

Maya King, Esq.
King Law Group
1401 Iron Street, Suite 200
North Kansas City, MO 64116
KS Bar # 27499
Tel: (913) 717-7112
Email: maya@kinglawgroup.com
Counsel for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

GERARDO REYNA-SALGADO,

Plaintiff,

-against-

KRISTI NOEM, in her official capacity as
Acting Secretary of Homeland Security;
PETE R. FLORES, in his official capacity as
Commissioner of the U.S. Customs and
Border Protection; and RICARDO WONG, in
his official capacity as Field Office Director
of the ICE ERO Chicago, C. CARTER in his
official capacity as WARDEN of FCI
Leavenworth,

Defendants.

25-3236-JWL

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Gerardo Reyna-Salgado, is a native and citizen of Mexico who has been in the custody of U.S. Immigration and Customs Enforcement (“ICE”) since December 2, 2024. On February 21, 2025, the Immigration Judge in Chicago granted Petitioner Withholding of Removal under INA § 241(b)(3), prohibiting DHS from removing him to Mexico. Despite this statutory protection, ICE has continued to detain Petitioner indefinitely.

2. On August 11, 2025, this Court denied Petitioner's first habeas petition as premature, noting that detention of less than six months following a final order of removal is presumptively reasonable under *Zadvydas v. Davis*, 533 U.S. 678 (2001). On October 3, 2025, the Court again denied the second habeas petition, concluding that detention had lasted only slightly longer than six months and that removal efforts to third countries were ongoing. The Court expressly stated that Petitioner could file a new petition if detention later became unreasonable.

3. As of the filing of this third habeas petition, Petitioner has now been detained more than seven months since the removal period began on March 23, 2025. ICE has made repeated but unsuccessful attempts to remove him to three alternative countries, and there are no pending or viable removal arrangements. Removal is neither legally possible to Mexico nor practically foreseeable elsewhere. Continued detention has therefore become presumptively unreasonable under *Zadvydas*.

JURISDICTION

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

5. 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). Jurisdiction is proper because Petitioner challenges the legality of his ongoing immigration detention, which has become unreasonably prolonged in violation of the Constitution, federal statutes, and regulations.

6. This Court may grant relief under the habeas corpus statutes or issue an order to show cause "forthwith," unless the petitioner is not entitled to relief. 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.

Courts have long recognized the writ's fundamental role in protecting individuals from unlawful detention.

VENUE

7. Venue is proper because Petitioner is detained at the Leavenworth Detention Center in Leavenworth, Kansas, which is within the jurisdiction of this District.

8. Venue is also proper because Respondents are officers, employees, or agencies of the United States, and the Warden of FCI Leavenworth resides in this District. In addition, a substantial part of the events or omissions giving rise to this action occurred in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

PARTIES

9. Petitioner, Gerardo Reyna-Salgado, is a native and citizen of Mexico, currently detained at FCI Leavenworth in Kansas. He is under the custody and control of Respondents and their agents.

10. Respondent C. Carter is the Warden of FCI Leavenworth, where Petitioner is currently detained.

11. Respondent Ricardo Wong is sued in his official capacity as Field Office Director of the ICE Enforcement and Removal Operations (ERO) Chicago Field Office.

12. Respondent Pete R. Flores is sued in his official capacity as the Commissioner of U.S. Customs and Border Protection (CBP).

13. Respondent Kristi Noem is sued in her official capacity as the Acting Secretary of the Department of Homeland Security (DHS).

FACTUAL BACKGROUND

14. Petitioner has been detained by ICE since December 2, 2024. On February 21, 2025, the Immigration Court granted Petitioner Withholding of Removal to Mexico under INA § 241(b)(3).

15. Petitioner filed his first habeas petition on August 2, 2025, which the Court denied on August 11, 2025. The second habeas petition was filed on August 26, 2025 and denied on October 3, 2025, in Case No. 25-3172. The Court held that because Petitioner's removal period began on March 23, 2025, and because ICE had made some attempts to remove him to third countries, continued detention was not yet unreasonably indefinite. The Court noted, however, that Petitioner could file a new petition if detention later became unreasonable.

16. Petitioner has been afforded no individualized review, no notice of continued custody determination, and no opportunity to contest his ongoing detention administratively. His continued confinement therefore lacks both statutory and constitutional justification.

CLAIMS FOR RELIEF

COUNT ONE – Violation of Fifth Amendment Right to Due Process

17. Petitioner incorporates by reference the allegations above.

18. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Because Petitioner's removal to Mexico is barred by the Immigration Judge's withholding order and removal to any other country is not reasonably foreseeable, his continued detention serves no legitimate purpose. It has become punitive and arbitrary in violation of substantive and procedural due process.

COUNT TWO – Violation of 8 U.S.C. § 1231(a)(6)

19. Petitioner incorporates by reference the allegations above.

20. Under 8 U.S.C. § 1231(a)(6), detention may continue only for a period reasonably necessary to effect removal. Once removal is no longer reasonably foreseeable, detention loses statutory authorization. Here, removal is not foreseeable to any country, and the Government cannot meet its burden to show otherwise. Accordingly, Petitioner's continued detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

PRAYER FOR RELIEF

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

1. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
2. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231(a)(6).
3. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately under appropriate conditions of supervision; and
4. Grant any further relief this Court deems just and proper.

Respectfully submitted,

Maya King, Esq.
King Law Group
1401 Iron Street, Suite 200
North Kansas City, MO 64116
KS Bar # 27499
Counsel for Petitioner
Tel: (913) 717-7112
Email: maya@myklegal.com
Counsel for Petitioner

Dated: October 29, 2025

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

I represent Petitioner, GERARDO REYNA-SALGADO, 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 29th day of October, 2025.

Maya King, Esq.
Attorney for Petitioner