

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN
CIVIL ACTION NO. 1:25-CV-150-GNS

MARIANO VENTURO GONZALEZ

PETITIONER

v.

KRISTI NOEM, in her Official Capacity as
Secretary, U.S. 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
MIKE WOODRUM, in his Official Capacity as
Casey County Jailer

RESPONDENTS

RESPONSE TO ORDER TO SHOW CAUSE AND MOTION TO DISMISS

Comes now the Respondent, Mike Woodrum, Casey County Jailer, and for his Response to the Court's Order to Show Cause and Response to Petitioner's Petition for Writ of Habeas Corpus, by counsel, states as follows:

INTRODUCTION

Petitioner's Petition for Writ of Habeas Corpus is moot with regard to Mike Woodrum ("Woodrum") and the Casey County Detention Center ("CCDC") and should be dismissed because the Casey County Detention Center no longer maintains custody over Mariano Gonzalez ("Gonzalez"). While Woodrum has not yet been formally served with this Petition, he did receive an e-mailed copy from the United States Respondents' counsel. While Woodrum has not waived service in this action, given the Court's Order to Show Cause and the Court's scheduled hearing,

out of an abundance of caution and respect for the efficiency of this Court in disposing of this matter without the necessity of an additional hearing, Woodrum states as follows for his Response:

BACKGROUND

Petitioner is a native and citizen of Mexico. [Petition at ¶ 17, DN 1]. He became an inmate at the Casey County Detention Center (“CCDC”) in the early morning hours of October 18, 2025. [Declaration of Roy Keith, ¶ 5, attached hereto as Exhibit 1]. As Gonzalez did not have a social security number or proper immigration documentation, at 9:34 a.m., on October 18, 2025, Roy Keith (“Keith”), the Sergeant with CCDC who was on duty on October 18th, 2025, notified ICE, via e-mail that CCDC had two inmates without documentation who had just come into the detention center. [*Id.* at ¶ 8]. At 9:46 a.m., ICE notified Keith via e-mail that they were “running” the two inmates and would let him know what they found. [*Id.* at ¶ 9]. At 10:00 a.m., Kentucky Pretrial Services e-mailed the CCDC booking e-mail address with Gonzalez’s Conditions of Release. [*Id.* at ¶ 11]. At 10:20 a.m., ICE e-mailed the CCDC booking e-mail stating she would send a detainer for Gonzalez and the other inmate. [*Id.* at ¶ 10]. At 12:18 p.m., ICE sent an e-mail to the CCDC booking e-mail with a copy of the detainers and arrest warrants for Gonzalez and another inmate. [*Id.* at ¶ 12]. Keith does not recall when he viewed the e-mails sent at 10:00 a.m., 10:20 a.m. or 12:18 a.m. [*Id.* at ¶ 13]. ICE did not direct Keith to detain Gonzalez under any authority or circumstances other than those set out in the e-mail exchange on the morning of October 18, 2025, which is attached in full to his Declaration. [*Id.* at ¶ 14]. On October 23, 2025, Gonzalez pled guilty to the charges on which he was being held at CCDC and was sentenced to a \$143.00 fine with a credit for five days jail time served. [US Response to Show Cause Order and Motion to Dismiss, DN 6, Exhibit 3]. On October 23, 2025, at 12:05 p.m., Keith notified ICE via

e-mail that Gonzalez was ready for pickup. [*Id.* at ¶ 15]. ICE picked up Gonzalez from CCDC on the morning of October 24, 2025, and Gonzalez is no longer housed at CCDC. [*Id.* at ¶ 16 and 17].

While Petitioner filed the Petition for Writ of Habeas Corpus on October 23, 2025, Woodrum did not receive a copy of same until October 27, 2025, and Woodrum nor any other CCDC employee were aware of this Petition until 3 days after Gonzalez left CCDC. As of the date of this filing, Woodrum has not been formally served with the Petition and has not waived service of process.

STANDARD OF REVIEW

A district court may grant a writ of habeas corpus if a petitioner is in custody in violation of the Constitution or a federal law. 28 U.S.C. § 2241. “Petitioner ‘bears the burden of proving that he is being held contrary to law; and because the habeas proceeding is civil in nature, he must satisfy his burden of proof by a preponderance of the evidence.’” *Freeman v. Pullen*, 658 F. Supp. 2d 53, 58 (D. Conn 2023) (quoting *McDonald v. Feeler*, 535 F. Supp. 2d 128, 135 (W.D.N.Y. 2021)); *Lallave v. Martinez*, 609 F. Supp. 3d 164, 171 (E.D.N.Y. 2022) (quoting *Skaftouros v. United States*, 667 F. 3d 144, 158 (2nd Cir. 2011)); *Bradin v. United States Prob. & Pretrial Servs.*, No. 22-cv-3032-JWL, 2002 WL 1154622, at 3 (D. Kan. Apr. 19, 2022) (citing cases discussing burden of proof in a habeas case under §2241).

Petitioner’s sole allegation is that Gonzalez is illegally detained at CCDC by the Federal Respondents and Woodrum.

ARGUMENT

A civil immigration “detainer is a request filed... with the institution in which a prisoner is incarcerated, asking the institution either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent.” *Carchman v. Nash*, 473 U.S. 716, 719 (1985). CCDC

is no longer the “institution in which [Gonzalez] is incarcerated.” CCDC detained Gonzalez pursuant to a detainer and notified ICE when they believed Gonzalez’s release was imminent, following his sentencing on October 23, 2025. CCDC now understands that its interpretation of when it was required to release Gonzalez was mistaken. However, that mistake cannot be cured by the requested Writ of Habeas Corpus, as CCDC no longer has custody of Gonzalez.

Gonzalez’s release from CCDC moots his habeas petition against CCDC. As such, this Court lacks jurisdiction to hear his petition. See, *Lane v. Williams*, 455 U.S. 624, 631-32 (1982) (absent circumstances inapplicable here, a petitioner’s release from custody generally moots their habeas petition); *Ikharo v. Att’y Gen. of United States*, 2019 WL 3227834, at 6 (S.D. Ohio July 17, 19 (collecting cases); *report and recommendation adopted sub nom Ikharo v. United States Att’y Gen.*, 2021 WL 3662479 (S.D. Ohio Aug. 18, 2021). A Court only has “jurisdiction to hear cases or controversies,” *In re Kramer*, 71 F.4th 428, 438 (6th Cir. 2023), *reh’g denied*, 2023 WL 5498744 (6th Cir. Aug. 16, 2023), and does “not have the power to adjudicate disputes that are moot,” *Hanrahan v. Mohr*, 905 F.3d 947, 960 (6th Cir. 2018). A “case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Powell v. McCormack*, 395 U.S. 486, 496 (1969). To make this determination, the Court asks whether it would “make a difference to the legal interests of the parties” if we granted the relief sought. *Hanrahan* at 960. Here, Petitioner requests his immediate release from CCDC. As he is no longer in the custody of CCDC, if the Court granted his petition, it would not affect the legal interests of the parties, as CCDC no longer has the power to release Gonzalez.

As the United States’ Respondents’ Response notes, Gonzalez is now housed at Kenton County Detention Center (“KCDC”). Gonzalez’s Petition does not name KCDC. Woodrum has

no authority to effectuate Gonzalez's release from KCDC, a detention center with which he has no involvement and certainly no authority over.

As described in the Background section above, CCDC received notification of the detainer and arrest warrant at or around the same time CCDC was notified of Gonzalez's Conditions of Release. CCDC Sergeant Roy Keith has no recollection of when he viewed the e-mail containing the detainer and arrest warrant and the e-mail containing the Conditions of Release document. There was no collusion between ICE and CCDC to hold Gonzalez beyond the time allowed by law. On October 18, 2025, Keith and CCDC knew there was a detainer and arrest warrant issued for Gonzalez, so they continued to hold him pursuant to same. Petitioner now requests a Writ of Habeas Corpus ordering CCDC to release Gonzalez. Even if the Court entered such an Order, CCDC could not comply, as it no longer has custody of Gonzalez.

CONCLUSION

Because Woodrum has no authority to release an inmate no longer housed at CCDC, Woodrum respectfully requests that this Court dismiss the Petition.

Respectfully submitted,

ENGLISH, LUCAS, PRIEST & OWSLEY, LLP

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CERTIFICATE OF SERVICE

I hereby certified that on October 31, 2025, a copy of the foregoing was filed using the Court's ECF system and served on all counsel of record.

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