

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

MARIANO VENTURO GONZALEZ,)
)
 Petitioner,)

Case No. 1:25-cv-00150-GNS

V.)

KRISTI NOEM, in her Official Capacity as)
Secretary, Department of Homeland Security;)

PETITIONER

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.)

PETITIONER’S REPLY TO RESPONDENT, MIKE WOODRUM’S, RESPONSE TO
SHOW CAUSE AND MOTION TO DISMISS

Comes now the Petitioner, by and through Counsel, and replies to respondent, Mike Woodrum’s, Response to Order to Show Cause and Motion to Dismiss. The Petitioner moves this Court to deny the respondent’s motion to dismiss and grant this Petition for Writ of Habeas Corpus. In support of this motion, he avers the following:

- 1. Mike Woodrom was Properly Served as of October 31, 2025 at 2:30 PM.**

Mariano was detained on October 18, 2025 at about 3:00 am for three (3) traffic violations. He was released on his own recognizance on the same date at 9:58 am. [DN 13, Appendix Attachment B-10-18-2025]. This Petition was properly filed on October 23, 2025, while Mariano was detained at CCDC. [DN 1]. Counsel for the Petitioner sent certified mailings to the parties listed in this action. A true and accurate copy of this petition and all the attachments were mailed to Jailer Michael Woodrum, Casey County Detention Center at 169 Court House Square, Liberty, Kentucky, 42539. The petition was served upon the Jailer on October 31, 2025 at 2:30 pm. [Exhibit 1, Certified Mailing and Tracking Print Out]. Jailer Woodrum's response was filed over an hour after service at 3:53 pm. [Exhibit 2, Print out of Receipt Notice]. At the time of the response, Jailer Woodrum was properly served. Dismissal due to lack of service is inappropriate and moot.

Casey County Detention Center (CCDC) illegally detained Mariano because they "misunderstood" how to interpret the very straight forward federal regulation, 8CFR287.7(d)(3). The regulation permits the detention center to hold an individual 48 hours once he is released on the criminal cases. The time limit excludes weekends and holidays. October 18 was a Saturday. The 48-hour time frame began running Monday, October 20, at 12:00 am. The 48-hour time frame expired on October 22 at 12:00 am. CCDC and United States held him illegally until October 24, 2025. CCDC had a direct hand in his unlawful detention.

2. This Petition is not Moot with Respect to Respondent, CCDC.

Respondent, CCDC, concedes that Mariano was illegally detained. The Respondent stated in the Response, "CCDC now understands that its interpretation of when it was required to release Gonzales was mistaken." [DN 13, pg 4 of 6, ¶ 1]. The respondent then argues that this Writ

should be dismissed as moot due to the Petitioner being transferred out of the facility. The respondent cites *Lane v. Williams*, arguing that the Petitioner is no longer in the custody of the respondent, and the respondent is no longer able to effectuate a release of the petitioner. 455 U.S. 624. In *Fouts v. Warren City Council*, the United States held a case is not moot where the case is capable of repetition. 97 F.4th 459.

In *Fouts v. Warren City Council* the United States laid out an exception to mootness in these situations. 97 F.4th 459. Under *Fouts*, "this exception applies when '(1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there was a reasonable expectation that the same complaining party would be subjected to the same action again.'" *Id.* (quoting *Weinstein v. Bradford*, 423 U.S. 147, 149, 96 S. Ct. 347, 46 L. Ed. 2d 350 (1975)). The challenged action here was too brief to be fully litigated in that the unlawful detention ended after Mariano filed this action. Secondly, Mariano resides in Lincoln County, Kentucky. At this time CCDC is used by Lincoln County and surrounding counties to house inmates detained on state charges pre-trial. If Mariano were charged again in his home county and arrested – as he was here for three minor traffic violations – he would expect to be returned to CCDC. Thus, there is a reasonable expectation that he would be subject to detention by CCDC. Mariano has overcome the mootness exception laid out by *Fouts* and *Weinstein*.

3. Both, the CCDC and the United States, have repeatedly ignored the law and material facts in this case.

Sergeant Roy Keith sworn in his affidavit that he was on duty at CCRD on October 18, 2025. He swears that he emailed ICE at 9:34 am that he had two inmates that may not have status. [DN 13 Ex. 1 – Affidavit, ¶8]. The Petitioner was released from custody by Lincoln County District Court at 9:58 am. Then at 10:20 am he received an email from ICE that the

officer would be sending a detainer. The detainer was not in the possession of the detention center at 10:20 am. Sergeant Roy Keith did not receive the detainer or the warrant until 12:18 pm. Therefore, he did not have any documentation authorizing Mariano's hold from 9:58 am to 12:18 pm. Sergeant Keith then attests that he notified ICE via email that Mariano was "ready for pickup" on October 23, 2025, at 12:05 pm.

Given that Mariano is not a pizza, "ready for pickup" is not the legal standard for continued detention of the petitioner. [DN 13, Ex 1- Affidavit, ¶15]. CCDC and the United States seem to completely lack a comprehension the requirements for continued permissible detention under federal law and the United States. The respondents are either intentionally ignoring state laws, federal laws or blatantly disregarding the laws. Both responses fail to address the interworking of Kentucky Revised Statutes, Federal Regulations and the United States Constitution.

The Kentucky Revised Statutes (KRS) 431.066 governs the pretrial release and bail options for detainees under the jurisdiction of the Commonwealth of Kentucky. He was ordered released pursuant to KRS 431.066(3) the same day. However, he remained in detention for the next six to seven days in CCDC due to the execution of the immigration detainer and warrant for alien arrest. CCDC, specifically Sergeant Keith, initiated an e-mail correspondence with ICE. The continued exchange between the respondents is indicative of both parties responsible for the continued detention of the petitioner. Sergeant Keith was acting on the information from ICE, but was acting on behalf of CCDC nonetheless. Both parties are necessary for the continued adjudication of the case. Both, the United States and CCDC, maintain witness and evidence regarding Mariano's illegal detention. As a result of their actions, he remains detained. The issue is not moot.

4. The Warrant for Alien Arrest Was Never Properly Served on the Petitioner but was the Basis Continued Detention

On October 18, 2025, ICE emailed Seargent Keith the Immigration Detainer and the Warrant for Alien Arrest. The Warrant for Alien Arrest states in bold capitalized font, “YOU ARE COMMANDED.” CCDC is “YOU” in this context. “COMMANDED,”¹ defined by the Merriam-Webster Dictionary, means “to order or to direct authoritatively.” Therefore, ICE commanded CDCC to arrest and take into custody, Mariano Ventura Gonzalez. At the bottom of the Warrant, there is a boxed in area titled “Certificate of Service.” The language in that box states the following:

“I hereby certify that the Warrant for Alien Arrest was served by me at Louisville, KY on Ventura Gonzalez, Mariano on October 18, 2025, and the contents of this notice were read to him or her in the SPANISH language.” [DN 13#2 Appendix Attachment A-10-18-2025].

The document is electronically signed. It is apparent from the exchange of emails attached in CCDC’s response and the Declaration of Roy Keith that this statement is not accurate. [DN 13, #1 Ex. 1 – Affidavit, #2 Appendix Attachment A-10-18-2025, # 4 Appendix Attachment C-10-23-2025 Email]. CCDC received the Warrant for Alien Arrest via e-mail. [DN 13 #2 Appendix Attachment A-10-18-2025]. CCDC possessed this document. Held it as truth. Abided by this document, despite knowing that this document was never properly served upon Mariano. The evidence supports a finding that warrant was never read to Mariano in Spanish.

The evidence demonstrates that Mariano was released from state custody on October 18, 2025 at 9:58 am. At 12:18 pm, CCDC received the detainer and the warrant for alien arrest. CCDC continued to hold Mariano until CCDC decided they were done with him and he was

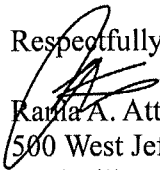
¹ <https://www.merriam-webster.com/dictionary/command>

“ready” for pick up. [DN 13# 4 Appendix Attachment C-10-23-2025 Email]. CCDC does not offer any legal basis for why Mariano became “ready for pick up” on October 23, 2025. ICE would not take possession of Mariano until the 24th. In this instance CCDC continued holding Mariano after his release from state court based on an Immigration detainer that was held out as mandatory but was in fact, not. This is neither the law nor the legal standard. CCDC must remain a party to this action for the necessary discovery and evidentiary findings required to adjudicate the case.

5. Standard of Review Satisfied.

The Petitioner has demonstrated that CCDC and the United States has violated the federal law and the United States Constitution resulting in his illegal detention. The relevant federal regulation is 8 CFR 287.7 (d)(3). This regulation permits the detention center to hold the detainee after his release from custody for 48 hours excluding weekends and holidays. The Petitioner has proven beyond a preponderance of the evidence that United States and CCDC violated 8 CFR 287.7 (d)(3). This illegal hold resulted in a violation of the petitioner’s constitutional rights under the fourth and fifth amendment of the United States Constitution.

Respectfully Submitted,


Rania A. Attum
500 West Jefferson Street Ste 1515
Louisville, KY 40202
502 230 2366
rania@attumlaw.com

CERTIFICATE OF SERVICE

A true and accurate copy of this pleading and all of the attached documents have been served on all parties via EM/ECF.


Rania A. Attum

