

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

GERARDO REYNA-SALGADO,

Petitioner,

-against-

KRISTI NOEM, in her official capacity as 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; and Crystal Carter in her official capacity as WARDEN of FCI Leavenworth,

Respondent.

Case No. 25-3236-JWL

PETITIONER'S TRAVERSE/REPLY

Petitioner, through counsel, submits this Traverse in reply to Respondents' Response (ECF 4) and in further support of his Third Petition for Writ of Habeas Corpus. Respondents have not rebutted Petitioner's showing that there is no significant likelihood of removal in the reasonably foreseeable future, nor have they addressed the Government's failure to conduct the required 180-day custody review, nor the fact that Petitioner was transported for the interview on December 2, 2025 but ICE failed to conduct the review for reasons wholly unrelated to Petitioner. Detention has now become unreasonably prolonged, indefinite, and unlawful.

Respondents' own submission confirms Petitioner cannot be removed to Mexico because he was granted Withholding of Removal. ICE has attempted removal to three alternative countries, yet all efforts have failed (ECF 4 at 2; Ex. 1 ¶ 15). ICE "reached out" again to RIO only on November 18, 2025, yielding no progress (Ex. 1 ¶ 18). As of the filing, ICE has no travel

documents, no pending applications, and no identified country willing to accept Petitioner. ICE's failure to obtain travel documents after nine months of detention, plus three prior failed attempts, satisfies precisely what *Zadvydas* requires for release: demonstrated impossibility of removal within the reasonably foreseeable future.

Respondents' Response asserts Petitioner "presents no challenge to his custody review process" (ECF 4 at 1). This is incorrect. On December 2, 2025, Petitioner was transported to the ICE office in Kansas City for his required 180-day custody review interview. He was made to wait for hours and then returned to the detention center without any interview taking place—ICE officers stated the reviewing officer was unavailable due to staffing issues. Petitioner thus did everything required of him, and ICE failed to conduct the mandatory review. This failure is legally significant because 8 C.F.R. § 241.4 requires DHS to conduct meaningful post-order custody reviews, and ICE's failure deprives Petitioner of due process and eliminates any presumption of "ongoing" removal efforts.

Respondents rely heavily on the idea that ICE is "continuing to investigate" removal options (ECF 4 at 2-3). But ICE cites no pending travel document applications, no consular appointments, no correspondence from any country, no indication any country is even considering acceptance, and only two emails to RIO—one in July, and one in November—both yielding nothing. This is not ongoing removal activity. It is stagnation. Petitioner's detention has now exceeded nine (9) months since the removal period began (March 23, 2025), far beyond the *Zadvydas* six-month presumption, and without any realistic path to removal.

For these reasons, Petitioner respectfully renews his request that the Court grant the Petition for Writ of Habeas Corpus, and order Petitioner's immediate release under appropriate conditions.

Respectfully submitted,

/s/ Maya Y. King

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Dated: December 8, 2025

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2025, I electronically filed the foregoing Petitioner's Traverse to Respondents' Response to § 2241 Petition and Order to Show Cause with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record for Respondents:

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