

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

MARIANO VENTURO GONZALEZ,)	
)	Case No. 1:25-cv-00150-GNS
Petitioner,)	
V.)	
)	PETITIONER
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)	
)	
Mike Woodrum, in his Official Capacity as)	
Grayson County Jailer)	
)	
)	
Respondents.)	
)	

PLAINTIFF’S REPLY UNITED STATES’S RESPONSE AND MOTION TO DISMISS

Petitioner, Mariano Venturo Gonzalez, by and through Counsel, moves this Court to find that he was illegally detained and order his immediate release or, in lieu, grant him an evidentiary hearing.

i. This Court Maintains Jurisdiction Pursuant To Ex Parte Mitsuye Endo.

The U.S. Supreme Court in, *Ex parte Mitsuye Endo*, 323 U.S. 283. 323 U.S. 283 (1944), held that a District Court retains jurisdiction over a habeas corpus petition even if the petitioner is transferred out of the district after the petition is filed. The Court emphasized that the removal of the petitioner does not defeat the court's jurisdiction as long as there is a respondent within the

district who can effectuate the writ. *Ex parte Mitsuye Endo*, 323 U.S. 283, *In re Hall*, 988 F.3d 376, *Anariba v. Dir. Hudson Cty. Corr. Ctr.*, 17 F.4th 434.

In this case, the petitioner properly filed this Petition for Writ of Habeas Corpus on October 23, 2025, at about 1:50 pm. At the time, he was detained in Casey County Detention Center. He was physically in the Western District of Kentucky. On October 24, 2025, at the beginning of the business day, he was transferred out of the Casey County Detention Center to Kenton County Detention Center (CCDC).¹ The respondents, Department of Homeland of Security (DHS) and the Department of Justice (DOJ), currently exercise power and control over the petitioner. The DHS and DOJ are able to effectuate the writ. There is more than one respondent that able to effectuate the writ. This Court maintains jurisdiction over this matter.

ii. The Department of Homeland Security Exercised and Department of Justice Exercised Custody and Control of the Petitioner Starting October 18, 2025.

Mariano was arrested and detained in CCDC on October 18, 2025, at 3 am after being arrested on state traffic violations. He was processed then released on his own recognizance by the county district court at 9:58 of the same day. (Exhibit 1, Conditions of Release).² On October 18, 2025, ICE executed a detainer and a warrant. As a result, he remained in custody at CCDC until October 24, 2025. He remained in custody for the next six to seven days because of the Immigration Detainer Notice of Action (“detainer”)(Exhibit 2) and Warrant for Alien Arrest (“warrant”) (Exhibit 3).

¹ It is important to note, that Kenton County Detention Center is in the Eastern District of Kentucky. This is not the only detention center in the state of Kentucky that houses immigration detained. There are multiple detention centers in the Western District of Kentucky that also house immigration detainees. For example, Grason County Detention Center and Oldham County Detention Center are two facilities that house immigration detainees and is also located in the Western District of Kentucky.

² The traffic violations remained pending. They were finally resolved on October 23, 2025. However, he was released on those charges on October 18, 2025. The “immigration hold” was the only hold preventing Mariano from being released from custody.

The United States argues that a detainer alone does not require that the CCDC hold an immigration detainee. They argue that the detainer is merely a request not a mandate. The United States is attempted to skirt liability and responsibility. Their actions resulted in the illegal detention of Mariano. The reality is that the detainer and warrant resulted in the continued detention of Mariano after his released from the county district court on October 18, 2025. It is reasonable to presume, that there was an exchange between CCDC and Immigration Customs and Enforcement (ICE) that resulted in the continued detention of Mariano. At minimum, this issue should be examined at the evidentiary hearing through the testimony of the decision-making parties. Testimony at an evidentiary hearing is the only possible way to determine if the actual directives from ICE to CCDC differ from the facts presented to the petitioner from Casey County Detention Center.

The Petitioner is not privy the internal exchange or directives between the Respondents. The facts reasonably available to the petitioner are as follows, Mariano was arrested on October 18, 2025 at about 3:00 am on three traffic violations. He was released on his own recognizance at 9:58 am. ICE tendered the CCDC an immigration detainer and an immigration warrant on October 18, 2025. As a result of only those documents, Mariano remained in CCDC until October 24, 2025. ICE constructively exercised physical control over Mariano because CCDC was acting at the directive of ICE.

Furthermore, ICE benefited from the illegal detention of Mariano. He was held beyond the 48-hour window authorized under 8 CFR 287.7. Then he was transferred to another facility and placed in removal proceedings pursuant to 8 USC §1229a. Removal proceedings are initiated by Immigration Officers, such as ICE, and prosecuted by the Office of Principal Legal Advisers (OPLA), attorneys for ICE. Therefore, ICE was able to aggressively “prosecute”

Mariano due to the illegal detention.³ Both parties are accountable for the illegal detention of Mariano.

CONCLUSION

The United States's finger pointing approach at Casey County Detention Center effectively concedes that Mariano was illegally detained. Mr. Gonzalez respectfully moves this court to grant this writ or an evidentiary hearing.

Respectfully Submitted,



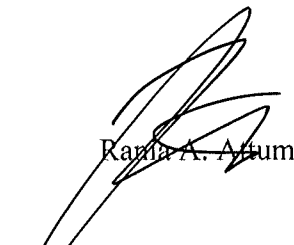
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Certificate of Service

A true and accurate copy of this motion was served by electronic service via CM/ECF and first class mail as follows:

Jailer Michael Woodrum
Casey County Detention Center
169 Court House Square,
Liberty, Kentucky 42539

Kyle G. Bumgarner, U.S. Attorney
United States Attorney's Office
717 West Broadway
Louisville, KY 40202



Rania A. Attum

³ Removal proceedings do not require the continued detention of an alien. ICE could have served Mariano a Notice to Appear (NTA) pursuant to 8 CFR §239.1. This document would include a time, date and location Mariano would be required to appear for removal hearings. ICE never served him with a NTA while detained at Casey County Detention Center. Instead, the respondents illegally detained him, transferred him to a different detention center, in a different jurisdiction, the day after this petition was filed. He was then served an NTA on October 24, 2025. (See Respondent's Exhibit 4, DN 6-4). Mariano is neither a flight risk nor a danger to the community. His criminal record is limited to traffic violations. He has been in the United States for over a decade. He has family and friends in the community.