UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION AT TOLEDO

ALPHA BAYO, Petitioner, v. MATTHEW PUTRA, Acting Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; TODD BLANCHE, U.S. Attorney General, Respondents.	Case No. _____ District Judge _____ Magistrate Judge _____ A[redacted]

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

INTRODUCTION

1. Petitioner, Mr. Alpha Bayo, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is in the physical custody of Respondents at Corrections Center of Northwest Ohio, and challenges the lawfulness of that custody.

2. This petition arises from the U.S. government's unlawful detention of Petitioner and its failure to provide the Petitioner with an individualized, constitutionally adequate bond hearing.

3. Release is the customary remedy in habeas proceedings. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (finding "that the traditional function of the writ is to secure release from illegal custody"). The most appropriate remedy in a case like this, where Petitioner is

detained in violation of due process, is release on recognizance without further conditions of release. Courts across the country have agreed. *See Savane v. Francis*, No. 1:25-cv-6666, 801 F.Supp.3d 483 (S.D.N.Y. Sept. 28, 2025) (ordering immediate release within one business day); *Alberto Picon v. O'Neill*, No. 25-6731, 2025 WL 3634212 (E.D. Pa. Dec. 15, 2025) (ordering immediate release).

4. The Court should expeditiously grant this petition. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

LEGAL STANDARD

5. The Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). Section 2241 of Title 28 confers the federal courts with the power to issue the writ of habeas corpus to persons "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241. This includes challenges by noncitizens in immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

JURISDICTION

6. Petitioner is in the physical custody of Respondents at the Corrections Center of Northwest Ohio (CCNO) in Stryker, Ohio.

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) and (c)(5) (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, Section 9, Clause 2 of the United States Constitution (Suspension Clause).

8. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue lies in the United States District Court for the Northern District of Ohio, specifically in the Western Division at Toledo, because Petitioner is detained in the Corrections Center of Northwest Ohio in Stryker, Ohio (Williams County). *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973); *see also*, N.D. Ohio Civ. R. 3.8(a).

10. Venue is also proper in this Court because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims and relevant facts occurred in the Northern District of Ohio. 28 U.S.C. § 1391(e).

PARTIES

11. Petitioner, Mr. Alpha Bayo, is a national and citizen of Guinea who entered the United States without inspection on approximately September 7, 2023 and has been in immigration detention since approximately February 2026 at the Corrections Center of Northwest Ohio in Stryker, Ohio. After taking custody of Mr. Bayo, ICE did not set bond.

12. Respondent, Matthew Putra, is the Acting Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Putra is

Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. *See Roman v. Ashcroft*, 340 F.3d 314, 320–21 (6th Cir. 2003). He is sued in his official capacity.

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

14. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

CLAIM

Violation of the Due Process

15. Petitioner repeats, realleges, and incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

16. Pursuant to recent Sixth Circuit precedent, Petitioner, as someone who entered without inspection, falls under the category of persons subject to discretionary detention under 8 U.S.C §1226(a). See *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026).

17. The Due Process Clause of the United States Constitution applies to "all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 679 (2001).

18. The government may not deprive a person of life, liberty or property without due process of law, U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects." *Zadvydas v. Davis,* 533 U.S. 678, 690 (2001). Non-punitive detention in the immigration context violates due process absent adequate procedural protections or a special justification outweighing the detainee's liberty interest. *Id.* at 690.

19. A district court can "review whether the bond hearing itself satisfied the Fifth Amendment's guarantee of procedural due process." *Trejo v. Bullock*, No. 26-5186, 2026 WL 2057094, at *2 (6th Cir. May 14, 2026); *see also*, *Soto-Medina v. Lynch*, 817 F. Supp. 3d 612, 618-619 (W.D. Mich. 2026).

20. Petitioner is not seeking review of the merits of any discretionary decision of the Immigration Judge, but rather Petitioner is seeking review of whether the bond hearing itself satisfied the Fifth Amendment's guarantee of procedural due process. *Id.* at *2 ("A 'real' hearing—in the sense required by the Due Process Clause—must be 'meaningful' and 'appropriate to the nature of the case.'") (citations omitted).

21. Courts within the Sixth Circuit apply the three-factor balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), to determine whether a civil detention violates due process. That test weighs: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used and the value of additional procedural safeguards; and, (3) the government's interest, including the administrative burden that additional procedures would impose. *See Mulet-Zaldivar v. Acting Director of ERO*, No. 1:26-cv-00143, 2026 WL 1911462, at *1–3 (S.D. Ohio July 2, 2026); *see also*,

Tazoah v. Raycraft, No 1:26-cv-582-SJD (S.D. Ohio July 2, 2026) ("The record before the Court indicates that [the petitioner] did not receive due process at his bond hearing. [The Immigration Judge] issued a one-sentence determination that [the petitioner] was a flight risk.") (*pending appeal*).

22. Petitioner has a fundamental interest in liberty and being free from restraint. Petitioner has been detained since approximately February 2026. On April 16, 2026, an Immigration Judge in the Cleveland Immigration Court ordered Petitioner's removal. On July 6, 2026, Petitioner attended a custody redetermination hearing, otherwise known as a bond hearing.

23. During his bond hearing, which lasted only 6 minutes and 41 seconds, Petitioner presented documentary evidence of his valid, unexpired employment authorization card, a copy of his U.S. citizen sisters passport ID page, a support letter from his U.S. citizen brother-in-law. Counsel for Petitioner argued that he is not a danger to the community and that he is not flight risk because of his pending appeal. DHS did not submit evidence. At the hearing, DHS erroneously stated that Petitioner has a final order of removal. *See* 8 C.F.R. § 1241.1 (providing that a removal order is not final while an appeal remains pending).

24. The Immigration Judge denied bond, reasoning that Petitioner is a flight risk because of his removal order. However, Petitioner's removal order is not yet final, as it is pending appeal at the BIA. That same day, on July 6, 2026, the Immigration Judge issued an order denying bond that contained only 3 words: "Risk of flight." (*See* **Exhibit A**, Order Denying Bond). The order did not provide sufficient justification for that determination. Accordingly, the Immigration Judge relied on a generalized assumption that noncitizens

with removal orders are flight risks, rather than an individualized assessment of the facts of Petitioner's case.

25. The government's detention of Petitioner without an individualized, constitutionally adequate bond redetermination hearing to determine whether he is a flight risk or danger to others violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

26. WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Issue an Order to Show Cause requiring Respondents to show cause why this Petition should not be granted within three days

c. Order Respondents to refrain from transferring Petitioner outside the jurisdiction of this Court during the pendency of this proceeding and while Petitioner remains in Respondents' custody

d. Issue a Writ of Habeas Corpus requiring that within one day, Respondents release Petitioner from custody; or alternatively,

e. Order the Immigration Court to conduct a new bond hearing within five (5) days, with the burden placed on DHS to demonstrate that the Petitioner should remain in detention;

f. Grant any other and further relief that this Court deems just and proper.

Dated: October 6, 2026

Respectfully submitted,

/s/ Julie C. Nemecek
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