

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

**EVER GONZALES MATEO**

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

Mike Lewis, in his Official Capacity as  
Hopkins County Jailer

Respondents.

Case No. 4:25-cv-151-GNS

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**RESPONDENTS**

**INTRODUCTION**

1. Ever Gonzales Mateo (“Petitioner” or “Ever”) is illegally detained in Hopkins County Detention Center because Immigration Customs and Enforcement (ICE) illegally stopped and detained him on October 10, 2025, and refuses to provide him a bond hearing in pursuant to the Respondent’s improper classification of Ever as an “arriving alien” under 8 U.S.C. § 1225(b)(2)—rendering him ineligible for bond under their new, unlawful policy.

**JURISDICTION**

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
3. 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).
4. 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**

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

**REQUIREMENTS OF 28 U.S.C. § 2243**

6. 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).
7. 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**

8. Petitioner, Ever Gonzalez Mateo, is currently illegally detained at Hopkins County Detention Center in Madisonville, Kentucky under the direct control, of Respondents and their agents.
9. Respondent, Mike Lewis, is sued in his official capacity as Jailer of Hopkins 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 Lewis is a legal custodian of Petitioner.
10. 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.
11. 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.
12. 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**

13. Petitioner, Ever Gonzales Mateo, was arrested on October 10, 2025, in Chicago, Illinois while working as a landscaper in front of a hospital by Immigration Customs and Enforcement (ICE).
14. On October 11, 2025, he was served a Notice to Appear (NTA) and placed in removal proceedings. On October 30, 2025, Counsel for Ever filed a Motion for Bond.
15. On November 3, 2025, the Immigration Court denied the bond motion due to lack of jurisdiction to redetermine custody to aliens who are present in the United States without admissions citing Matter of Yajure Hurtado, 29 I&N Dec 216 (BIA 2025).<sup>1</sup>
16. Ever now remains illegal detained and denied his due process rights.

### **LEGAL FRAMEWORK**

17. The federal statute, 8 U.S.C. §1357, outlines powers and limitations for immigration officers to interrogate and arrest individuals without a warrant. The rule permits the questioning and detaining of an individual if there is "reason to believe" that he or she is unlawfully present in the United States and is likely to escape before a warrant can be obtained. *Huerta-Cabrera v. Immigration & Naturalization Service*, 466 F.2d 759, *United States v. Murillo-Gonzalez*, 524 F. Supp. 3d 1139, *United States v. Quintana*, 623 F.3d 1237. However, 8 U.S.C. §1357 does not grant immigration officials the authority to stop and search individuals based on race, ethnicity and language.

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<sup>1</sup> Exhibit 1, Immigration Judge Order dated November 3, 2025.

18. ICE did not have probable cause for stopping and interrogating the Petitioner von October 10, 2025. ICE did not have any reason to believe that Ever was in violation of immigration law while he was simply working outside of a hospital as a landscaper. He was targeted due to the nature of his work, the nature of his appearance, and the fact he was speaking Spanish.
19. In *United States v. Brignoni-Ponce*, the Supreme Court held that immigration officers may not stop vehicles based solely on the occupants' apparent ethnicity or race; reasonable suspicion must be based on specific, articulable facts. 422 U.S. 873.
20. In *Illinois Migrant Council v. Pilliod*, 540 F.2d 1062. The Court found that stops based solely on racial appearance violated the Fourth Amendment. *Illinois Migrant Council v. Pilliod*, 540 F.2d 1062. These rulings emphasize that racial profiling is unconstitutional and cannot serve as a basis for immigration enforcement actions.
21. In addition, ICE did not have a warrant at the time of Ever's arrest as required by 8 U.S.C. § Ever 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).

22. After such determination is made by the arresting officer, the noncitizen may request a custody redetermination before an Immigration Judge. See 8 C.F.R. § 1236.1(d)(1).

23. ICE needed a warrant as required by 8 U.S.C. § 1226 to arrest Ever on October 10, 2025.

ICE did not have a warrant at the time of arrest. ICE could not have executed a warrant in compliance with the federal regulation because they did not have a reasonable, justifiable reason to stop Ever. There was no legitimate way for ICE to know that he was in violation of immigration law as he was peacefully landscaping the outside area of a hospital. ICE stopped him due to his occupation, racial and ethnic appearance, and the fact he was speaking Spanish.

24. Once he was detained, the Respondents have improperly classified Ever as an “arriving alien” and detained him under 8 U.S.C. § 1225(b)(2)—rendering him ineligible for bond under their new, unlawful policy.<sup>2</sup>

25. Petitioner’s continued detention by ICE is unlawful and unconstitutional. The government’s recent policy shift—reclassifying noncitizens who entered without inspection as “arriving aliens” subject to mandatory detention under 8 U.S.C. § 1225(b)—contradicts the statute, decades of established statutory interpretation, agency regulations and practice, and binding precedent. Petitioner, apprehended in the interior after entry, is entitled to discretionary bond hearings under 8 U.S.C. § 1226(a), not mandatory detention without judicial review. This interpretation, which contradicts both the statute’s clear

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<sup>2</sup> Currently over 150 district courts from around the country are 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](https://habeasdoctors.org).

language and constitutional principles, reclassifies all noncitizens who entered without inspection, including the Petitioner, as “arriving aliens” or “applicants for admission.” Consequently, improperly subjecting them to mandatory detention under 8 U.S.C. § 1225(b), rendering them ineligible for bond hearings by immigration judges. As a result, Ever continued to be illegally detained by the Respondents.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

##### **Violation of Fifth Amendment Right to Due Process**

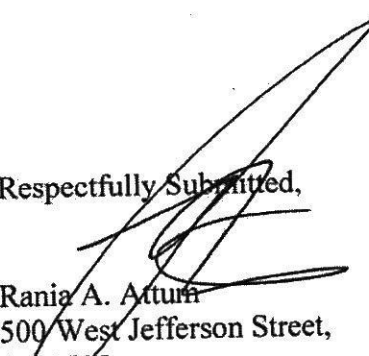
26. The allegations in the above paragraphs are realleged and incorporated herein. On information and belief, Petitioner is currently unlawfully detained by federal agents in violation of his constitutional rights to due process of law.
27. The Due Process Clause permits civil immigration detention only where detention is reasonably related to the government’s interests in preventing flight or protecting the 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. He remained unlawfully detained and held without any bond or process in violation of his 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 18<sup>th</sup> day of November, 2025.



Rania A. Attam