

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

SARA MARIA REYES-MARTINEZ

Petitioner,

v.

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

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

Jason Woosley, in his Official Capacity as
Grayson County Jailer

Respondents.

Case No. 4:25-cv-150-RGJ

**PETITION FOR WRIT OF
HABEAS CORPUS**

RESPONDENTS

INTRODUCTION

1. Sara Maria Reyes-Martinez (“Petitioner” or “Sara”) is illegally detained in Grayson County Detention Center because Immigration Customs and Enforcement (ICE) illegally arrested her during a routine “check in” November 5, 2025.
2. Sara was lawfully in the United States awaiting the disposition of her removal proceedings. On May 11, 2023, Sara was released by the Department of Homeland Security (DHS) into the United States and placed into removal proceedings. She was complaint with the conditions of her release when she was detained over two years later.

3. ICE did not have probable cause to detain Sara without a warrant or a legal basis execute an administrative warrant on November 5, 2025.
4. To date, Sara has not been before an immigration judge.¹ She remains stuck in detention and will be denied bond due to the Respondent's improper classification of Sara as an "arriving alien" under 8 U.S.C. § 1225(b)(2)—rendering her ineligible for bond under their new, unlawful policy.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
6. 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).
7. This Court may grant relief under the habeas corpus statutes, 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.

VENUE

8. Venue is proper because Petitioner is detained at Grayson County Detention Center located in Grayson County, Kentucky, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

¹ Exhibit 1, Print out of the Petitioner's Removal Case Status, the printout show that there is no court date in sight and the case remains pending out of Michigan.

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

11. Petitioner, Sara Maria Reyez Martinez, is currently illegally detained at Grayson County Detention Center in Lietchfield, Kentucky under the direct control, of Respondents and their agents.
12. Respondent, Jason Woosley, is sued in his official capacity as Jailer of Grayson County Detention, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Woodrum is a legal custodian of Petitioner.
13. Respondent, Todd Lyons, is sued in his official capacity as the Acting Director of the Field Office of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release the Petitioner.
14. Respondent, Kristie Noem, is sued in her official capacity as the Secretary of the U.S.

Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement. Respondent Noem is a legal custodian of Petitioner.

15. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

16. Petitioner, Sara Maria Reyes-Martinez, entered the United States on May 11, 2023. She was detained by immigration officials, likely Customs and Border Protection (CBP). On May 11, 2023, she was served with a Notice to Appear (NTA). She was ordered to appear before an immigration judge of the United States Department of Justice at 525 W. Van Buren, Suite 500, Chicago IL, 60607 at 9:00 am on October 3, 2023. She was then released into the boundaries of the United States. She resided lawfully in the United States for just over the next two years.
17. On November 20, 2023, she applied for asylum by applying for Asylum and for Withholding of Removal with the Department of Homeland Security (DHS) due to fear of persecution if she is forced to return to Nicaragua.

18. She has remained in the United States during the disposition of her removal proceedings. She has remained compliant with her supervision requirements, she has remained compliant with the immigration court, and has not picked up any criminal charges.
19. On November 5, 2025, she was ordered to report in person to ICE. She was illegally arrested. She was not served a warrant upon arrest. She does not understand the basis for her arrest due to her continued compliance with ICE, the Immigration Court, and she has not picked up any criminal charges.
20. The Petitioner remains in Removal proceedings. To date, she has remained illegally detained, without appearing before a judge, and she has yet to receive a court date.²

LEGAL FRAMEWORK

21. ICE did not have the authority to arrest the Sara on November 5, 2025. The arrest was not authorized under any federal regulations or law.
22. The Petitioner was arrested in the *interior* of the United States. The U.S. Courts have explained that the legal basis for issuing or executing an immigration warrant is rooted in statutory and regulatory provisions that grant specific power to immigration officers. 8 USC §1357. Authorized officers have the authority to arrest issues without a warrant if they have “reason to believe” that the individual is in violation of immigration laws and likely to escape before a warrant can be obtained. *Zelaya v. Hammer*, 516 F. Supp. 3d 778 citing *Tejeda-Mata v. Immigration & Naturalization Service*, 626 F.2d 721.
23. The Petitioner was not “illegally in the United States.” She was initially detained by U.S. at the U.S. – Mexico border on May 10, 2023. She was vetted and released on May 11,

² *Id.*

2023 at the discretion DHS officials provided she reported as required by ICE, attend all court dates, and did not pick up any criminal charges. Sara was compliant with the terms of her release and was not in violation of immigration law on November 5, 2025. ICE was aware that she was compliant and actively in removal proceedings. ICE did not have “a reason to believe” that Sara was in violation of immigration law on November 5, 2025. Therefore, they did not have probable cause to arrest her, and they did not have probable cause to issue an administrative warrant.³

24. ICE did not have a warrant at the time of Sara’s arrest as required by law. Sara was detained inside the United States. Therefore, the applicable statute is 8 U.S.C. § 1226. The Supreme Court in *Jennings* has identified the clear distinction between the detention authority derived from § 1225(b)(1) or (b)(2) with § 1226. Section 1226 “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).” 583 U.S. at 289. 8 U.S.C. § 1226(a) authorizes the detention of a noncitizen “[o]n a warrant issued by the Attorney General” pending removal proceedings. 8 U.S.C. § 1226(a). The statute provides a discretionary framework in which the Attorney general “may continue to detain the arrested alien,” “may release on a bond of at least \$1,500” or “conditional parole.” 8 U.S.C. § 1226(a)(1), (2)(A)(B). The arresting officer makes an initial custody determination and may release the noncitizen if the noncitizen can demonstrate they are not a danger to the community or a flight risk. 8 C.F.R. § 1236.1(c)(8). After such determination is made by the arresting

³ An immigration administrative warrant is a document issued under U.S. immigration law that authorizes the arrest and detention of an individual based on probable cause of removability from the United States. Unlike criminal warrants, administrative warrants are not issued by a neutral magistrate but are instead executed by federal immigration officers who have received training in immigration law enforcement. *Rios v. Jenkins*, 390 F. Supp. 3d 714, *Tenorio-Serrano v. Driscoll*, 324 F. Supp. 3d 1053.

officer, the noncitizen may request a custody redetermination before an Immigration Judge. See 8 C.F.R. § 1236.1(d)(1). This boils down to the simple fact that ICE needed a warrant to arrest Sara on November 5, 2025. ICE did not have a warrant. ICE could not have executed a warrant in compliance with the federal regulation because they did not have a reason to believe that Sara was in violation of immigration law. Sara was authorized to remain in the United States during the pendency of her removal proceedings. She did not violate the terms of her May 11, 2023, release. Therefore, Sara was illegally detained under 8 U.S.C. § 1226(a).

25. However, Respondents have improperly classified Sara as an “arriving alien” and detained her under 8 U.S.C. § 1225(b)(2)—rendering her ineligible for bond under their new, unlawful policy. Sara remains to date illegally detained.⁴

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

26. The allegations in the above paragraphs are realleged and incorporated herein. On information and belief, Petitioner is currently unlawfully detained by federal agents in violation of her constitutional rights to due process of law.
27. The Due Process Clause permits civil immigration detention only where detention is reasonably related to the government’s interests in preventing flight or protecting the

⁴ Currently over 150 district courts from around the country agreeing with Petitioner, all rejecting Respondent’s position. Since habeas relief is individualized and cannot be brought as a class action, each case must be litigated separately. A searchable record of these cases can be found at habeasdoctors.org.

community from danger and is accompanied by adequate procedures to ensure that detention serves those goals.

28. The Due Process Clause requires that the Petitioner is afforded adequate procedural protections to assert her liberty interest. The government bears the burden of proof in demonstrating such detention is justified.

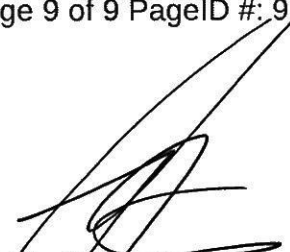
29. The Petitioner has received no due process and has not been afforded any adequate procedural protections. She was unlawfully detained without any legal basis and no warrant. She continues to be held without any bond or process in violation of her constitutional rights.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Order that the Petitioner shall not be transferred outside the jurisdiction of the Western District of Kentucky,
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the United States Constitution.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully Submitted,




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

I represent Petitioner, and submit this verification on her 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 18th day of November, 2025.



Rania A. Attum