

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT OWENSBORO

Y.J.F.R.

PETITIONER,

v.

CIVIL ACTION NO. 4:25-cv-00142-DJH

PAMELA BONDI, *U.S. Attorney General*;  
TODD LYONS, *in his official capacity as Acting  
Director of Immigration and Customs Enforcement*;  
KRISTI NOEM, *in her official capacity as Secretary,  
U.S. Department of Homeland Security*;  
SAMUEL OLSON, *in his official capacity as  
Field Office Director for ICE, Chicago Field Office*; and  
JASON WOOSLEY, *in his official capacity as  
Jailer of Grayson County Detention Center*

RESPONDENTS

**RESPONSE TO ORDER TO SHOW CAUSE**

Federal Respondents, Pamela Bondi, Todd Lyons, Kristi Noem, and Samuel

Olson,<sup>1</sup> respond to the Court's order to show cause:

Aliens subject to reinstated orders of removal are mandatorily detained under 8 U.S.C. § 1231. *Johnson v. Guzman Chavez*, 594 U.S. 523, 544 (2021). Petitioner is such an alien, and thus must be detained under 8 U.S.C. § 1231 and its corresponding regulations at 8 C.F.R. § 241.

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<sup>1</sup> This response is filed on behalf of Federal Respondents in their official capacities. 28 U.S.C. § 517 allows the Office of the United States Attorney to make appearances in court to attend to the United States' interests, and consistent with that statute and *Roman v. Ashcroft*, 340 F.3d 314, 319-20 (6th Cir. 2003), this filing attends to the United States' interests to the extent that the petition also names Jason Woosley, Grayson County Jailer in his official capacity, as a respondent.

**I. Relevant facts**

Petitioner entered the United States in April 2007 near Columbus, New Mexico. [Exhibit 1, I-213 at 2.] Shortly after entry, U.S. Border Patrol agents encountered Petitioner and determined she had unlawfully entered. [Id.] Petitioner entered expedited removal proceedings under 8 U.S.C. § 1225, was ordered removed, and was then removed to Honduras, in May 2007. [Id.] Petitioner re-entered the United States without authorization, in August 2011. [Id. at 3.] Border Patrol agents then encountered her near Brownsville, Texas and reinstated her 2007 expedited removal order. [Exhibit 2, Notice of Intent/Decision to Reinstate Prior Order.] Petitioner was then released from custody on an order of supervision, after posting bond in February 2012, and her withholding case was referred to an immigration judge. [Exhibit 3, Feb. 9, 2012 letter-pg. 6.] The proceedings are still pending.<sup>2</sup>

Petitioner now seeks habeas relief in this Court. [Doc. 1.] She alleges that she should not be detained under 8 U.S.C. § 1225. [See, e.g., Doc. 1 at PageID.16, 92.]

**II. Petitioner bears the burden to establish that her custody is in violation of the Constitution or laws or treaties of the United States, and habeas relief is limited to custody.**

To obtain habeas relief, Petitioner must not merely show that she is “in custody,” but rather that she is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3); see *Dickerson v. United States*, 530 U.S. 428, 439, n. 3 (2000) (“Habeas corpus proceedings are available only for claims that a person ‘is in

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<sup>2</sup> Petitioner’s claim about her pending derivative claim on her husband’s U-Visa petition has no relevance to this habeas matter.

custody in violation of the Constitution or laws or treaties of the United States”, quoting 28 U.S.C. § 2254(a). “[I]n a habeas proceeding the petitioner ‘has the burden of establishing his right to federal habeas relief and of proving all facts necessary to show a constitutional violation.’” *Caver v. Straub*, 349 F.3d 340, 351 (6th Cir. 2003) (quoting *Romine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001)). Habeas relief is limited to “simple release,” and habeas is not a vehicle through which an alien can challenge other aspects of their immigration proceedings or determinations. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117–20 (2020).

### III. Specific response to the Petitioner’s allegations

As a preliminary matter, this habeas petition incorrectly frames this case as one the Court must decide falls under 8 U.S.C. § 1225 or 8 U.S.C. § 1226. Those statutes are for detaining aliens without final orders of removal. Petitioner has a final order of removal, and thus, the Court must consider her detention under the rubric of 8 U.S.C. § 1231. See *Johnson v. Guzman Chavez*, 594 U.S. 523, 544 (2021) (holding that aliens with reinstated removal orders are detained under 8 U.S.C. § 1231).

Here, Petitioner was not timely removed after her reinstated order of removal was issued, and she was thus released and issued an order of supervision. [Exhibit 4, Order of Supervision.] Since the Respondents received notice of the Petition, they have attempted to identify and locate all relevant records, but some records, including the notice of revocation of supervision have not been located. Respondents request the Court’s leave to supplement this filing if additional information is located.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for the Petitioner.

/s/ Timothy D. Thompson  
Timothy D. Thompson  
Assistant United States Attorney