

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Manuel Gonzalez Cortez v. Robert Lynch, et al.

Gonzalez Cortez · No. 1:25-cv-822 · Decided January 12, 2026

SUMMARY

The United States District Court for the Southern District of Ohio dismissed without prejudice Manuel Gonzalez Cortez’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention without a bond hearing. The court held that it had jurisdiction over the detention-based claims but required exhaustion of available administrative remedies before the Board of Immigration Appeals. The court denied as moot the Butler County Sheriff’s motion to dismiss and terminated the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Matthew W. McFarland
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	January 12, 2026
DOCKET	1:25-cv-822
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging his immigration detention without a bond hearing. The district court held that the detention-based claims were within its habeas jurisdiction but dismissed the petition without prejudice because petitioner had not exhausted available administrative remedies through the immigration system.
STANDARD OF REVIEW	On initial habeas screening under 28 U.S.C. § 2243 and Rule 4, the court accepts the petition's allegations as true and construes them in the petitioner's favor; dismissal is appropriate when it plainly appears that the petitioner is not entitled to relief. The court applied a discretionary prudential-exhaustion analysis.
PRECEDENTIAL VALUE	Nonprecedential federal district court opinion
PARTIES	Manuel Gonzalez Cortez v. Robert Lynch, Kristi Noem, Todd Lyons, Pamela Bondi, Richard K. Jones

TOPICS

immigration detention federal habeas corpus exhaustion of remedies removal proceedings
subject matter jurisdiction

PRACTICE AREAS

immigration law federal habeas corpus administrative law civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g), § 1252(a)(5), § 1252(b)(9), or § 1252(e)(3) deprived the district court of jurisdiction over petitioner's detention-based habeas claims.
2. Whether petitioner's challenge to detention without a bond hearing constituted core habeas relief implicating the Suspension Clause.
3. Whether prudential exhaustion of available administrative remedies was required before the district court could review petitioner's detention-based claims.
4. Whether petitioner established grounds to waive prudential exhaustion based on futility, inadequacy, irreparable injury, or delay.

HOLDINGS

1. The jurisdictional restrictions in 8 U.S.C. § 1252(g), § 1252(a)(5), § 1252(b)(9), and § 1252(e)(3) did not bar the district court from hearing petitioner's claims challenging detention without a bond hearing because those claims challenged the fact of detention independently from removal.
2. A noncitizen challenging immigration detention without a bond hearing must prudentially exhaust available administrative remedies when the Puga factors favor exhaustion.
3. Petitioner did not establish that exhaustion should be waived because of futility, inadequate or ineffective remedies, irreparable injury, or delay.

KEY QUOTATIONS

“For over 100 years, habeas corpus has been recognized as the vehicle through which noncitizens may challenge the fact of their detention.” (at 3)

“The well-established doctrine of exhaustion of administrative remedies instructs that “no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted.”” (at 10)

“Absent binding precedent to the contrary, this Court therefore declines to find that the risk of delay alone warrants a waiver of exhaustion.” (at 15)

FACTUAL BACKGROUND

Manuel Gonzalez Cortez, a Mexican citizen who had lived in the United States since 2006, was arrested by ICE after a traffic stop and detained at the Butler County Jail. DHS placed him in removal proceedings based on his

entry without inspection and continued his detention without a bond hearing. His wife, a lawful permanent resident, had filed a pending immigrant visa petition for him, and he lived with her and their United States-citizen son. After filing his federal habeas petition, he sought custody redetermination in immigration court, but the immigration judge denied redetermination and bond; he did not appeal that decision to the BIA.

PROCEDURAL HISTORY

Manuel Gonzalez Cortez filed a § 2241 habeas petition challenging his detention without a bond hearing under the INA, bond regulations, and the Fifth Amendment. After filing the petition, he sought custody redetermination in immigration court; the immigration judge declined to redetermine bond and alternatively denied bond, and the record showed no appeal to the Board of Immigration Appeals. The district court dismissed the petition without prejudice for failure to exhaust prudential administrative remedies and denied the county respondent's motion to dismiss as moot.

DISPOSITION

dismissed

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006)
- Rranxburgaj v. Wolf, 825 F. App'x 278, 283 (6th Cir. 2020)
- Ene v. Phillips, 99 F. App'x 642, 643 (6th Cir. 2004)
- Elgharib v. Napolitano, 600 F.3d 597, 607 (6th Cir. 2010)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- Hamama v. Adducci, 912 F.3d 869, 875-77 (6th Cir. 2019)
- Moussa v. Jenifer, 389 F.3d 550, 554 (6th Cir. 2004)
- Malam v. Adducci, 452 F. Supp. 3d 643, 649 (E.D. Mich. 2020)
- Jennings v. Gonzalez, 583 U.S. 281, 292-95 (2018)
- DHS v. Regents of the Univ. of Cal., 591 U.S. 1, 19 (2020)
- Espinoza v. Dir. of Detroit Field Off., U.S. Immigr. & Customs Enf't, No. 4:25-CV-2107, 2025 WL 2878173, at *2 (N.D. Ohio Oct. 9, 2025)
- Alexander v. Northern Bureau of Prisons, 419 F. App'x 544, 545 (6th Cir. 2011)
- McKart v. United States, 395 U.S. 185, 193 (1969)
- Shearson v. Holder, 725 F.3d 588, 593-94 (6th Cir. 2013)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738, 746-47 (6th Cir. 2019)
- Perkovic v. INS, 33 F.3d 615, 619 (6th Cir. 1994)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Puga v. Chertoff, 488 F.3d 812, 815 (9th Cir. 2007)
- Leonardo v. Crawford, 646 F.3d 1157, 1160 (9th Cir. 2011)

- Rabi v. Sessions, No. 18-3249, 2018 U.S. App. LEXIS 19661, at *1 (6th Cir. July 16, 2018)
- Loper Bright Enters. v. Raimondo, 603 U.S. 369, 402 (2024)
- Laing v. Ashcroft, 370 F.3d 994, 998, 1000 (9th Cir. 2004)
- Fallick v. Nationwide Mut. Ins. Co., 162 F.3d 410, 419 (6th Cir. 1998)
- Stock W. Corp. v. Lujan, 982 F.2d 1389, 1394 (9th Cir. 1993)
- Beharry v. Ashcroft, 329 F.3d 51, 56, 62 (2d Cir. 2003), as amended (July 24, 2003)
- Shalala v. Ill. Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000)

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