23, 2026, which was rejected for lack of signature, and the DHS did not attempt to refile a brief in Mr. Parada Quezada's bond appeal.

8. Mr. Parada Quezada's appeal of the Immigration Judge's December 11, 2025, bond denial remains pending with the Board of Immigration Appeals to this day, and Mr. Parada Quezada remains detained by ICE. Meanwhile, during Mr. Parada Quezada's 2025- 2026 detention, he was unable to be present for the birth of he and his wife's fourth child, nor was he able to see his brother on his deathbed in Los Angeles before he passed away from swiftly progressing cancer.

9. Mr. Parada Quezada does not have a final order of removal. The Cleveland Immigration Court denied his asylum application in June of 2025, and the timely appeal of his asylum denial is currently pending before the Board of Immigration Appeals. Mr. Parada Quezada has never been charged with any crimes in the United States. The only criminal charges ever brought against him in his home country are [redacted]

PARTIES

10. Petitioner, Mr. Parada Quezada, is a native and citizen of El Salvador. He has resided in Columbus, Ohio, with his Salvadorian wife since 2015.

11. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Mr. Markwayne Mullin has ultimate custodial authority over Petitioner.

12. Respondent Kevin Raycraft is sued in his official capacity as the ICE Acting Field Office Director of ICE's Enforcement and Removal Operations division for Detroit, Michigan, which includes the Corrections Center of Northwest Ohio. As such, Mr. Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal.

13. Respondent U.S. Department of Homeland Security ("DHS") is a federal agency headquartered in Washington, D.C. and the parent agency of ICE.

14. Respondent ICE is a component agency of DHS.

15. Respondent Todd Blanche is sued in his official capacity as the Attorney General. He is responsible for accurate implementation and enforcement of the INA by the Department of Justice.

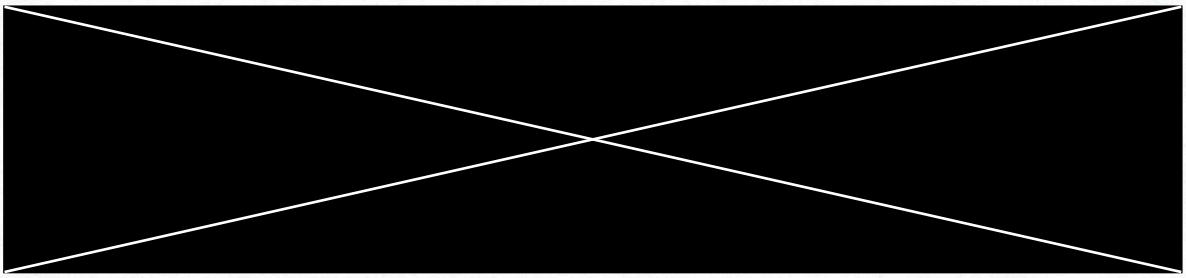
JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction to review Petitioner's fundamentally unfair detention under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition and under 28 U.S.C. § 1331 because this action arises under federal law.

17. Venue is proper in this district because Respondents are Petitioner's immediate custodians, and under 28 U.S.C. § 1391(e)(1) because Respondents are officers of United States agencies, Petitioner currently resides within this District, and there is no real property involved in this action.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

18. Mr. Parada Quezada was born on [redacted] in El Congo, Santa Ana, El Salvador. *Ex. A,* Petitioner's Salvadorian passport. On October 18, 2003, Mr. Parada Quezada received his degree in civil engineering from the Catholic University of the West in Santa Ana, El Salvador. *Ex. B,* Petitioner's university degree with English translation. [redacted]



visa on October 19, 2025. *Ex. D*, Petitioner's spouse's entry documents. Mr. Parada Quezada timely and affirmatively applied for asylum in the United States on February 17, 2016. *Ex. E,* I-589 receipt from USCIS.

21. On August 23, 2019, whilst Mr. Parada Quezada's asylum application was still pending with USCIS, ICE officers arrested him at a residence in Columbus, Ohio, where he was working as a laborer, due to the existence of an Interpol Red Notice issued against Mr. Parada Quezada in case 2019/22493, charged with fraud against government in El Salvador. *Ex. F, pp. 3-6,* DHS' I-213, Record of Deportable/Inadmissible Alien, from Aug. 23, 2019.

22. When ICE arrested Mr. Parada Quezada on August 23, 2019, it noted that Mr. Parada Quezada had no criminal history apart from the Interpol notice. *Id.* at p. 2. Mr. Parada Quezada had valid work authorization at the time of his arrest. *Id.* Mr. Parada Quezada also had a valid Ohio drivers license. *Id* at p. 3. The Salvadorian Consulate was notified of Mr. Parada Quezada's arrest. Mr. Parada Quezada informed ICE of his fear of returning to El Salvador, and ICE placed Mr. Parada Quezada into removal proceedings for having overstayed his admission on his visitor visa. *Id.* ICE denied to release Mr. Parada Quezada from its custody after his August 23, 2019, arrest.

23. Through counsel, Mr. Parada Quezada requested a custody redetermination hearing from the Cleveland Immigration Court. In support of its position to continue to detain Mr. Parada Quezada without bond, the DHS filed with the Cleveland Immigration Court the aforementioned

I-213 arrest report, as well as the Interpol Red Notice and arrest warrant from El Salvador. *Ex. F,* DHS' 2019 bond documents.

24. Mr. Parada Quezada's custody redetermination hearing before the Cleveland Immigration Court was held on September 16, 2019, and the Court ordered Mr. Parada Quezada to be released upon payment of a $15,000 bond. *Ex. G,* Sept. 16, 2019, Immigration Judge bond order. Both parties reserved appeal, but no appeal was filed. Mr. Parada Quezada was released from ICE custody upon payment of the $15,000 bond.

25. After Mr. Parada Quezada was placed into removal proceedings in 2019, jurisdiction over his asylum application shifted from USCIS to the Immigration Court. Consequently, on September 23, 2019, USCIS administratively closed Mr. Parada Quezada's I-589 application. *Ex. H,* USCIS Notice of Lack of Jurisdiction. Mr. Parada Quezada re-filed his I-589 asylum application defensively with the Immigration Court on November 12, 2019. *Ex. I,* printout of EOIR Asylum clock. On March 7, 2022, the Immigration Court granted Mr. Parada Quezada's motion to terminate removal proceedings. *Ex. J,* Immigration Judge termination order.

26. USCIS resumed jurisdiction over Mr. Parada Quezada's asylum application. Mr. Parada Quezada continued living in Columbus, Ohio, renewing his employment authorization regularly, and residing with his wife and United States citizen children. *Ex. K,* Petitioner's employment authorization documents valid from 2020-2025 and his 2024 renewal receipt. *Ex. L,* birth certificates of Petitioner's eldest three United States citizen children. Mr. Parada Quezada and his spouse enrolled their children in St. Cecilia Catholic School, in Columbus, Ohio. *Ex. M.*

27. On November 24, 2025, Mr. Parada Quezada was newly arrested by ICE in Columbus, Ohio, newly placed into removal proceedings for the same administrative charge of

overstaying his visitor's visa, and detained in Butler County Jail in Hamilton, Ohio. *Ex. N,* Nov. 24, 2025, Notice to Appear.

28. Through counsel, Mr. Parada Quezada again filed for a custody redetermination hearing with the Cleveland Immigration Court, and his counsel filed an evidentiary package to demonstrate that he was not a flight risk or danger to society and informing the Court of the procedural history of the case, including the Immigration Court's grant of a bond to Mr. Parada Quezada in 2019. *Ex. O,* Petitioner's documents in support of his 2025 custody redetermination hearing. For the 2025 custody redetermination hearing, the DHS filed the same Interpol red notice from case 2019/22493 and the same Salvadorian arrest warrant that the DHS had filed in Mr. Parada Quezada's 2019 custody redetermination hearing. *Ex. P,* DHS' evidence filed in Petitioner's 2025 custody redetermination.

29. Mr. Parada Quezada's custody redetermination hearing was held before the Cleveland Immigration Court on December 10, 2025, before a *different* Immigration Judge than the Immigration Judge who had heard the case in 2019 and ordered Mr. Parada Quezada released on bond then. On December 10, 2025, Cleveland Immigration Judge Jennifer Riedthaler-Williams denied Mr. Parada Quezada's request to be released on bond, finding Mr. Parada Quezada to be "both a danger to the community and a flight risk. [redacted]. The Court finds that no amount of bond the Court could set would ensure the Respondent's appearance at future hearings." Ex. Q, Dec. 10, 2025, bond denial. This, despite Mr. Parada Quezada's diligence to his previous 2019 to 2022 removal case with strict adherence to his 2019 bond requirements.

30. Through counsel, Mr. Parada Quezada appealed Immigration Judge Riedthaler-Williams' December 10, 2025, denial of bond. After the appeal was filed, the Immigration Judge

issued on February 10, 2026, a longer written decision of Mr. Parada Quezada's bond denial. *Ex. R.* In its longer decision, the Immigration Judge still failed to mention any of Mr. Parada Quezada's overwhelmingly positive equities, such as zero criminal charges in the United States, zero immigration violations other than the necessary overstay of his visa to have his asylum case adjudicated, and his strict adherence with all requirements of his prior removal case and bond. The February 10, 2026, decision indicates that purely due to the 2019 Interpol notice and ongoing criminal case in El Salvador, Mr. Parada Quezada is a danger to community. *Ex. R.*

31. On March 30, 2026, the Board of Immigration Appeals issued its briefing schedule for both parties' briefs to be filed on April 20, 2026. *Ex. S.*

32. Mr. Parada Quezada timely filed to the Board of Immigration Appeals his brief in support of bond appeal on April 20, 2026. *Ex. T.* The DHS filed a late brief on April 23, 2026, which was rejected by the Board of Immigration Appeals on April 26, 2026. *Ex. U, BIA rejection notice to DHS ICE Office of Chief Counsel.* To date, DHS has not attempted to correct or re-file its brief. *Ex. V,* BIA bond appeal docket for Petitioner. To date, Mr. Parada Quezada's appeal of the Immigration Judge's December 10, 2025, bond denial is still pending with the Board of Immigration Appeals. *Id.*

33. During Mr. Parada Quezada's detention, his spouse gave birth to the couple's fourth child, a baby girl, in May of 2026. *Ex. W,* Birth certificate of Petitioner's 2026 child.

34. [redacted] On June 25, 2026, Immigration Judge Riedthaler-Williams denied Mr. Parada Quezada's applications for asylum, withholding of removal, withholding of removal under the Convention Against Torture, and deferral of removal under the

Convention Against Torture, ordering him removed to El Salvador, and Mr. Parada Quezada timely appealed the denial of his merits case to the Board of Immigration Appeals. *Ex. X.* To date, Mr. Parada Quezada's merit appeal remains pending without the issuance of a briefing schedule.

35. On August 6, 2026, Mr. Parada Quezada was transferred by ICE to the Corrections Center of Northwest Ohio in Stryker, where he remains detained.

36. Thereafter, Mr. Parada Quezada's brother, Romel Parada Quezada, a legal permanent resident residing in Los Angeles, California, who testified in his merits case, passed away unexpectedly from swiftly progressing cancer. His memorial service is scheduled for August 30, 20206. *Ex. X.*

CLAIMS FOR RELIEF

Count One

The Immigration Judge's Bond Denial Violates Due Process Requirements of the Fifth Amendment of the United States Constitution

37. "The Due Process Clause 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) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* at 690 (2001).

38. Under substantive due process doctrine, a restraint on liberty is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

39. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

40. While the Immigration Judge's discretionary determinations are not subject to judicial review, the federal court may review whether the bond hearing was fundamentally unfair. *Sylvain v. Att'y Gen. of U.S.,* 714 F.3d 150, 155 (3rd Cir. 2013)

41. In order for an immigration judge's bond decision to pass constitutional muster, the noncitizen "(1) is entitled to factfinding based on a record produced before the decisionmaker and disclosed to him or her; (2) must be allowed to make arguments on his or her own behalf; and (3) has the right to an individualized determination of his [or her] interests." *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624 at *2 (3d Cir. Feb. 25, 2022).

42. This standard "presupposes an impartial decisionmaker and "requires that any decision be grounded in the evidence presented at the hearing and accompanied by a statement indicating the reasons for the decision and the evidence relied upon." Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

43. In determining whether a Respondent should be released on bond, Immigration Judges must follow the factors articulated by the Board of Immigration Appeals in *Matter of Guerra,* 24 I&N Dec. 37 (BIA 2006):

a. Whether the foreign national has a fixed address in the United States

b. The foreign national's length of residency in the United States

c. The foreign national's family ties in the United States

d. The foreign national's employment history

e. The foreign national's record of appearance in court

f. The foreign national's criminal record

g. The foreign national's history of immigration violations

h. Any attempts by the foreign national to flee prosecution or otherwise escape from authorities

i. The foreign national's manner of entry into the United States

44. Here, the *severely imbalanced* decision in Mr. Parada Quezada's December 10, 2026, bond redetermination hearing clearly demonstrates that it was not conducted by an impartial nor independent decision maker. In 2019 Mr. Parada Quezada was detained due to a 2019 Interpol notice and was released by the Immigration Court on bond. *Ex. G.* Six years later, in November of 2025, Mr. Parada Quezada was detained again, and the only derogatory factor against Mr. Parada Quezada was the exact same Interpol notice that existed when he was ordered released on bond in 2019. When Mr. Parada Quezada's custody was being redetermined by the Cleveland Immigration Court for a second time in December of 2025, Mr. Parada Quezada had exhibited an additional six years of law-abiding behavior in the United States, satisfying all of his requirements with the Immigration Court, and committing no immigration violations or other violations of law.

45. It cannot be said that Immigration Judge Riedthaler-Williams was an impartial and independent decision-maker of Mr. Parada Quezada's custody redetermination, considering these facts. The Immigration Court considered the existence of the Interpol red notice in 2019 and ordered Mr. Parada Quezada released on bond at that time. In the subsequent six years before Mr. Parada Quezada's re-detention at the end of 2025, Mr. Parada Quezada faithfully fulfilled all of his obligations to the Court and was not charged with any crimes. In the subsequent six years before Mr. Parada Quezada's re-detention by ICE, Mr. Parada Quezada only further demonstrated

that he was not a flight risk nor a danger to society. It is illogical and nonsensical, and in violation of Mr. Parada Quezada's due process rights, that he was denied bond in 2025, when his facts were more favorable in 2025 than they were in 2019. No intervening adverse factors against Respondent whatsoever arose between 2019 and 2025.

46. The Court utterly failed to consider the positive factors and improperly weighed the only *potential* negative factor in this case against all of the other factors of Respondent's case being overwhelmingly positive. The Court's denial of bond is in clear violation of the Board of Immigration Appeals' precedential law of *Matter of Guerra.* Mr. Parada Quezada should be ordered released upon payment of a bond of a lesser amount than the $15,000 that he paid in 2019 or be released on his own recognizance.

Count Two

Petitioner's Detention Has Become Unconstitutionally Prolonged in Violation of the Fifth Amendment of the United States Constitution

47. Exhaustion is not required for habeas petitions challenging the lawfulness or constitutionality of immigration detention. *Montano v. Texas,* 867 F.3d 540, 542 (5th Cir. 2017). Moreover, requiring exhaustion is not appropriate when the petitioner could suffer irreparable harm, or when it could be futile. *McCarthy v. Madigan,* 503 U.S. 140, 144-149 (1992).

48. Regardless, Mr. Parada Quezada *has* exhausted his administrative remedies prior to filing this habeas corpus petition. Mr. Parada Quezada's administrative appeal of the Immigration Judge's denial of his bond has been pending with the Board of Immigration Appeals for well over six months, since January of this year. *Ex. V.* Mr. Parada Quezada filed his bond redetermination request with the Immigration Court on December 9, 2025. *Ex. O.* Mr. Parada Quezada has been in civil, non-criminal immigration detention since November 24, 2025. *Ex. N.*

49. The denial of a bond to Mr. Parada Quezada by Immigration Judge Riedthaler-Williams was an utter deprivation of Mr. Parada Quezada's due process right because that decision is so unbalanced that the Immigration Judge was not an impartial decision maker. It cannot be possible that Mr. Parada Quezada met his 8 CFR § 236.1(c)(8) burden in 2019 when he was released by the Court on bond, but did not do so six years later, when there was no intervening, derogatory information about Mr. Parada Quezada or negative equities that developed between 2019 and December 10, 2025.

50. Mr. Parada Quezada has already suffered irreparable harm from his unlawful continued detention. Considering the precious value of human liberty that is at stake when an individual is detained, an administrative review of a *detention* decision that takes over six months, is not a meaningful administrative remedy. It is not a remedy at all. Indeed, the administrative remedy of appealing Immigration Judge Riedthaler-Williams unlawful custody redetermination decision has cost Mr. Parada Quezada an additional eight months of loss of liberty. During that time, he has missed both life and death events: the birth of his baby daughter and the death of his only brother.

51. As Mr. Parada Quezada has been detained for nearly nine months, has waited for his administrative appeal for over seven months, and the custody decision that he has appealed to the Board is unconstitutional, this Court should order Mr. Parada Quezada released from custody.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

1. Exercise jurisdiction over this matter;

2. Pursuant to 28 U.S.C. § 2243, issue an order directing Respondents to show cause within three days why the writ should not be granted;

3. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

4. Order Petitioner's immediate release;

5. Order that Respondents cannot re-detain Petitioner without notice and a pre-deprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence; and

6. Order such other relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Amy Bittner
Amy M. Bittner, Esq.
Legal Aid of Southeast and Central Ohio
1108 City Park Ave., Ste. 100
Columbus, OH 43206
Ph: 614-826-9812
E-mail: amybittner@mac.com

VERIFICATION

Amy Bittner, under penalty of perjury, states the following:

1. I am an attorney admitted to practice before this Court. I am representing Petitioner *pro bono.*

2. I affirm the truth of the contents of the foregoing Complaint upon information and belief. The sources of my information and belief are my personal knowledge of the factual and procedural history of Petitioner's case.

Dated: Columbus, Ohio
August 20, 2026

s/ Amy Bittner