

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Wuanerge Alberto-Alvarenga v. Richard A. Aumille, in his official
capacity as Warden of Seneca County Jail, et al.

Alberto-Alvarenga v. Aumille · No. 3:25-CV-02644-JRK · Decided March 4, 2026

SUMMARY

This Report and Recommendation addresses a 28 U.S.C. § 2241 habeas petition filed by an immigration detainee challenging his continued detention. The magistrate judge recommends adding the ICE Detroit Field Office Director as the proper respondent, declining to dismiss for lack of personal jurisdiction or failure to exhaust administrative remedies, and granting the petition to require a bond hearing under 8 U.S.C. § 1226(a). The recommendation also denies the petitioner’s motion to file a sur-reply and denies as moot his motion to expedite.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Jonathan D. Greenberg
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	March 4, 2026
DOCKET	3:25-CV-02644-JRK
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241, together with respondents' motion to dismiss and petitioner's motions for substitution, sur-reply, and expedited relief. The magistrate judge issued a Report and Recommendation rather than a final judgment.
STANDARD OF REVIEW	On the motion to dismiss, the court considered documents attached to and central to the pleadings. The court applied principles governing habeas jurisdiction, prudential exhaustion, personal jurisdiction and the immediate-custodian rule, and reviewed the due-process claim under the Mathews v. Eldridge balancing test.

QUESTIONS PRESENTED

1. Whether the proper ICE official should be added or substituted as the respondent in the § 2241 habeas proceeding.
2. Whether the court should dismiss the petition for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).
3. Whether prudential exhaustion of immigration-administrative remedies was required despite petitioner's constitutional challenge to his continued detention.
4. Whether 8 U.S.C. § 1252(g) or related jurisdiction-stripping provisions barred district-court review of petitioner's detention-based habeas claim.
5. Whether petitioner was detained under 8 U.S.C. § 1225 or instead fell within the discretionary bond framework of 8 U.S.C. § 1226(a), and whether due process independently required a bond hearing.

HOLDINGS

1. The proper ICE Detroit Field Office Director, Kevin Raycraft, should be added as a party, and the petition should not be dismissed on respondent-identification or personal-jurisdiction grounds.
2. Administrative exhaustion should be waived, and petitioner's withdrawal of his earlier bond request did not foreclose a constitutional challenge to his continued detention.
3. The district court had subject-matter jurisdiction over petitioner's § 2241 challenge to the legality and constitutionality of his detention because the claim did not require review of the merits of his removal order.

FACTUAL BACKGROUND

Alberto-Alvarenga entered the United States in 2016, was placed in removal proceedings, and later filed an affirmative asylum application. ICE detained him in October 2025 after a local arrest related to an alleged domestic-violence incident; the victim later submitted a statement withdrawing support for the charges and supporting his bond request. The immigration judge later pretermitted and denied his asylum application and issued a removal order, while Alberto-Alvarenga remained detained in ICE custody. The government characterized his detention as mandatory under 8 U.S.C. § 1225, but the court found no evidence that he received the type of asylum interview or screening that would trigger the asserted mandatory-detention provision.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition challenging the legality and constitutionality of his civil immigration detention. Respondents moved to dismiss for lack of personal jurisdiction and failure to exhaust administrative remedies. The magistrate judge recommended adding the ICE Detroit Field Office Director as a respondent, waiving exhaustion, finding subject-matter jurisdiction over the detention challenge, granting the petition, and ordering a bond hearing under 8 U.S.C. § 1226(a). The recommendation also denied the motion for leave to file a sur-reply and denied the motion to expedite as moot.