

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

MICHAEL ALEXANDER CHACON RIOS

PLAINTIFF

v.

CIVIL ACTION NO. 4:25-cv-00108-RGJ (*e-filed*)

MIKE LEWIS, Jailer, Hopkins County Jail;
SAMUEL OLSON; Field Office Director, Chicago
Field Office, Immigration and Customs Enforcement
TODD M. LYONS, Acting Director, or his agent, U.S.
Immigration and Customs Enforcement;
And KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; and
PAMELA JO BONDI, United States Attorney General,
in their official capacities

DEFENDANTS

**SUPPLEMENTAL BRIEFING REGARDING THE SUPREME COURT'S
OCTOBER 3, 2025 ORDER IN *NOEM v. NATIONAL TPS ALLIANCE***

Petitioner alleges that his detention is unlawful because he has Temporary Protected Status (TPS), and noncitizens with TPS cannot be detained on the basis of immigration status. Petitioner did not have TPS status when he was detained in June 2025, and under the Supreme Court's Friday, October 3, 2025, order in *Noem v. Nat'l TPS All.*, No. 25A326, 606 U.S. ---, 2025 WL 2812732 (U.S. Oct. 3, 2025), Petitioner does not have TPS status now. Consequently, Petitioner is lawfully detained and his petition for writ of habeas corpus should be denied.

I. Petitioner was detained in July 2025 because he crossed the border illegally and his TPS status had expired.

Petitioner Chacon-Rios entered the United States through Texas without authorization on September 1, 2022, and he was paroled at that time due to a lack of detention capacity. He was granted TPS for the period of December 26, 2024, through April 2, 2025. (Doc. 1-1, PageID.12.). As of April 3, 2025, TPS was no longer available to Petitioner because the TPS program for

Venezuelan citizens had been rescinded. (*See* Doc. 10, PageID.85, “At the time of Petitioner’s July 2025 hearing, Secretary Noem’s termination decision remained in effect.”).

II. Petitioner remains detained after an immigration judge denied bond because he is both a flight risk and a danger.

[REDACTED] (Doc. 8-3, PageID.80, I-213, Exhibit 3 in Chacon-Rios’ immigration court bond hearing, at 2.). Also in March 2025, Chacon-Rios was arrested for battery in Berwyn, Illinois. (Doc. 8-1, PageID.73. Motion for Bond at 6.). Chacon-Rios was then detained in Cicero, Illinois on July 1, 2025, pursuant to a warrant of arrest. (Doc. 8-3, PageID.80, I-213 at 2.). Chacon-Rios asked an immigration judge to release him on bond, stating that his TPS had expired and lapsed. (Doc. 8-1, PageID.68-70, Motion for Bond at 1-3.). The immigration judge found that Chacon-Rios was both a danger to the public and a flight risk and denied bond. (Doc. 8-2, PageID.77, Order of the Immigration Judge at 1.).

III. On September 5, 2025, a district court overturned DHS’s Venezuelan TPS decision, but the district court’s decision was stayed on October 3, 2025, by the Supreme Court.

On September 18, 2025, Petitioner filed his writ petition. Petitioner’s only basis for arguing his detention is unlawful is that a September 5, 2025, district court opinion reinstated TPS for Venezuelans, including Petitioner. *Nat’l TPS All. v. Noem*, 2025 WL 2578045, 2025 U.S. Dist. LEXIS 174048 (N.D. Cal. Sep. 5, 2025). A few days after the district court opinion was issued, Petitioner sought to re-register and obtain TPS status. Meanwhile, the government sought a stay of the district court ruling while it appealed the court’s decision. The government’s motion was denied by the district court, *Nat’l TPS All. v. Noem*, 2025 WL 2617231, 2025 U.S. Dist. LEXIS 177309 (N.D. Cal. Sept. 10, 2025), and the Ninth Circuit, *Nat’l TPS All. v. Noem*,

2025 WL 2661556, 2025 U.S. Dist. LEXIS 24070 (9th Cir. Sept. 17, 2025). The government then sought a stay from the Supreme Court. On October 3, the Supreme Court granted the government's motion and stayed the district court's decision "as to the Venezuela vacatur and Venezuela termination." *Noem v. Nat'l TPS All.*, 2025 WL 2812732 at *1, 2025 U.S. LEXIS 2817 (Oct. 3, 2025). The Supreme Court stayed the district court's decision "pending disposition of the Government's appeal to the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought." *Id.* The Supreme Court elaborated, explaining that if "the petition for writ be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court." *Id.*

IV. Petitioner's only argument for release is based on the district court decision that the Supreme Court stayed.

Petitioner stated in his writ petition: "The Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unambiguously provides that '[a]n alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien's immigration status in the United States.' 8 U.S.C. 1254a(d)(4) (emphasis added)." (Doc. 1, PageID.5-6, ¶ 22). The Petition also argued: "all that matters for purposes of this habeas petition is that TPS for Venezuela remains in effect, and that Mr. Chacon Rios continues to hold TPS status." (Doc. 1, PageID.4, ¶ 16.). But with the Supreme Court's October 3, 2025 order, TPS for Venezuela does not remain in effect. *Noem*, 2025 WL 2812732 at *1-2. As a result of the Supreme Court's stay, Chacon-Rios does not possess TPS status. *See id.* DHS Secretary Noem's "vacatur of a pending extension of TPS for Venezuelan nationals, and her termination of that status itself" is now the relevant law. *See id.* Because Petitioner does

not have TPS status, and because his request for bond was denied because the immigration judge found he was a danger to the public and a flight risk, he is lawfully detained while his removal proceedings are ongoing, his writ petition should be denied, and this action should be dismissed.

CONCLUSION

The Court should deny Petitioner's writ of habeas corpus and dismiss this action because Petitioner's detention is lawful.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for the Petitioner.

/s/ Jason Snyder
Jason Snyder
Assistant United States Attorney