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

Jimmar Mejia Crespo,)
)
 Petitioner,)
)
 v.)
)
 Jason Woosley, Jailer, Grayson County)
 Detention Center)
)
 Todd M. Lyons, Acting Director, or his agent,)
 U.S. Immigration and Customs Enforcement;)
)
 Kristi Noem, Secretary of the U.S. Department of)
 Homeland Security;)
)
 Pam Bondi, Attorney General of the United States,)
 in their official capacities,)
)
 Respondents.)
 _____)

Case No. 4:25-cv-163-BJB

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

1. Petitioner Jimmar Mejia Crespo is illegally detained at the Grayson County Detention Center.
2. Ms. Mejia Crespo was legally admitted into the United States on September 22, 2023, and was issued an I-94 authorizing her stay in the United States until September 20, 2025.
3. She was illegally arrested and detained at a master hearing on June 5, 2025, in Chicago, constructively revoking her lawful status without authorization or notice.

4. She was subsequently transferred to the Grayson County Detention Center where she remains illegally detained.
5. Petitioner was never provided any notice of premature termination of her authorized period of stay. Her arrest without a warrant on June 5, 2025, was illegal and in violation of her constitutional rights.
6. Respondents have unlawfully held the Petitioner for six months without bond or a bond hearing and without any legal basis justifying her continued detention. She remains illegally detained because the United States is misclassifying her as an arriving alien under 8 USC Section 1225(b), improperly subjecting her to mandatory detention and denying her an opportunity to seek bond.
7. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for writ of habeas corpus.
8. Petitioner asks this Court to find that she is unlawfully detained and order her released.

JURISDICTION

9. This Court has subject matter jurisdiction under 28 U.S.C. §2241 (habeas corpus) and 28 U.S.C. §1331(federal question).

VENUE

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

REQUIREMENTS OF 28 U.S.C. § 2243

11. 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).

12. 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

13. Petitioner Jimmar Mejia Crespo is currently detained at the Grayson County Detention Center in Leitchfield, Kentucky under the direct control of Respondents and their agents.
14. Respondent Jailer Jason Woosley is the Jailer of Grayson County Detention Center, 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 Jailer Jason Woosley is a legal custodian of Petitioner.
15. Respondent, Todd M. Lyons, is the Acting Director of Field Office of U.S. Immigration and Customs Enforcement. Respondent, Lyons is a legal custodian of Petitioner and has authority to release her.
16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent, Kristi Noem, is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention. Respondent Kristi Noem is a legal custodian of Petitioner.

17. 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 Pam Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

1. Petitioner Jimmar Mejia Crespo is a citizen and national of Venezuela.
2. On September 22, 2023, Ms. Mejia Crespo applied for admission to the United States at the Brownsville, Texas Port of Entry. She remained in the custody and control of DHS while she was vetted. Her fingerprints were taken, her identity was processed into a federal data base, and she was questioned by federal agents.
3. At the discretion of the United States, she was lawfully admitted into the United States and provided an I-94 admitting her until September 20, 2025.¹
4. A Customs and Border Patrol (CBP) Officer issued Ms. Mejia Crespo a Notice to Appear (NTA) on September 22, 2023.² The NTA indicated the Department of Homeland Security (DHS) initiated removal proceedings under Section 240 of the Immigration and Nationality Act (NTA) and alleged that Ms. Mejia Crespo is removable under INA Section 212(a)(7)(A)(i)(I). This NTA also served as notice for Ms. Mejia Crespo to appear at a master hearing on June 5, 2025.

¹ Exhibit 1, Petitioner's I-94.

² Exhibit 2, Petitioner's first NTA.

5. On October 2, 2024, Ms. Mejia Crespo filed an I-589 Application for Asylum and Withholding of Removal with the Executive Office of Immigration Review (EOIR) in Chicago, Illinois.
6. On June 5, 2025, Ms. Mejia Crespo appeared before the Chicago Immigration Court. DHS orally moved to dismiss her removal proceedings to circumvent the removal process and place Ms. Mejia Crespo into expedited removal proceedings.³ Judge McKenna granted the motion.⁴ Immediately thereafter, ICE detained Ms. Mejia Crespo without a warrant at the end of her master hearing.
7. Despite being ineligible for expedited removal proceedings, ICE placed Ms. Mejia Crespo into expedited removal proceedings. She was detained without bond or a warrant. On July 14, 2025, she had a Credible Fear Interview. On July 31, 2025, ICE told Ms. Mejia Crespo she passed the interview.
8. Ms. Mejia Crespo continued to be illegally detained without any additional information, without notice of any proceedings, or any court dates before a judge until August 14, 2025.
9. ICE served a second NTA on August 14, 2025.⁵ She had a master hearing that same day.
10. Ms. Mejia Crespo has now been illegally detained for six months.
11. Ms. Mejia Crespo is not a danger to the community nor a flight risk. She has no criminal record. Her current detention stems solely from the illegal actions of ICE and DHS in attempting to circumvent the immigration process afforded to her in her original proceedings while she was out of custody and while she remained in lawful status.

³ Exhibit 3, Order from the Immigration Judge.

⁴ *Id.*

⁵ Exhibit 4, Petitioner's second NTA.

12. Her continued detention is legally unjustified, a violation of her due process rights, and a violation of her rights under the United States Constitution.

LEGAL FRAMEWORK

13. ICE did not have the authority to arrest Ms. Mejia Crespo on June 5, 2025. The arrest was not authorized under any federal regulations or law.

14. 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. *See* 8 USC §1357. Authorized officers have the authority to arrest 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.

15. The Petitioner was **lawfully** admitted into the United States on September 22, 2023. She was lawfully allowed to remain in the United States until September 20, 2025. DHS never notified her of any termination of status nor did they have reason to believe she was in violation of immigration laws or a flight risk.

16. ICE’s arrest and continued detention of Ms. Mejia Crespo was illegal on June 5, 2025 and remains illegal today. DHS could not subject her to expedited removal; therefore, her detention under the guise of initiating expedited removal proceedings was illegal and was never cured.

17. The Department of Homeland Security (DHS) may subject a noncitizen to expedited removal if the noncitizen (1) *is arriving* in the United States; (2) has not been admitted or paroled into the United States; **and** (3) has not established to the satisfaction of the

immigration officer they have been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility. 8 U.S.C. § 1225(b)(1)(A)(i) and 8 C.F.R. § 235.3(b)(ii). Ms. Mejia Crespo was **not** an arriving alien at the time she was detained and put into expedited removal proceedings. She had been lawfully admitted into the United States, and her status did not expire until September 20, 2025.

18. Historically, the expedited removal process applied to noncitizens “who are apprehended immediately proximate to the land border and [who] have negligible ties or equities in the [United States].” Designating Aliens for Expedited Removal, 69 Fed. Reg. 48877-01, 48879 (August 11, 2004). The Supreme Court has held that 1225(b) applies to aliens “seeking entry into the United States.” *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018). The Court recently reemphasized that “while aliens who have established connections in this country have due process rights in deportation proceedings . . . as a result, an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause.” *DHS v. Thuraissigiam*, 591 U.S. 103, 107 (2020) (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892)).
19. On January 21, 2025, however, the Government departed from this longstanding practice and expanded expedited removal to noncitizens apprehended anywhere in the United States and who have been continuously present in the United States for at least 14 days but for less than two years. *See* Designating Aliens for Expedited Removal, 90 Fed. Reg. 8139, 8139-40 (Jan. 24, 2025). On August 1, 2025, a United States District Court for the District of Columbia stayed this application of expedited removal when applied to paroled individuals holding that DHS’s agency actions exceeded its statutory authority

and was arbitrary and capricious. *See Coal. for Humane Immigrant Rights, et al., v. Noem*, No. 25-cv-872, 2025 U.S. Dist. LEXIS 148615 (D.D.C. Aug. 1, 2025). Similarly, the D.C. District Court also stayed the 2025 Designation in *Make the Rd. New York v. Noem*, No. 25 Civ. 190 (JMC), 2025 U.S. LEXIS 169432 (D.D.C. Aug. 29, 2025), and in doing so highlighted the serious due process concerns for people now subjected to expedited removal under this new designation. *See id.* at 30-34. The Court held that because this expansive use of expedited removal subjects individuals who have “long since crossed the ‘threshold’ and effected entry into the country,” adequate due process must be afforded. *Id.* at 33.

20. At the point Ms. Mejia Crespo was detained, she was not an applicant for admission because she was already lawfully admitted into the United States. Therefore, her arrest in the interior of the United States must be governed by 8 U.S.C. § 1226.
21. Under 8 U.S.C. § 1226, detention may be authorized if pursuant to a warrant. No such warrant was provided to authorize Ms. Mejia Crespo’s detention. Furthermore, the arresting officer must make 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 officer, the noncitizen may request a custody redetermination before an Immigration Judge. See 8 C.F.R. § 1236.1(d)(1). In short, an officer must have a warrant to arrest and detain a noncitizen already in the country pursuant to 8 U.S.C. § 1226.
22. Here, the arresting officer had no warrant to initiate any seizure and subsequent arrest of Ms. Mejia Crespo nor does ICE have the authority to continue to detain her without any

custody determination showing a change in circumstances warranting her continued and prolonged detention.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

18. 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.
19. 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.
20. 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.
21. 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.

COUNT TWO

Violation of Fourth Amendment

22. 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 be free from unlawful seizure.
23. The Fourth Amendment of the U.S. Constitution secures the right of the people to be free from unreasonable seizures from the government.
24. ICE did not have the authority to seize Ms. Mejia Crespo without a warrant on June 5, 2025. ICE has continued to unlawfully detain her without an individualized assessment on whether she is a flight risk or danger to the community.
25. Because ICE did not have the legal authority to initiate expedited removal proceedings against Ms. Mejia Crespo, her initial detention without a warrant was illegal and in violation of the Fourth Amendment of the U.S. Constitution.

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 and the Fourth 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,

Adriana Harris

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Dated: December 2, 2025

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

I represent Petitioner, Jimmar Mejia Crespo, 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 2nd day of December, 2025.

Adriana Harris

Adriana L. Harris