

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY

K.E.O.,

Plaintiff-Petitioner,

v.

Jason **WOOSLEY**, Grayson County Jailer; Samuel
OLSON, Field Office Director for U.S. Immigration
and Customs Enforcement; **Kristi NOEM**, in her
official capacity as Secretary, U.S. Department of
Homeland Security,

Defendants-Respondents.

Case No. 4:25CV-74-RGJ

VERIFIED PETITION FOR A
WRIT OF HABEAS CORPUS

FILED

JAMES J. VILT, JR. - CLERK

JUL 18 2025

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY

PRELIMINARY STATEMENT

1. Petitioner, K.E.O., is a 33-year-old woman who was brought to the United States when she was a young child and has lived in the United States since, save for a brief period when she was removed to Mexico in 2021.¹ On April 28, 2025, K.E.O. was detained by Defendants-Respondents ("Respondents") Immigration and Customs Enforcement ("ICE") when she appeared, as instructed, for a check-in with the Intensive Supervision Appearance Program and despite her full and complete compliance with the terms of the Order of Supervision ("OSUP") in her case. She has always complied with all requirements of release.
2. Petitioner resides—or did reside, before her detention—with her infant daughter, K. R., whom she was breastfeeding, pursuant to her pediatrician's advice, and was in her custody and care.

¹ The Petitioner is concurrently filing a motion to proceed under pseudonym to protect against retaliation due to her status as a survivor of human trafficking and the threats against her life if she is forced to return to Mexico.

3. On March 20, 2024, ICE placed Petitioner on an Order of Supervision, ordering she “be placed under supervision and permitted to be at large.” For more than one year, Petitioner dutifully obeyed all ICE orders and conditions on her release and periodically had “check-ins” with ICE and with BI Incorporated, an ICE contractor who supervises noncitizens who are released.
4. As directed by an ICE contractor, Petitioner arrived for a check-in with ICE contractors on April 28, 2025, purportedly to reinstate the GPS monitor the agency had removed from her just days earlier. Instead, as detailed below, her supervised release was revoked and she was detained by ICE. Her legal counsel was not permitted to meaningfully defend against re-detention.
5. On June 6, 2025, an immigration judge determined Petitioner has a reasonable fear of return to Mexico and directed her to be placed in withholding only proceedings to allow for a full hearing on her claim that she will be persecuted and tortured if she returns to Mexico. Accordingly, her removal is not imminent. Additionally, because she is a victim of human trafficking, she applied for T visa nonimmigrant status, a special status provided for survivors of severe human trafficking, over a year ago and is awaiting adjudication of that application. If that application is granted, she will be permitted to remain in the United States for at least four years. Because of their unique vulnerabilities of survivors of human trafficking, such as K.E.O., Congress has crafted special statutory protections for them, including related to incarceration and detention. *See* 22 USC §§ 7105(c)(1); 7101(b)(19).
6. The power of the government to detain and deport immigrants is not without limitations. To the contrary, the power of government to act is delineated by a specific set of statutes and federal regulations, and subject to the limitations of the United States Constitution.

7. To the extent that ICE revoked Petitioner's OSUP without prior notice or opportunity to be heard, it was in violation of statute, regulations, and the U.S. Constitution. At the time of her unnoticed detention by ICE, Petitioner was in full and complete compliance with her OSUP and ICE did not and could not allege any change in circumstances altering the original assessment of her lack of danger to the community and risk of flight.
8. To comport with due process, immigration detention must bear a reasonable relationship to its two regulatory purposes: ensuring the appearance of noncitizens at future hearings and preventing danger to the community pending the completion of removal. *See Zadvydas v. Davis*, 533 U.S. 690, 691 (2001). Here, despite no changed circumstances regarding either flight risk or public safety, ICE nevertheless detained Petitioner without notice or a hearing, and without meaningfully permitting her counsel to participate. *See Rombot v. Souza*, 296 F. Supp. 3d 383, 388-89 (D. Mass. 2017) (finding a due process violation and explaining that ICE "never asserted that Rombot is a danger to the community or a flight risk, or that he violated the conditions of his [OSUP]. . . . The Supreme Court has recognized that a 'alien may no doubt be returned to custody upon a violation of [supervision] conditions,' but it has never given ICE a carte blanche to re-incarcerate someone without basic due process protection.") (quoting *Zadvydas*, 533 U.S. at 700).
9. Each day that K.E.O. remains in detention, she suffers irreparable harm. "[I]rreparable harm is presumed where there is an alleged deprivation of constitutional rights." *Am. Civil Liberties Union v. Clapper*, 804 F.3d 617, 622 (2d Cir. 2015) (citing *Statharos v. New York City Taxi & Limousine Comm'n*, 198 F.3d 317, 322 (2d Cir. 1999)). In addition to the constitutional harm she has suffered and continues to suffer, she is physically separated from her still-nursing infant for whom she cannot provide maternal care and support.

PARTIES

10. K.E.O. is a 33-year-old mother and an active and instrumental member of her community, who was brought to the United States when she as a child and has lived in the United States since, save for a brief period when she was removed to Mexico in 2021. She is currently detained at Grayson County Jail.
11. Respondent Samuel Olson is named in his official capacity as the Field Officer Director for U.S. Immigration and Customs Enforcement within the United States Department of Homeland Security (“DHS”). In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations and is an immediate custodian of Petitioner.
12. Jason Woosley is the Grayson County Jailer, where K.E.O. is currently detained. He is named in his official capacity. He is an immediate custodian of the Petitioner.
13. Respondent, Kristi Noem, is named in her official capacity as the Secretary, U.S. Department of Homeland Security. In this capacity, she is responsible for overseeing ICE’s day-to-day operations, leading approximately 20,000 ICE employees, including Respondent Olson.

JURISDICTION AND VENUE

14. This Court has federal question jurisdiction over this matter pursuant to 28 U.S.C. §1331 because it involves the interpretation and application of the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 (“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.”). This Court also has federal question jurisdiction because this case involves the interpretation and application of 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), the Immigration and Nationality

Act (“INA”) and regulations thereunder; the Fourth and Fifth Amendment of the U.S. Constitution; and the Administrative Procedure Act (“APA”), 5 U.S.C § 701.

15. Petitioner’s current arrest and detention constitute a “severe restraint” on her individual liberty such that Petitioner is “in custody” of the Respondent in violation of the laws of the United States. *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241.
16. Venue is proper in the U.S. District Court for the Western District of Kentucky because K.E.O. is currently being held within this District. *See* 28 U.S.C. § 1391(e).

RELEVANT STATEMENT OF FACTS AND PROCEDURAL HISTORY

17. K.E.O. was born on March 20, 1992, in Mexico. She was brought to the United States in approximately 1997.

K.E.O. was trafficked for forced labor as a minor.

18. When K.E.O. was approximately eight years old, K.E.O.’s traffickers, her grandparents, successfully wrested K.E.O. away from her mother. Life changed dramatically for K.E.O., as her traffickers imposed strict restrictions on her and enforced them with severe brutality. If K.E.O. ever disobeyed her traffickers, they beat her mercilessly, punching her in the head, hitting her with a wooden spoon, and whipping her with a belt.
19. At first, her traffickers forced K.E.O. to work in domestic labor in the home and as an informal contract interpreter outside the home. Shortly after K.E.O. turned 14 years old, her grandparents’ trafficking scheme shifted to the formal economy. Her traffickers obtained false identification for K.E.O. that suggested she was 18 and forced her to complete job applications. K.E.O. began working at a fast-food restaurant but, by the time she was 15, her traffickers forced her to accept a job working the overnight shift at a factory making parts for semi-trucks.

She went to school during the day and then worked a night shift Sunday through Thursday, at the factory. Her grandparents confiscated her earnings, claiming they needed the money to pay household bills.

K.E.O.'s arrest and deportation.

20. K.E.O.'s life took a dramatic turn when the 2008 financial crisis hit, unemployment skyrocketed, and she was laid off from her job, causing her traffickers to ratchet up the pressure on her to find a new job. Confused and under intense pressure from her traffickers, K.E.O., 17 years old at the time, asked a group of friends if they knew of any jobs available in the area to satisfy her traffickers. Young men suggested robbing a gas station. K.E.O., a 17-year-old victim of human trafficking struggling with depression and trying to find a way to satisfy her traffickers' demand for money, made a terrible mistake and drove a car for the men when the men went on a short, nonviolent, spree robbing several gas stations over the course of about a week. K.E.O. remained in the car during each of these incidents. K.E.O. gave her entire share of the proceeds from the robberies to her traffickers.

21. By 2010, while K.E.O. was still attending high school and had obtained a job at the behest of her traffickers at Wendy's, she was arrested for her participation in the robberies. Because she was a minor, a delinquency action related to three of the robberies was filed. The prosecutor requested the judge transfer the case to adult court, but the judge declined, retained jurisdiction over the case, and adjudged her a delinquent. Thereafter, the prosecutor filed two counts of armed robbery and one count of conspiracy to commit a felony against K.E.O. in adult court. K.E.O. challenged the new charges, arguing double jeopardy, but her challenge was unsuccessful. K.E.O. was ultimately convicted and sentenced to a term of 24 years in prison. She served approximately 11 years in prison, earning a college degree while incarcerated, and

was placed on parole, at which point she was taken into DHS custody and removed to Mexico in approximately June 2021.

22. After being removed, K.E.O. spent two months in Mexico, confused, disoriented, and paralyzed by fear of persecution or torture. She ultimately returned to the United States without inspection or admission in approximately August 2021, hoping to find safety.

K.E.O.'s arrest and prosecution for illegal reentry

23. After returning to the United States, K.E.O. reconnected with her partner and family and began working. In September 2023, K.E.O. was arrested by DHS officers, and detained by ICE. She was subsequently charged with illegal re-entry in violation of 8 U.S.C. § 1326(a) in the Northern District of Indiana and ICE transferred her to the custody of the U.S. Marshals.
24. K.E.O. was pregnant when she was detained and, while in custody on January 31, 2024, she gave birth to her daughter, K.R.
25. Magistrate Judge Michael G. Gotsch, Sr. released K.E.O. from custody on February 1, 2024. K.E.O. pleaded guilty and, at her sentencing on March 21, 2024, United States District Court Judge Damon R. Leichty significantly departed from a guideline sentence of 21-27 months in imposing a sentence of time served, approximately four months, and allowed K.E.O. to remain free in her community, while recognizing she would be subject to further immigration proceedings with DHS.
26. In determining her sentence, Judge Leichty reasoned that K.E.O. “is not the same foolish or impulsive teenager” who made a terrible mistake, but rather “has matured[,] . . . become educated and earned a college degree.” He noted that K.E.O. “has no drug issues . . . [and] has been a trailblazer for other family members to learn English, to go to college, and even to enter

the United States through proper channels.” Importantly, Judge Leichty found that K.E.O.’s “respect for the law has grown with her age, education, work, and new responsibilities.”

27. Relying on *ICE Directive 11032.4: Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals* (July 1, 2021), Judge Leichty noted that, “[b]y policy, [K.E.O.] will not likely be deported until after her nursing of her newborn concludes . . . and importantly this will promote her daughter’s biological and emotional care when further incarceration would not.” Judge Leichty explained that “[t]he bond between mother and child is special and unique” and, therefore, “ICE will keep [K.E.O.] electronically monitored until [she is deported].”

ICE places K.E.O. on an Order of Supervision

28. On March 20, 2024, the day before Judge Leichty sentenced K.E.O., ICE had independently come to the same conclusion—that K.E.O. would not be re-detained by ICE once her criminal proceedings concluded and, instead, ICE determined she should be permitted to reside in the United States under ICE supervision. In making this determination, ICE necessarily concluded that K.E.O. was neither a flight risk nor a danger to the community. That day, ICE placed K.E.O. on an OSUP, ordering she “be placed under supervision and permitted to be at large.” While the order did not require GPS monitoring, K.E.O. was placed on a GPS monitor. *See Exhibit 1* (OSUP).²

29. K.E.O. dutifully obeyed all ICE orders and conditions on her release and periodically had “check-ins” with ICE and with BI Incorporated, an ICE contractor who supervises noncitizens who are released.

K.E.O. files an application for a visa for victims of human trafficking

² Identifying information has been redacted from the exhibits to this petition. Unredacted copies of these exhibits can be provided to the Court and Defendants’ counsel by email or other appropriate method that maintains Petitioner’s confidentiality.

30. In April 2024, K.E.O. consulted with the National Immigrant Justice Center about her immigration case. While K.E.O. recognized that her childhood was grueling, she had not understood that what she survived constituted human trafficking. Only when an attorney trained to work with human trafficking survivors and familiar with the Trafficking Victims Protection Act of 2000 inquired about her work history and she described the work her traffickers forced her to do and the conditions she lived in during part of her childhood, did she begin to understand that she was a survivor of human trafficking. K.E.O. immediately began receiving services for trafficking survivors at two local social services agencies. She also filed a T Visa application for victims of human trafficking with United States Citizenship and Immigration Services (“USCIS”), a DHS agency, on May 16, 2024. If that application, which remains pending with USCIS, is granted, she will no longer be removable from the United States.

ICE detained K.E.O. without notice at an ICE “check-in”

31. On April 15, 2025, an ICE contractor contacted K.E.O. and explained that they were removing her from GPS monitoring and would instead only require weekly photo check-ins via a phone application. The ICE contractor requested K.E.O. report to their office at her convenience to have the GPS monitor removed. On April 24, 2025, K.E.O. traveled to the ICE contractor’s office in Indianapolis where the contractor removed the GPS monitor. The ICE contractor told K.E.O. she would now be required to provide weekly photo check-ins via a phone application. The paperwork shown to K.E.O. by the ICE contractor indicated she was on an OSUP and would not be deported from the United States until she was no longer nursing her infant daughter.

32. The next day, on Friday, April 25, 2025, the ICE contractor called K.E.O., claimed they had made a mistake in removing her from GPS monitoring, and told her she needed to report back to the ICE contractor's office in Indianapolis at 9 am on Monday, April 28, 2025, in order to reinstate her GPS monitoring.
33. On April 28, 2025, she appeared with counsel pursuant to the request from the ICE contractor. When she appeared, she was arrested, separated from counsel, and transported to an ICE facility. Neither she nor her counsel were provided a meaningful opportunity to contest her removal from supervision. In fact, her counsel was told she could not contest ICE's decision to remove her from supervision. This, despite the fact that there had been no change in circumstances since Friday, April 25, 2025, or even since she was ordered released and placed on supervision in March of 2024.
34. On information and belief, K.E.O.'s supervision was terminated by ICE. However, she was given no copies of any document providing a notice of or justification for the termination of her supervised release pursuant to her OSUP. Nor was she or counsel provided with any documentation, including an administrative warrant or detainer, that explained the basis for her removal from supervision and detention.
35. Following K.E.O.'s arrest, her counsel immediately contacted ICE to request K.E.O.'s immediate release because, *inter alia*, she was fully in compliance with her OSUP and was still nursing her one-year-old child based on the medical advice of her daughter's pediatrician. ICE responded that she would remain in custody while the agency further investigated the case.
36. Authority to revoke an order of supervision on the basis of potential removal is at 8 C.F.R. § 241.4(l)(2), which confers that authority on the Executive Associate Commissioner and, where

“circumstances do not reasonably permit referral [to him],” on the “district director” if she or he finds that revocation “is in the public interest.”

37. On information and belief, ICE did not comply with those requirements. K.E.O. is aware that ICE has taken the position that authority to revoke supervision has been broadly delegated, such that it need not comply with the regulation as written. It cites a July 25, 2019, order issued by the Executive Associate Director of Enforcement and Removal Operations. That document reads in pertinent part:

I hereby re-delegate to ERO Assistant Field Office Directors (AFODs), Supervisory Detention and Deportation Officers (SDDOs), Detention and Deportation Officers serving as Field Program Managers, and officers acting in that capacity, the following authorities: *****

- Authority under INA § 241 [8 U.S.C. § 1231] and 8 C.F.R. Part 241, relating to warrants of removal, reinstatement of removal, self-removal, and release of aliens from detention.

This document is insufficient to delegate authority to revoke supervision orders. The only merits decision to address the document to date has been *Ceesay v. Kurzdorfer*, 2025 WL 1284720, at *17 (W.D.N.Y. May 2, 2025). The *Ceesay* Court found that the ICE officer lacked “authority to revoke release,” and thus that the supervision order “was not lawfully revoked”; it then ordered release. *Id.*

38. On June 6, 2025, while in ICE custody, an immigration judge determined that K.E.O. has a reasonable fear of return to Mexico and ordered that she be placed in withholding only proceedings to allow for a full hearing on her claim that she will be persecuted or tortured if she returns to Mexico. Accordingly, her removal is not imminent.

LEGAL FRAMEWORK

39. Respondents' purported basis for detaining K.E.O. is 8 U.S.C. §1231. ICE's authority to release people from detention is governed by 8 U.S.C. § 1231(a)(3), which grants ICE authority to release an individual "subject to supervision."
40. Federal regulations specify that ICE may only release individuals and place them on an OSUP if they "demonstrate[] to the satisfaction of the Attorney General . . . that his or her release will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending such alien's removal." 8 C.F.R. § 241.4(d); *see also id.* § 241.4(e)(6). These requirements—flight risk and danger—reflect constitutional constraints, since only individuals who pose a flight risk or danger may be civilly detained. *See Zadvydas v. Davis*, 533 U.S. 690 (2001).
41. ICE determined that K.E.O. was neither a flight risk nor a danger when they placed her on an OSUP rather than re-detaining her following completion of her criminal proceedings. Since being placed on an OSUP, K.E.O.'s circumstances have not changed, and she has remained in full and complete compliance with all conditions imposed upon her. United States District Judge Leichty and Magistrate Judge Gotsch functionally reached the same conclusion in their orders releasing her from custody. *See Exhibit 2 and Exhibit 3.*
42. The INA specifies circumstances upon which a person may be released from custody, but it does not provide for re-detention except impliedly for a violation of those terms.
43. The regulatory framework (8 C.F.R. § 241.4(l), as pertinent here) authorizes revocation of an individual's supervision on an OSUP only in certain contexts. First, § 241.4(l)(1) permits revocation if the noncitizen has violated the conditions of release. That is not alleged to have occurred and indeed has not occurred here. Second, revocation is permitted where one of four

conditions is met: “(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(2).

44. Revocations under § 241.4(l)(2) may be ordered by either the Executive Associate Commissioner or the “District Director.” Revocation may be ordered by the District Director only upon a finding that revocation is in the public interest. *Id.*; *see also Matter of Sugay*, 17 I&N Dec. 637, *3 (BIA 1981) (“no change should be made by a District Director absent a change of circumstance.”); *Panosyan v. Mayorkas*, 854 Fed. Appx. 787, 788 (9th Cir. July 29, 2021) (“absent changed circumstances, such as ‘reinvolvement with the criminal justice system, ICE cannot redetain Panosyan.”) (internal citations omitted); *Jorge M.F. v. Wilkinson*, 2021 WL 783561, *2 (N.D. Cal. March 1, 2021) (“[i]n practice, the DHS re-arrests individuals only after a ‘material’ change in circumstances,” and “the government’s discretion to incarcerate non-citizens is always constrained by the requirements of due process.”) (citations omitted).

45. K.E.O. has, at minimum, a regulatory right to an explanation for the reasons of revocation as well as an interview to contest the basis for the revocation. At a minimum, ICE “has the duty to follow its own federal regulations.” *Haoud v. Ashcroft*, 350 F.3d 201, 205 (1st Cir. 2003) (quoting *Nelson v. I.N.S.*, 232 F.3d 258, 262 (1st Cir. 2000)); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266, 268 (1954). It has failed to do so here.

46. When the government fails to comply with its own federal regulations, as it did when it revoked her release in violation of its own procedures, the action should be found invalid. *See Rombot*, 296 F. Supp. 3d at 388.

47. The decision to detain K.E.O. may be reviewed by this Court and may be vacated if found to be “arbitrary, capricious, an abuse of discretion and not in accordance with the law.” 5 U.S.C. §§ 706(2)(A), (E). Absent this Court’s intervention, K.E.O. does not have any “remedy” to challenge the decision of Respondents. *See Torres-Jurado v. Biden*, 2023 WL 7130898, *4 (S.D.N.Y. Oct. 29, 2023) (finding that “[a]lthough procedural requirements can seem like a mere formality, they promote ‘agency accountability’ and ensure that the parties—and where relevant, the public—can respond fully and in a timely manner to an agency’s exercise of authority.”) (citing *Dept. of Homeland Sec. v. Bd. of Regents of Univ. of Calif.*, 591 U.S. 1, 22-23 (2020)).

48. To comport with due process, detention must bear a reasonable relationship to its two regulatory purposes—to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-691.

49. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. Because K.E.O.’s detention on April 28, 2025 lacked the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution, her continued detention is unlawful. *See Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601-03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived. *See Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972).

50. The revocation of K.E.O.'s release does not satisfy the minimum requirements of due process, because that revocation is not the product of any individualized review and alleges no relevant change in circumstances altering the original assessment of her risk of flight. *See Rombot*, 296 F. Supp. 3d at 388; *see also Torres-Jurado*, 2023 WL 7130898, *4 at *12 (S.D.N.Y. Oct. 29, 2023) (stating that “[d]ue process, at minimum” requires the government to afford meaningful notice and an opportunity to be heard and that the opportunity must be meaningful) (citing *Ying Fong v. Ashcroft*, 317 F. Supp. 2d 398, 403 (S.D.N.Y. 2004)).
51. The revocation of K.E.O.'s release and her detention also amounts to an unreasonable “seizure” under the Fourth Amendment. U.S. Const. amend. IV. Two federal judges had already concluded that release under supervision pending the completion of her immigration proceedings was appropriate, as had ICE, in 2024. Neither K.E.O. nor her counsel has been informed that there was probable cause to detain her. As a result, her detention was unreasonable and in violation of the Fourth Amendment.

CLAIMS FOR RELIEF

COUNT I (VIOLATION OF THE APA)

K.E.O.'S ORDER OF SUPERVISION HAS NOT BEEN VALIDLY RESCINDED

52. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
53. Under the terms of the INA, the governing regulations, and the APA, Petitioner's release order has not been validly rescinded or terminated.
54. First, on information and belief (due to Respondents' failure to provide any documents to Petitioner), any local ICE agent who purported to revoke her supervision lacked authority to do so. Those agents have not been given express delegated authority to act by the Executive

Associate Commissioner. Nothing in the Delegation of July 25, 2019, grants authority over supervision revocation to local ICE agents.

55. Second, even assuming *arguendo* that local ICE officers were authorized to revoke supervision, they were obliged to revoke it only on a finding that it satisfied the public interest based on materially changed circumstances. No one made any such finding.

56. Her re-detention is therefore contrary to law, arbitrary and capricious, and an abuse of discretion in violation of the APA and the Fifth Amendment.

COUNT II (VIOLATION OF THE FIFTH AMENDMENT)

K.E.O.'S DETENTION VIOLATES THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE BECAUSE IT BEARS NO REASONABLE RELATIONSHIP TO ANY LEGITIMATE PURPOSE

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

58. To comport with due process, detention must bear a reasonable relationship to its two regulatory purposes—to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-691.

59. Petitioner is neither a danger nor a flight risk. The detention of Petitioner is arbitrary on its face.

60. Petitioner has dutifully complied with every condition of her release, and no change in circumstances exists to warrant the revocation of her OSUP.

61. Because Petitioner's detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution, her continued detention is unlawful.

COUNT III (VIOLATION OF THE APA AND FIFTH AMENDMENT)

**K.E.O.'S RE-DETENTION BY RESPONDENTS VIOLATES THE APA, THE
ACCARDI DOCTRINE, AND THE FIFTH AMENDMENT**

62. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
63. When the government has promulgated “[r]egulations with the force and effect of law,” those regulations “supplement the bare bones” of federal statutes, such that the agencies are bound to follow their own “existing valid regulations.” *Accardi*, 347 U.S. at 266, 268. The *Accardi* doctrine also obligates agencies to comply with procedures it outlines in its internal manuals. *See Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (finding that an agency is obligated to comply with procedural rules outlined in its internal manual).
64. To the extent that Respondents have revoked K.E.O.’s OSUP without notice or an opportunity to be heard, they violated the statute and the applicable regulations—8 C.F.R. §§ 241.4(l) and 241.13(i)—by failing to provide her with a particularized notice of the reason(s) of the revocation of her release or an opportunity to respond to the allegations contained therein. The “Fifth Amendment guarantees of due process extend to aliens in deportation proceedings, entitling them to a full and fair hearing.” *Huicochea-Gomez v. I.N.S.*, 237 F.3d 696, 699 (6th Cir. 2001). Therefore the failure to provide her notice and an opportunity to be heard also violates the Fifth Amendment.
65. Her detention is therefore unlawful, arbitrary and capricious, and an abuse of discretion in violation of the APA and the *Accardi* doctrine and the Fifth Amendment.

COUNT IV (VIOLATION OF THE FOURTH AMENDMENT)

**K.E.O.'S RE-DETENTION BY RESPONDENTS IS AN UNREASONABLE SEIZURE
IN VIOLATION OF THE FOURTH AMENDMENT**

66. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
67. Two federal judges previously concluded that it was appropriate for K.E.O. to be released under supervision pending the conclusion of her immigration proceedings. *See Exhibit 2 and Exhibit 3.*
68. On March 20, 2024, ICE also had independently determined that K.E.O. would not be re-detained once her criminal proceedings concluded and, instead, ICE determined she should be permitted to reside in the United States under ICE supervision. As a result, ICE placed K.E.O. on an OSUP, ordering she “be placed under supervision and permitted to be at large.” *See Exhibit 1 (OSUP).*
69. Then, in April of 2025, ICE removed K.E.O.’s GPS monitoring and, while doing so, again indicated its awareness that she was on an OSUP and would not be deported from the United States until she was no longer nursing her infant daughter.
70. Nothing changed about her circumstances between March of 2024 and April 28, 2025, when she was returned to the ICE contractor’s office, at their request, and was arrested and transported to an ICE facility.
71. Upon information and belief, no government official with authority to revoke an order of supervision did so.
72. Her detention is therefore an unreasonable seizure in violation of the Fourth Amendment of the U.S. Constitution.

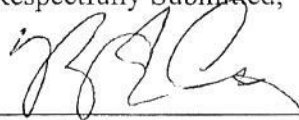
PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

- a. Exercise jurisdiction over this matter;
- b. Declare that K.E.O.'s detention violates the INA, the APA, pertinent regulations and the Due Process Clause of the Fifth Amendment, and the Fourth Amendment; and
- c. Order such other relief as this Court may deem just and proper.

Dated: July 17, 2025.

Respectfully Submitted,

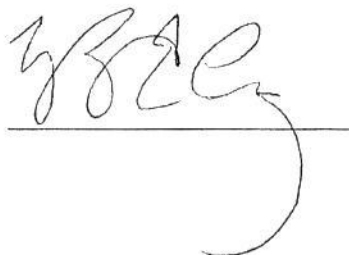


Brian E. Casey
(pro hac vice application pending)
BARNES & THORNBURG LLP
201 S. Main Street, Suite 400
South Bend, IN 46601
(574) 237-1185
Brian.casey@btlaw.com

Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have reviewed the contents of this Verified Petition for Writ of Habeas Corpus and the events described in this Verified Petition with Petitioner and the other members of her legal team. Based on those discussions, on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.



TO REUSE: Mark through all previous shipping labels and barcodes.

Align top of FedEx Express® shipping label here.

ORIGIN ID: SBNA (574) 233-1171
BRIAN CASEY
BARNES & THORNBURG LLP
201 S. MAIN STREET
SUITE 400
SOUTH BEND, IN 46601
UNITED STATES US

SHIP DATE: 17 JUL 25
ACTWGT: 1.00 LB
CAD: 253834816/WSX13600

BILL SENDER

TO JAMES J. VILT, JR. CLERK
GENE SNYDER UNITED STATES COURTHOUSE
601 W BROADWAY STE 106

LOUISVILLE KY 40202

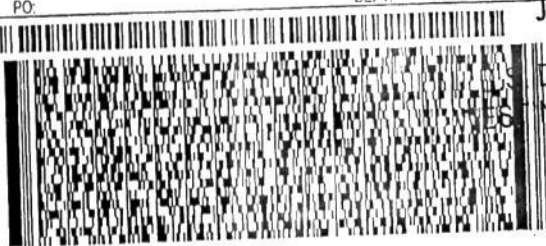
(502) 625-3500
INV.
PO:

REF: 900055034.1273

DEPT:

JAMES J. VILT, JR. - CLERK

JUL 18 2025



FILED
JUL 18 2025
FEDERAL COURT
DISTRICT OF KENTUCKY
JACKSONVILLE

REL#
3785346

FRI - 18 JUL 10:30A
PRIORITY OVERNIGHT

TRK# 3911 5146 3929
0201

XW LOUA

40202
KY-US SDF



FOLD on this line and place in shipping pouch with bar code and delivery address visible

This pak is reusable. If it is still in good shape, use it again for your next shipment.