

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO

Adefel Jose Viera Zue v. Merrick Garland, et al.

Viera Zue · No. 4:26-CV-00345 · Decided February 13, 2026

SUMMARY

The United States District Court for the Northern District of Ohio addresses pro se motions filed in a 28 U.S.C. § 2241 habeas matter by the petitioner's wife and next friend. The court dismisses without prejudice any claims concerning conditions of confinement, denies without prejudice the request for an emergency temporary restraining order because the requirements of Federal Rule of Civil Procedure 65(b) were not satisfied, and stays consideration of the motions for immediate release and expedited review until the respondents appear and respond.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio
WRITING FOR THE COURT	David A. Ruiz
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	February 13, 2026
DOCKET	4:26-CV-00345
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition and related pro se motions seeking immediate release, expedited consideration, and an emergency temporary restraining order barring his transfer or deportation. The court ruled on the motions before respondents appeared or responded.
STANDARD OF REVIEW	The court applied the statutory scope of § 2241 habeas jurisdiction and the procedural requirements governing ex parte temporary restraining orders under Federal Rule of Civil Procedure 65(b)(1)(B).
PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive value only
PARTIES	Adefel Jose Viera Zue v. Merrick Garland, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether claims challenging the medical care and other conditions of petitioner's confinement could be pursued in a 28 U.S.C. § 2241 habeas proceeding.
2. Whether petitioner was entitled to an emergency temporary restraining order without prior notice when the movant had not submitted the written certification required by Federal Rule of Civil Procedure 65(b)(1)(B).
3. Whether the motions for immediate release and expedited consideration should be decided before respondents appeared and responded.

HOLDINGS

1. Section 2241 habeas relief is limited to unlawful imprisonment or custody and does not provide a vehicle for claims concerning conditions of confinement, including allegedly inadequate medical care. Such claims must be brought in an appropriate civil-rights action, and the conditions claims were dismissed without prejudice.
2. A temporary restraining order without notice was not warranted because the movant supplied neither the written certification of efforts to give notice nor the reasons notice should not be required, as required by Rule 65(b)(1)(B).
3. The motions for immediate release and expedited consideration were stayed until respondents entered an appearance and responded to the petition and related motions.

KEY QUOTATIONS

“Initially, it must be noted that habeas corpus under Section 2241 is limited to providing relief from unlawful imprisonment or custody and “is not available to review questions unrelated to the cause of a prisoner’s detention.””

“A temporary restraining order, given without prior notice to or participation by the non-moving party, is “an extraordinary remedy, appropriate only when the procedural safeguards of Fed. R. Civ. P. 65(b) are scrupulously honored.””

FACTUAL BACKGROUND

Petitioner was arrested in New York on November 18, 2025, after a traffic stop allegedly based solely on his presence as a passenger in a vehicle with out-of-state license plates. He alleged that he was detained without a warrant or probable cause, was pursuing asylum, had no criminal record, and was compliant with immigration requirements. He also alleged that his physical and mental conditions deteriorated during confinement because of food and water rationing, spoiled food, and inadequate medical care.

PROCEDURAL HISTORY

Petitioner initiated a federal habeas corpus proceeding challenging his immigration detention and related conditions of confinement. His wife and next friend filed motions for immediate release, expedited consideration, and a temporary restraining order. The court dismissed the conditions-of-confinement claims without prejudice, denied the temporary restraining order without prejudice, and stayed the release and expedited-consideration motions pending respondents' appearance and response.

DISPOSITION

other

CASES CITED

- Navarro-Horta v. Warden, 2026 WL 31184, at *1–2 (N.D. Ohio Jan. 6, 2026)
- Medina-Herrera v. Noem, 2025 WL 3182082, at *1 (W.D. Okla. Oct. 31, 2025)
- Slave Legacy, LLC v. Son of Slave, 2023 WL 3919317, at *2 (S.D. Ohio June 9, 2023)