

have the authority to continue to hold the Petitioner.

4. The Federal Regulations only permit the continued holding of an individual when ICE issues a detainer for an individual not otherwise detained by a criminal justice agency, the agency holding the individual is required to maintain custody for a period not exceeding 48 hours, excluding Saturdays, Sundays, and holidays, to allow ICE to assume custody of the individual . 8 CFR §287.7 (d)(3) of the Act., *Morales v. Chadbourne*, 793 F.3d 208, *Galarza v. Szalczyk*, 745 F.3d 634.

5. Petitioner asks this Court to find that he is illegally detained and order his immediate release

JURISDICTION

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue is proper because Petitioner is detained at Case County Detention in Casey County, Kentucky, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

12. Mr. Gonzalez is currently detained at Casey County Detention Center in Liberty, Kentucky under the direct control, of Respondents and their agents.

13. Respondent Mike Woodrum is the Jailer of Casey County Detention and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Woodrum is a legal custodian of Petitioner.

14. Respondent, Todd Lyons, is sued in his official capacity as the Acting Director of the Field Office of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release the Petitioner.

15. Respondent Kristie Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible

for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement. Respondent Noem is a legal custodian of Petitioner.

16. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

17. Petitioner is a 57-year-old citizen of Mexico. He has resided in Kentucky for over 20 years. He has family, friends and strong ties to the community in Lincoln County, Kentucky. His criminal record consists of traffic violations.

18. On October 18, 2025, Mariano was unreasonably arrested for three (3) traffic violations. Specifically, no operators/moped license, license to be in possession and rear license not illuminated. He was booked, assessed by pretrial services and he was released on his own recognizance. Exhibit A.

19. ICE issued a detainer on October 18, 2025. Exhibit B.

20. Mariano remains detained in Casey County Detention Center to date, October 23, 2025.

LEGAL FRAMEWORK

21. The federal regulations specifies the 48-hour timeframe for Immigration and Customs Enforcement (ICE) to assume custody of an individual from a detention center is found in . 8 CFR §287.7(d)(3). This provision states that when ICE issues a detainer for an individual not

otherwise detained by a criminal justice agency, the agency holding the individual is required to maintain custody for a period not exceeding 48 hours, excluding Saturdays, Sundays, and holidays, to allow ICE to assume custody of the individual , *Morales v. Chadbourne*, 793 F.3d 208, *Galarza v. Szalczyk*, 745 F.3d 634, 8 CFR§287.7(d)(3).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

1. The allegations in the above paragraphs are realleged and incorporated herein. On information and belief, Petitioner is currently unlawfully detained by federal agents in violation of her constitutional rights to due process of law.

2. The Due Process Clause permits civil immigration detention only where detention is reasonably related to the government's interests in preventing flight or protecting the community from danger and is accompanied by adequate procedures to ensure that detention serves those goals.

3. The Due Process Clause requires that the Petitioner is afforded adequate procedural protections to assert her liberty interest. The government bears the burden of proof in demonstrating such detention is justified.

4. The Petitioner has received no due process and has not been afforded any adequate procedural protections. She was unlawfully detained without any legal basis and no warrant. She continues to be held without any bond or process in violation of her constitutional rights.

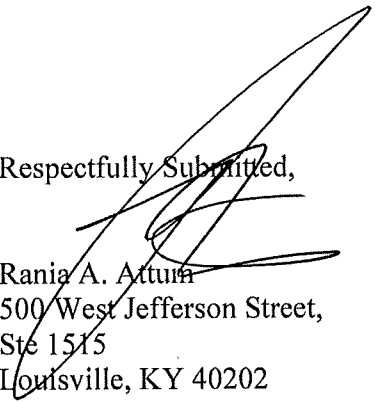
PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;

- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Order that the Petitioner shall not be transferred outside the jurisdiction of the Western District of Kentucky,
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the United States Constitution.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully Submitted,



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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 23 day of October, 2025.



Rania A. Attum