IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

MICAELA DE CORRAL Petitioner, vs. JASON WOOSELEY, Grayson County Jailer KRISTI NOEM, Secretary of the United States Department of Homeland Security, and SAMUEL OLSON, Field Office Director, Chicago Filed Office, Immigration and Customs Enforcement, PAMELA BONDI, U.S. Attorney General Respondents.	)	Case No. 4:25-cv-145-BJB (Immigration No. [redacted])

PETITION FOR *HABEAS CORPUS*

Petitioner, **MICAELA DE CORRAL**, by and through counsel, **CARLA I. ESPINOZA**, hereby petitions this Honorable Court for a Writ of *Habeas Corpus* against the Respondents, and in support thereof, states as follows:

PARTIES

1. The Petitioner, **MICAELA DE CORRAL**, is a 63-year old female, native and citizen of Mexico, who is currently being detained by Respondents, Jason Wooseley, Grayson County Jailer, Kristi Noem, Secretary of the Department of Homeland Security ("DHS"), Samuel Olson, the Chicago Field Office Director for the United States Immigration and Customs Enforcement ("ICE") of the DHS, and Pamela Bondi, U.S. Attorney General. Petitioner was detained by Respondents on November 1, 2025, in Chicago, Illinois and was processed at the ICE Processing Facility in Broadview, Illinois. She was then transferred to Grayson County Jail in Leitchfield, Kentucky. The Jailer for Greyson County Jail is JASON WOOSELEY and, thus,

he is Petitioner's immediate custodian.

2. The Respondent, SAMUEL OLSON, is the ICE Chicago Field Office Director and Petitioner was detained under his authority. Immigration detainees at Grayson County Jail fall under the charge of the Chicago Field Office Director.

3. The Respondent, KRISTI NOEM, is the DHS Secretary and the Petitioner is held under her authority.

4. The Respondent, PAMELA BONDI, is the U.S. Attorney General and Petitioner will suffer prolonged detention under her authority.

JURISDICTION & VENUE

5. This Court has jurisdiction to consider this petition pursuant to Article I, Section 9, clause 2 of the United States Constitution ("Suspension clause"), and 28 U.S.C. §§2241, 1331, and 1361, since Ms. De Corral is presently in the custody under the color of the authority of the United States, and such custody is in violation of the Constitution, laws and/or treaties of the United States. This Court may grant relief pursuant to Habeas Corpus, 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.

6. Venue lies in the United States District Court for the Western District of Kentucky, the judicial district in which the Petitioner's immediate custodian is located at the time of filing the instant petition. 28 U.S.C. §1391(e).

7. Petitioner's action is based upon traditional district court authority to entertain *habeas corpus* actions pursuant to 28 U.S.C. §2241, et. seq., and §§1331, 1361. Petitioner's action does not fall within the proscriptions of jurisdiction under 8 U.S.C. §1252, because the Petitioner does not challenge an "order of removal", *see,* 8 U.S.C. §1252(a)(5). The Petitioner

challenges her unlawful detention during the pendency of removal proceedings. Accordingly, jurisdiction is proper in this Court, not the circuit court of appeals.

8. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless it is abundantly clear the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "*within three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*(emphasis added).

CASE AND PROCEDURAL HISTORY

9. On Saturday, November 1, Petitioner was detained by Respondents in Aurora, Illinois as she accompanied her husband of almost three decades. The couple was heading home after doing landscaping work that morning.

10. DHS-ICE detained Petitioner pursuant to an Administrative Warrant. While Petitioner's Warrant and his Notice to Appear ("NTA") were seemingly prepared post arrest, the Warrant cites to the Respondents' detention authority under Section 236(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226(a). *See* Warrant, attached hereto as Exhibit A.[1] Petitioner's NTA was issued on November 2, 2025 and classifies her as being present in the United States without having been admitted or paroled. *See* NTA, attached hereto as Exhibit "B."

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[1]In *Nava v. Dep't of Homeland Sec.*, No. 18-CV-3757, 2025 WL 2842146, at *1 (N.D. Ill. Oct. 7, 2025), the Court held that the regulations implementing DHS's arrest authority under 8 U.S.C. § 1226 require DHS to issue a Notice to Appear either before or concurrently with the Form I-200 warrant when making a warrant-based arrest. 8 C.F.R. §§236.1(b) and 1236.1(b). Absent the NTA, the administrative warrant is an invalid basis for arrest, rendering the arrest warrantless. DHS unlawfully arrested Ms. Corral without valid warrant or NTA. As noted above, her NTA was prepared 1 day after her arrest. Concurrently with the filing of this petition, Ms. Corral, through undersigned counsel, is filing a claim for release under the *Castanon Nava* Settlement through the appropriate online portal.

11. Petitioner entered the United States without inspection in 1994 and has resided here ever since. Petitioner has a daughter, a brother, and eighteen (18) nieces and nephews who are U.S. citizens. She has not criminal record.

12. A non-citizen who entered the United States without inspection and has resided here for decades is entitled to seek release on bond from an immigration judge under Section 236(a) of the INA, 8 U.S.C. § 1226(a), which calls for a discretionary frame-work to bond determinations.

13. Recently, however, DHS-ICE has taken the position that noncitizens who are present in the United States without inspection and generally eligible to seek release on bond under Section 1226(a) are now covered by Section 1225(b)(2)(A) and, thus, subject to mandatory detention. DHS-ICE adopted this new policy by issuing an internal memorandum on July 8, 2025.[2]

14. On September 5, 2025, the Board of Immigration Appeals ("BIA") under the authority of the U.S. Attorney General published *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which erroneously holds that immigration judges lack authority to hear bond requests or to grant bond to non-citizens who are present in the United States without admission pursuant to Section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A).[3] The overwhelming

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[2]The DHS-ICE Policy Memorandum can be found at https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last visited Oct. 16, 2025).

[3]The overwhelming majority of district courts, including one in this district, which have considered the novel holding in *Matter of Yajure Hurtado* have rejected it. *See Beltran Barrera v. Tindall*, 2025 WL2690565 (W.D.Ky Sep. 19, 2025); *Pizarro Reyes*, 2025 WL 2609425, at *7-9 (holding that the text, legislative history and agency guidance support the argument that Section 1226, not Section 1225 applies); *Lopez-Campos*, 2025 WL 2496379 ("the Court finds

majority of district courts which have considered this new policy and the holding of *Matter of Yajure Hurtado* have rejected it finding that Respondents interpretation of the statute: (1) disregards the plain meaning of § 1225(b)(2)(A); (2) disregards the relationship between §§ 1225 and 1226; (3) would render a recent amendment to § 1226(c) superfluous; and (4) is inconsistent with decades of prior statutory interpretation and practice. For example, a court in this district held that "[t]he added word of 'arriving' indicates that the statute governs 'arriving' noncitizens, not those present already. . . This is supported by the text of the statute itself, which is focused on inspections for noncitizens when they arrive via 'crewman' or as 'stowaways' . . This limited, and more specific methods of entry suggest that Section of 1225 is limited to noncitizens arriving at a border or port and are presently 'seeking admission' into the United States." *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565, at *4 (W.D. Ky. Sept. 19, 2025)(internal citations omitted).

15. The Petitioner is not required to further "exhaust administrative remedies" because doing so would be futile in light of *Matter of Yajure Hurtado* and would be prejudicial for the Petitioner to continue to suffer unlawful detention. *See Gonzales v. O'Connell*, 355 F.3d 1010 (7th Cir. 2004).

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that Lopez-Campos is not subject to the provisions of Section 1225(b)(2)(A). *Rodriguez*, 779 F. Supp.3d at 1261 ("[Petitioner] has shown that the text of Section 1226, canons of interpretation, legislative history, and longstanding agency practice indicate that he is governed under Section 1226(a)'s "default" rule for discretionary detention."); *Rosado v. Figueroa*, 2025 WL 2337099, at *8 (D. Ariz. Aug. 11, 2025) ("Adoption of Respondents' position would render significant portions of 8 U.S.C. § 1226 meaningless."); *Kostak v. Trump*, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025). A spreadsheet detailing the over 200 district court cases which support Petitioner's argument can be found at https://ailassoc.sharepoint.com/:x:/s/legalteam/ETbJeNF7whFKjedlZi4f-L0BLqBvPhDAf5Fan6xh3q9ItA?rtime=2XHmhFkT3kg (last visited Nov. 13, 2025).

16. Petitioner's removal proceedings are currently pending before the Cleveland Immigration Court, which has administrative control over the female facility of the Grayson County Jail.

HABEAS CORPUS

17. The Writ of *habeas corpus* is guaranteed by the Constitution and cannot be suspended except where "in Cases of Rebellion or Invasion the Public Safety may require it." Suspension Clause, Article I, Section 9 of the United States Constitution.

18. The Petitioner is entitled, under the Suspension clause, the Due Process clause of the 5th Amendment, and the Separation of Powers principle embodied in Article III of the Constitution, to *habeas corpus* review of an executive action which deprives the Petitioner of any substantive statutory or constitutionally protected right and/or her liberty.

19. The Petitioner's remedy for release is by way of this petition for Writ of *habeas corpus*. The Habeas Corpus Act, 28 U.S.C. §2241, et seq. provides that a court entering the Writ shall grant same, or order the respondent to show cause why the Petitioner should not be released, unless it is abundantly clear that the Writ shall not issue.

Due Process Clause of the 5th Amendment

20. Noncitizens are entitled to due process of the law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993). To determine whether civil detention violates a noncitizen's Fifth Amendment due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Under *Mathews*, courts weigh the following three factors: 1) "the private interest that will be affected by the official action;" 2) "the risk of an erroneous deprivation of such interest through

the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and 3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335.

21. *Private Interest.* As to the first *Mathews* factor, "[t]he interest in being free from physical detention" is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004). Petitioner is currently detained in conditions that are indistinguishable from criminal incarceration. This detention prevents her from seeing and providing support to her family and deprives her of any privacy and freedom of movement.

22. As to the second *Mathews* factor, courts must "assess whether the challenged procedure creates a risk of erroneous deprivation of individuals' private rights and the degree to which alternative procedures could ameliorate these risks." *Gunaydin v. Trump*, No. 25-CV-01151 (JMB/DLM), 2025 WL 1459154, at *8 (D. Minn. May 21, 2025). The government's current procedure, unlawfully subjecting Petitioner to mandatory detention under Section 1225(b)(2), creates a substantial risk of erroneous deprivation of Petitioner's interest in being free from arbitrary confinement. The alternative procedure of a bond under Section 1226(a) can ameliorate this risk.

23. *Government Interest.* As to the third *Mathews* factor, the government's interest in maintaining the current procedure is minimal here. The new interpretation of Section 1225(b)(2) – that people like Petitioner who have resided in the United States for decades are now subject to mandatory detention – flies in the face of the statutory text, statutory framework, Congressional intent, almost three decades of prior practice, and the decisions of federal courts across the

nation. Any government interest in public safety or ensuring that Petitioner attends future immigration proceedings would be satisfied through proper application of Section 1226(a), which requires a bond redetermination hearing where an immigration judge will consider Petitioner's individualized facts and circumstances to determine whether she is a danger to the community or a flight risk.

Count II
Violation of the INA

24. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs. ICE-DHS currently detains the Petitioner unlawfully insofar as the Petitioner has been deprived of an opportunity to seek release on bond pursuant to 8 U.S.C. §1226(a), INA §236(a).

Count II
Violation of Due Process

25. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

26. Petitioner has a fundamental interest in liberty and being free from official restraint. Respondents now erroneously detain Petitioner under the mandatory provision in § 1225(b)(2), rather than the discretionary provision of Section 1226(a) which provides for release on bond or conditional parole.

WHEREFORE, the Petitioner prays that this Honorable Court grant the following relief:

A. Grant the writ of *habeas corpus* upon the Respondents directing them to release the Petitioner forthwith;

B. Alternatively, issue an order for Respondent to be considered for bond under the framework 8 U.S.C. §1226(a) within 5 days of this Court's decision;

C. Grant attorney's fees and costs; and

D. for any other further relief this Court deems just and reasonable.

Dated: Chicago, Illinois
November 13, 2025

/s/Carla I. Espinoza
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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2025, I electronically filed the foregoing documents with the Clerk of the Court for the United States District Court for the Western District of Kentucky through the CM/ECF system. All parties to this case are registered CM/ECF users.

Dated: November 13, 2025
Chicago, Illinois

Respectfully submitted,

/s/ Carla I. Espinoza
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