

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

DAINIER ALEMAN GARCIA

PETITIONER

v.

NO. 3:25-CV-522-RGJ

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
JEFF TINDALL, in his Official Capacity as
Oldham County Jailer

RESPONDENTS

RESPONDENTS' RESPONSE TO SHOW CAUSE ORDER (DOC. 26)

The Court ordered "that the United States must show cause why they have not complied with their previous representations, and identify the current whereabouts of Mr. Garcia. If Mr. Garcia has been removed, the United States must certify compliance, demonstrating Mr. Garcia's removal to Cuba, by a filing on the docket no later than October 24, 2025". (Doc. 26, PageID.185.). The United States reports as follows, addressing each of those matters in turn:

I. Compliance with previous representations

"[T]he United States notified the Court that Petitioner has an impending removal date of 'on or before September 27, 2025'", but the Court issued an order that "Garcia is not to be moved from the district during the pendency of this case". (Doc. 22, PageID.173; Doc. 17 at 143.). On September 26, 2025, the Court issued an order stating that "to the extent Garcia's removal is imminent and such movement is unrelated to any

intent to frustrate communication with counsel or the exigency of the habeas corpus proceeding before the Court, the United States may comply with Garcia's removal order." (Doc. 22, PageID.173.). ICE made arrangements to remove Petitioner on or about October 1, 2025; however, on September 26, 2025, the same day as this Court's order addressing movement of Petitioner for purposes of removal, the Sixth Circuit issued an order staying execution of Petitioner's final order of removal, so that planned removal could not occur.¹ (Exh. 1, Hernandez Dec. at 2, ¶ 7.).

On October 3, 2025, the Sixth Circuit dismissed Petitioner's case, so at that point the September 26, 2026 stay no longer precluded Petitioner's removal. (Exh. 1, Hernandez Dec. at 2, ¶ 7.). ICE then scheduled Petitioner for the earliest removal flight that could be operationally arranged. (*Id.* at 2, ¶ 8.). That flight was scheduled to depart from Chicago, Illinois, on October 22, 2025. (*Id.*). In order to place Petitioner on that October 22, 2025 flight for removal, ICE moved the Petitioner to Broadview, Illinois, on October 20. (*Id.* at 2-3, ¶ 9.). Moving Petitioner to a nearby staging area in that manner is typical. (*Id.*).

ICE was not able to safely and timely transport Petitioner from the Broadview facility to the October 22, 2025 flight due to unforeseen circumstances. (Exh. 1 at 3, ¶ 10.). ICE has made arrangements to place Petitioner on a removal flight from Chicago the week of October 27, 2025. (Exh. 1 at 3, ¶ 11.). ICE moved Petitioner from the

¹ Though a district court has no jurisdiction to stay execution of a final order of removal, the court of appeals has such jurisdiction, as judicial review of final orders of removal are assigned solely to the court of appeals. 8 U.S.C. § 1252(a)(5).

Broadview facility to the Waukesha County Jail in order to facilitate his removal. (*Id.* at 3, ¶ 12.).

ICE's sole purpose in its transfers of Petitioner from the Oldham County Jail and afterward were to facilitate his removal to Cuba pursuant to his final order of removal. (Exh. 1 at 3, ¶ 12.).

II. Identification of the current whereabouts of Petitioner

Petitioner is currently detained at the Waukesha County Jail in order to facilitate his removal. (Exh. 1 at 3, ¶ 12.).

III. Petitioner's removal to Cuba

ICE has made arrangements for Petitioner to be removed to Cuba on a flight from Chicago early in the week of October 27. (Exh. 1 at 3, ¶ 11.).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2025, I filed this document via CM/ECF,
which will automatically provide service to all counsel of record.

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