

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

YULIETH GOMEZ MEJIA

PETITIONER

v.

NO. 4:25-CV-82-GNS

KRISTI NOEM, in her Official Capacity as
Secretary, Department of Homeland Security;
TODD LYONS, in his Official Capacity as
Acting Director, U.S. Immigration and
Customs Enforcement;
PAM BONDI, in her Official Capacity as
Attorney General of the United States; and
JASON WOOSLEY, in his Official Capacity as
Grayson County Jailer

RESPONDENTS

RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE

Respondents, Kristi Noem, in her official capacity as Secretary for the Department of Homeland Security, and Todd Lyons, in his official capacity as Acting Director for U.S. Immigration and Customs Enforcement (ICE), and Pam Bondi, in her official capacity as Attorney General of the United States respond to the Court's Order to Show Cause why Petitioner's writ of habeas corpus should not be granted [Doc. 4, PageID. 11]:¹

¹ This response to Petitioner's habeas petition is filed on behalf of Respondents Kristi Noem, Todd Lyons, and Pam Bondi. 28 U.S.C. § 517 allows the Office of the United States Attorney to make appearances in court to attend to the United States' interests, and consistent with that statute, this filing attends to the United States' interests to the extent that the petition names Jason Woosley, the Grayson County Jailer, as a respondent.

INTRODUCTION

Petitioner bears the burden to show that her detention is unlawful. *Freeman v. Pullen*, 658 F. Supp. 3d 53, 58 (D. Conn. 2023) (quoting *McDonald v. Feeley*, 535 F. Supp. 3d 128, 135 (W.D.N.Y. 2021)). Petitioner's threadbare petition merely claims that she is detained and concludes that the process for detaining her was unlawful. She does not identify any statute or regulation that outlines the process she should have received but did not.

Petitioner is an arriving alien because she crossed the United States southern border without any authorization or inspection. She is only owed the process Congress has prescribed. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020). Petitioner has been provided the prescribed process: she has been provided a notice and order of expedited removal, and her asserted credible fear claim is being processed. 8 U.S.C. § 1225(b)(1)(B) mandates Petitioner's detention while her credible fear claim is pending. Consequently, Plaintiff's habeas petition should be denied.

RELEVANT FACTUAL AND LEGAL BACKGROUND

- Petitioner, a citizen of Colombia, entered the United States without authorization or inspection and not at a port of entry on or about December 11, 2022.

- Petitioner was apprehended on December 11, 2022, near Jacumba, California.

[**Exhibit 1**, Declaration of Deportation Officer, Christopher Wiet, ¶ 6.]

- Petitioner entered the United States with her minor daughter.

- On December 13, 2022, Petitioner was granted parole under 8 U.S.C. § 1182(d)(5)(a), which provides the government discretion to parole individuals on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.”
- Petitioner was paroled, at least in part, because she crossed the border with her minor daughter and was the head of her family unit. [Ex. 1, ¶ 6-7.]
- According to Petitioner’s asylum application, her parole expired on February 11, 2023.
- On July 31, 2023, Petitioner filed an I-589 Application for Asylum with U.S. Citizenship and Immigration Services. [Complaint, ¶ 4.]
- On July 28, 2025, Petitioner reported to the ICE-Enforcement and Removal Office (ERO) in Indianapolis, Indiana for a scheduled appointment. [Ex. 1, ¶ 9.]
- Petitioner informed ICE that Petitioner’s daughter, who crossed the border with Petitioner, was no longer in Petitioner’s care. [*Id.*] ICE believes that Petitioner’s daughter is with her biological father in New York. [Exhibit 2 at 6.]
- ICE notified Petitioner that it was commencing expedited removal proceedings against her under 8 U.S.C. § 1225(b)(1). [*Id.* at 1.] ICE notified her that she was inadmissible pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I) because she entered the United States without documentation authorizing her entry. [*Id.*]
- An alien placed in expedited removal proceedings should be removed from the United States “without further hearing or review unless the alien indicates either an intention to apply for asylum . . . or a fear of persecution.” 8 U.S.C. § 1225(b)(1)(A)(i).

- Because Petitioner has a credible fear claim pending, her removal is temporarily stayed so the credible fear claim can be considered.
- While Petitioner's credible fear claim is pending, 8 U.S.C. § 1225(b)(1)(b) mandates her detention: "Applicants 'shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.' § 1225(b)(1)(B)(iii)(IV). Applicants who are found to have a credible fear may also be detained pending further consideration of their asylum applications." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 111 (2020) (citing § 1225(b)(1)(B)(ii)); *see also Kolesnikov v. Noem*, 2025 U.S. Dist. LEXIS 113058, at *2-3 (D. Ariz. June 13, 2025); *Zelaya-Gonzalez v. Matuszewski*, 2023 WL 3103811, 2023 U.S. Dist. LEXIS 72761, at *8-10 (S.D. Cal., Apr. 25, 2023).

CONCLUSION

Petitioner's detention is authorized.

Respectfully submitted,

KYLE G. BUMGARNER
United States Attorney
Western District of Kentucky

/s/ Timothy D. Thompson
Timothy D. Thompson
Michael D. Ekman
Assistant United States Attorney
717 W. Broadway
Louisville, KY 40202
(502) 582-6238
Timothy.thompson@usdoj.gov
Michael.ekman@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2025, I filed this document via CM/ECF, which will automatically provide service to all counsel of record.

KYLE G. BUMGARNER
United States Attorney
Western District of Kentucky

/s/ Timothy D. Thompson
Timothy D. Thompson
Assistant United States Attorney