

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

A-M-V-V-,

PETITIONER

v.

CIVIL ACTION NO. 4:25-cv-00118-BJB (*e-filed*)

JASON WOOSLEY, Grayson County

Jailer

RUSSELL HOTT, Chicago Field Office

Director for U.S. Immigration and Customs

Enforcement

KRISTI NOEM, in her official capacity as

Secretary, U.S. Department of Homeland Security

RESPONDENTS

SHOW CAUSE WHY WRIT OF HABEAS CORPUS SHOULD NOT BE GRANTED¹

Inadmissible aliens with reinstated removal orders are subject to lawful detention under 8 U.S.C. § 1231(a)(5)-(6). Petitioner is an inadmissible alien with a reinstated expedited order of removal.

I. Relevant facts

Petitioner entered the United States in 2015 and was promptly removed a few months later. (Doc. 1, PageID.1, 6, ¶¶ 2, 21-22.). She then re-entered again in 2017. (Doc. 1, PageID.1-2, ¶ 2.). Petitioner's expedited order of removal was reinstated in 2017. Petitioner was detained on March 17, 2025, and by her account, "was told by an ICE officer that she had an order of removal". (Doc. 1, PageID.8, ¶ 30.). Petitioner currently has a hearing on the merits of her

¹ This response to Petitioner's habeas petition is filed on behalf of Respondents Russell Hott and Kristi Noem. 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 and *Roman v. Ashcroft*, 340 F.3d 314, 319-20 (6th Cir. 2003), this filing attends to the United States' interests to the extent that the petition names Jason Woosley, the Grayson County Jailer, as a respondent.

withholding application scheduled for November 21, 2025. (Doc. 1, PageID.2-3, 9, ¶¶ 6, 35.).

Petitioner now seeks habeas relief in this Court. (Doc. 1, PageID.1, 4, 5, ¶¶ 12, 17.). Her basis for relief is her belief that she was on supervised release and that her supervised release was either revoked by someone without properly delegated authority, or without adequate justification. (Doc. 1, PageID.1-4, 7-9, 12-15, ¶¶ 2-5, 7-10, 24-30, 32-34, 36-62.).

II. Jurisdiction

“As ‘courts of limited jurisdiction,’ federal courts ‘possess only that power authorized by Constitution and statute’ and may not expand that power ‘by judicial decree.’” *United States v. Lucido*, 612 F.3d 871, 873 (6th Cir. 2010), quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The party asserting jurisdiction bears the burden of showing jurisdiction. *Kokkonen*, 511 U.S. at 377. Respondents note that Petitioner is subject to an expedited order of removal, but the petition’s proffered jurisdictional basis does not address the various limitations on judicial review set forth in 8 U.S.C. § 1252. (Doc. 1, PageID.5, ¶ 17.). *See, e.g.*, 8 U.S.C. § 1252(b)(9) (“Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section”), and 8 U.S.C. § 1252(g) (“no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.”).

III. Petitioner bears the burden to establish that her custody is in violation of the Constitution or laws or treaties of the United States, and habeas relief is limited to custody.

Petitioner’s action before this Court is a habeas petition that cites 28 U.S.C. § 2241 as a

jurisdictional basis. (Doc. 1, PageID.1, 4, 5, ¶¶ 12, 17.). To obtain habeas relief, Petitioner must not merely show that she is “in custody”, but rather that she is “in custody in violation of the Constitution or laws or treaties of the United States”. 28 U.S.C. § 2241(c)(3); see also *Dickerson v. United States*, 530 U.S. 428, 439, n. 3 (2000) (“Habeas corpus proceedings are available only for claims that a person ‘is in custody in violation of the Constitution or laws or treaties of the United States’”, quoting 28 U.S.C. § 2254(a).). “[I]n a habeas proceeding the petitioner ‘has the burden of establishing his right to federal habeas relief and of proving all facts necessary to show a constitutional violation.’” *Caver v. Straub*, 349 F.3d 340, 351 (6th Cir. 2003), quoting *Romine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001). Habeas relief is limited to “simple release”, and habeas is not a vehicle through which an alien can challenge other aspects of their immigration proceedings or determinations. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117–20 (2020).

IV. Specific response to the Petitioner’s allegations

The Court ordered that the Respondents show cause by Monday, October 20, 2025 why the Petitioner’s Friday, October 16, 2025 Petition not be granted (Doc. 1, Doc. 5.). Respondents have noted above that inadmissible aliens with reinstated expedited removal orders are subject to lawful detention under 8 U.S.C. § 1231(a)(5)-(6), and that Petitioner is an inadmissible alien with a reinstated expedited removal order.

Since the Respondents received notice of the Petition, they have attempted to identify and locate all relevant records. ICE field offices in both Chicago and Cleveland have each checked records available to them. Numerous records relevant to Petitioner have been identified and provided to relevant agency personnel and counsel, but certain information has not been located. As an example, Petitioner provided the Court and counsel with copies of an order of supervision

issued in 2017 (Doc. 1-1, PageID.18-20), but that document has not yet been located in ICE's files. As of the time of this filing on October 20, 2025, the responding parties and undersigned counsel are presently without adequate information to provide additional factual or legal detail in this filing. Consequently, Respondents request the Court's leave to supplement this filing as appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 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