

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION COVINGTON**

RICARDO PEREZ RAMIREZ,

Petitioner,

v.

RUSSEL HOLT, *et al.*,

Respondents.

Case No. 2:25-CV-00156-DCR

**PETITIONER'S SECOND REPLY IN SUPPORT OF HIS PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus on October 15, 2025. Dkt 1. On October 30, 2025, the Office of the United States Attorney filed a response on behalf of the named federal Respondents. Dkt. 3. On November 4, 2025, Petitioner filed a Reply to the government's response. Dkt. 4. On November 12, 2025, Respondent James A. Daley filed a separate response, which the court accepted as timely filed on November 19, 2025. Dkt. 6, 8. Petitioner files the instant reply in response to Respondent Daley's brief.

Respondent Daley primarily argues that he should be dismissed from this matter because, pursuant to *Roman v. Ashcroft*, 340 F.3d 314, 320 (6th Cir. 2003), "the Chicago Field Office Director is the only proper Respondent for Petitioner's request for a writ of habeas corpus." Dkt. 8, p. 3. Respondent Daley argues that he "does not have the power to release Petitioner" and is therefore "not a proper party". *Id.*

As to Respondent Daley, Petitioner does not oppose his dismissal from this case as a named Respondent.

To the extent Respondent Daley argues that Petitioner has not demonstrated a due process violation, these arguments fail. As explained in his habeas petition and reply brief filed on November 4, 2025, incorporated by reference, Petitioner has established that his unlawful detention without bond violates Due Process. Dkt. 1, p. 16-18; Dkt. 4, p. 11-13.

As argued in his habeas petition and November 4, 2025, reply brief, Petitioner has been unlawfully denied an individualized bond hearing. As such, his current detention runs contrary to the Immigration and Nationality Act, and detention that is contrary to statutory authority violates the due process clause, which applies to “*all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.*” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (emphasis added). Further, whatever interest Respondents have in detaining Petitioner cannot outweigh the public interest in the faithful application of the constitution and laws that Congress drafted.

Considering the same issue raised here around the proper interpretation of sections 8 U.S.C. § 1225 and § 1226, numerous courts have found a due process violation. *See e.g., Ballestros v. Noem*, No. 3:25-CV-594-RGJ, 2025 WL 2880831, at *4 (W.D. Ky. Oct. 9, 2025) (“The current detention of Sanchez without a proper bond hearing is in violation of both the INA and the Due Process Clause.”); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *9 (E.D. Mich. Aug. 29, 2025) (finding that Petitioner’s unlawful detention under Section 1225(b)(2) violated due process); *Rodriguez Serrano v. Noem*, No. 1:25-CV-1320, 2025 WL 3122825, at *7 (W.D. Mich. Nov. 7, 2025) (same); *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, at *7 (N.D. Ill. Oct. 16, 2025) (same); *Salazar v. Dedos*, No. 1:25-CV-00835-DHU-JMR, 2025

WL 2676729, at *5 (D.N.M. Sept. 17, 2025) (same); *Vieira v. De Anda-Ybarra*, 25-cv-00432, 2025 WL 2937880, at *4 (W.D. Tex. Oct. 16, 2025).

Petitioner's continued detention violates the INA and his right to due process. Because he is being unlawfully detained, Petitioner respectfully requests that this Court grant his petition for writ of habeas corpus and order his immediate release.

DATED this 20 of November, 2025

Respectfully submitted,

s/Aileen S. Rose

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