

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION**

CINDY YAMILETH CARDONA MEZA,

Petitioner,

v.

JASON WOOSLEY, in his official capacity as Jailer, Grayson County Detention Center; FIELD OFFICE DIRECTOR, in his or her official capacity, Chicago Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; and PAMELA JO BONDI, in her official capacity as Attorney General of the United States,

Respondents.

**PETITION FOR A WRIT OF
HABEAS CORPUS**

Civil Action No. 4:26-cv-148-BJB

A No. 

PETITION FOR A WRIT OF HABEAS CORPUS

INTRODUCTION

1. Cindy Yamileth Cardona Meza (Petitioner), by and through undersigned counsel, hereby files this petition for a writ of habeas corpus challenging the unlawful revocation of her release on an order of supervision (“OSUP”) and her continued detention without belief that her removal from the United States is reasonably foreseeable.
2. Petitioner is a citizen of Honduras. She first arrived in the United States in or around July 2006 as a minor. She was processed for expedited removal under 8 U.S.C. § 1225 and removed to Honduras on or about July 28, 2006.
3. Several months after her removal, in or around May 2007, while Petitioner was still a minor, she re-entered the United States without inspection.
4. Petitioner was arrested for misdemeanor petty theft in Florida in 2012. Upon information and belief, this is Petitioner’s only criminal history.
5. Petitioner’s arrest alerted the Department of Homeland Security (“DHS”) to her presence in the United States. On or about June 11, 2012, Petitioner was placed on an OSUP. *See Exhibit A, OSUP.*
6. Since being placed on an OSUP, Petitioner has complied with all reporting requirements. For at least thirteen (13) years, she appeared in person at Immigration and Customs Enforcement’s Miramar Field Office multiple times each year from the time she was placed on the OSUP in 2012 until 2025. *See Exhibit A, Page 2.*
7. As proof of her compliance with the terms of her OSUP, pursuant to 8 C.F.R. § 274a.12(c)(18), Petitioner was able to obtain employment authorization from United States

Citizenship and Immigration Services (“USCIS”) for several years. *See Exhibit B, Employment Authorization Documents.*

8. Upon information and belief, more recently, Petitioner was required to report at her local ICE office in Indianapolis, Indiana every three (3) months and was also subject to monitoring via an ankle monitor.
9. Petitioner has thus been reporting on her OSUP without issue ever since its issuance in 2012, until she was arbitrarily detained over a year ago at her check-in in Indianapolis, Indiana in or around March 2025 without notice and without cause.
10. At some point after her detention, Petitioner was transferred to the Grayson County Detention Center in Leitchfield, Kentucky, where she remains detained. *See Exhibit C, Grayson County Inmate Roster Details.*
11. Upon her detention, Petitioner expressed fear of being removed to Honduras. She was found to have a reasonable fear of persecution and/or torture in Honduras and was thus placed in withholding-only proceedings pursuant to 8 U.S.C. § 1231(b)(3). She is scheduled for a final hearing before the Executive Office for Immigration Review (“EOIR”) on March 25, 2026. *See Exhibit D, ACIS.*
12. Petitioner has four (4) United States citizen children. Additionally, Petitioner’s husband, Jorge Alberto Sabillon Galindo, is a Legal Permanent Resident. *See Exhibit E, Jorge’s LPR Card.* Jorge is also from Honduras and obtained Legal Permanent Status after having been granted asylum upon showing that he would face persecution on account of a protected ground if he were to be removed to Honduras.

13. Petitioner's husband filed a Form I-130, Petition for Alien Relative on her behalf on March 11, 2020. The I-130 petition was approved on October 6, 2022. *See Exhibit F, I-130 Approval Notice.*
14. Additionally, as the survivor of a severe form of trafficking, on September 3, 2024, Petitioner filed a Form I-914, Application for T Nonimmigrant Status. *See Exhibit G, T Visa Receipts.* Petitioner's T visa application remains pending with USCIS.
15. On information and belief, Petitioner was given no notice of ICE's intention to re-detain her, and she was not provided with any information about why her OSUP was revoked. She was not given copies of any document providing a notice of or justification for the termination of her OSUP. Since her re-detention, she has not been provided with a Notice of Revocation or any documentation that purports to explain the basis for the revocation of her OSUP and her continued detention, nor has she been offered an informal interview to present information and evidence against such revocation.
16. On information and belief, ICE had no particularized evidence that Petitioner could be deported to any country at the time they detained her and continue to have no particularized evidence that Petitioner can be removed at this time.
17. Petitioner has not received an individualized hearing before a neutral decisionmaker to assess whether her 2025 re-detention is warranted due to danger or flight risk.

PARTIES

18. Petitioner is a citizen of Honduras who is currently in the custody of ICE at the Grayson County Detention Center in Leitchfield, Kentucky. *See Exhibit C.*
19. Respondent Jason Woosley is the Jailer of the Grayson County Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. Respondent

Woosley is named in his official capacity.

20. Respondent Field Office Director of the Chicago Field Office of Enforcement and Removal Operations, whose jurisdiction includes the Grayson County Detention Center, is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. Respondent Field Office Director is named in his or her official capacity.
21. Respondent Todd M. Lyons is the Acting Director of ICE. Mr. Lyons oversees all ICE operations nationwide, including detention and removal decisions. He is responsible for setting and enforcing ICE policy and may authorize or delay removal of noncitizens in ICE custody. Respondent Lyons is named in his official capacity as an agent of the government of the United States.
22. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking official within the DHS. Respondent Noem, by and through her agency for the DHS, is responsible for the implementation of the INA, and for ensuring compliance with applicable federal law. She is also responsible for the detention of non-citizens by ICE. Respondent Noem is sued in her official capacity.
23. Respondent Pamela Jo Bondi, the Attorney General, is the highest-ranking official within the Department of Justice ("DOJ"). Respondent Bondi has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act ("INA") has not been amended to reflect the designation of the Secretary of the Department of Homeland Security ("DHS") as the administrator and enforcer of immigration laws, Respondent Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her authority over immigration law.

JURISDICTION AND VENUE

24. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; habeas jurisdiction pursuant to 28 U.S.C. § 2241 *et seq.*; Art I., § 9, Cl. 2 of the United States Constitution (the Suspension Clause); and the common law. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA. 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. § 2001 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.
25. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
26. Petitioner is challenging her unlawful revocation of her OSUP and arrest, the detention that flows from that arrest, and the regulatory deficient processes and procedures employed by the government in its revocation of Petitioner's OSUP. In a case involving a substantially similar set of facts, this Court determined it had jurisdiction to "review immigration-related detentions to determine if they comport with the demands of the Constitution." *K.E.O. v. Woosley*, 2025 U.S. Dist. LEXIS 172361, *5 (W.D. Ky. Sept. 4, 2025) (citing *Zadvydas v. Davis*, 533 U.S. at 688). Because Petitioner is challenging the legality of her detention, this Court has proper jurisdiction.
27. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are agencies of the United States or officers or employees thereof acting in their official capacity or under color of legal authority; Petitioner is in the custody of the Grayson County Detention Center in Leitchfield, Kentucky, which is in the jurisdiction of the Western District of

Kentucky; and there is no real property involved in this action.

LEGAL BACKGROUND

28. 8 U.S.C. § 1231(a) governs the detention of individuals who have been ordered removed. The statute directs ICE to detain such individuals for 90 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-day removal period begins when the removal order becomes final. Absent an applicable exception, if ICE cannot remove a person within the 90-day removal period, they are released from custody subject to supervision. 8 U.S.C. § 1231(a)(3).
29. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal period, but even these exceptions do not authorize indefinite detention. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE’s detention authority to a period “reasonably necessary” to carry out removal and deeming detention impermissible when removal is not “reasonably foreseeable”).
30. The regulations permit release of a non-citizen subject to a removal order after the 90-day removal period has elapsed if ICE determines that the non-citizen “would not pose a danger to the public or a risk of flight, without regard to the likelihood of the [non-citizen’s] removal in the reasonably foreseeable future.” 8 C.F.R. § 241.13(b)(1).
31. Individuals with final orders of removal who are released from ICE custody are typically subject to an OSUP, as Petitioner has been for the last thirteen (13) years. *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).
32. ICE may withdraw its approval for the release of a non-citizen if it can effectuate the individual’s removal from the United States “in the reasonably foreseeable future” or if the individual fails to comply with the conditions of release. 8 C.F.R. § 241.13(h)(4). ICE

may only revoke a non-citizen's release if "there is a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future." *Id.* at § 241.13(i)(2). "Upon revocation, the [non-citizen] will be notified of the reasons for revocation of [] her release." *Id.* at § 241.13(i)(3).

33. By the plain language of the applicable regulation, only certain officials within ICE have the authority to revoke an OSUP - namely, the Executive Associate Commissioner of the former Immigration and Naturalization Service, who today is titled the Executive Associate Director of ICE. *See e.g., Rombot v. Souza*, 296 F.Supp.3d 383, 385 (D. Mass. Nov. 8, 2017) (noting that the regulation, on its face, refers to titles in force under the former INS, and thus, it is not clear an ICE Field Office Director can revoke an order of supervision to enforce a removal order); *see also Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 162 (W.D.N.Y. May 2, 2025) (noting that the authority of the Executive Associate Commissioner of INS was transferred to the Executive Associate Director of ICE and finding that an Assistant Field Office Director is not the equivalent of the Executive Associate Director); *Santamaria Orellana v. Baker*, 2025 U.S. Dist. LEXIS 164986, *11-12 (D. Md. Aug. 25, 2025) (only the Executive Associate Commissioner or a district director can revoke release); *Zhu v. Genalo*, 798 F.Supp.3d 400, 2025 WL 242352, *8 (S.D.N.Y. Aug. 26, 2025) (same); *Santamaria Orellana v. Baker*, 2025 U.S. Dist. LEXIS 198884, *8-9 (D. Md. Oct. 7, 2025) (reiterating that the requirement that a specific senior official sign a notice of revocation is not merely a housekeeping matter and again ordering Santamaria Orellana's release after his re-detention by immigration officials).

34. Pursuant to 8 C.F.R. § 241.13(h)(4)(i)(2), (3), Respondents must provide a non-citizen with notice of the reasons for the revocation, must provide the non-citizen with an informal

interview, and must provide the non-citizen with the opportunity to submit any evidence or information that he or she believes shows there is no significant likelihood he or she will be removed in the reasonably foreseeable future. Failure to provide the notice of the reasons for the revocation or failure to provide an informal interview violates the detainee's due process rights and requires immediate release on OSUP. *See Ceesay*, 781 F.Supp.3d at 163-165, 166 (collecting cases, concluding that the failure to provide the informal interview violated the detainee's due process rights, and concluding that the detainee was entitled to immediate release); *see also K.E.O. v. Woosley*, 2025 WL 2553394, *5-7 (W.D. Ky. Sept. 4, 2025) (ordering release for failure to provide informal interview); *Santamaria Orellana*, 2025 WL 244087 at *7 (failure to provide interview violates due process); *Delkash v. Noem*, 2025 WL 2683988, *5-7 (C.D. Cal. Aug. 28, 2025) (noting requirement for notice and informal interview and granting immediate release).

35. Moreover, notice of the reasons for the revocation of release must be provided before re-detaining an individual on an OSUP, to provide timely notice of the reasons for the re-detention. *See Zhu*, 2025 WL 2452352 at *9 (noting that the regulations and Due Process Clause require that the process required for revoking a release must happen before a non-citizen is re-detained and ordering immediate release). Failure to provide a detainee with meaningful notice of the reasons for the revocation deprives her of the opportunity to be heard on why she should remain at liberty. *See e.g., Perez-Escobar v. Moniz*, --- F. Supp.3d ----, 2025 WL 2084102, * 2 (D. Mass. July 24, 2025) (finding that a Notice of Revocation that stated that there is a significant likelihood of removal in the reasonably foreseeable future, that the purpose of release had been served, and that it was appropriate to enforce the removal order “does not identify any specific changed circumstances” and fails to give

the petitioner “meaningful notice of the basis for its revocation” and ordering the petitioner’s immediate release).

FIRST CAUSE OF ACTION

UNLAWFUL REVOCATION OF RELEASE

36. Petitioner re-alleges and incorporates each factual allegation above.
37. Petitioner was previously detained by ICE and released on an OSUP. If Petitioner has complied with the conditions of her OSUP, Respondents have the authority to revoke her release only if there is a significant likelihood that they can remove her in the reasonably foreseeable future. *See* 8 C.F.R. § 241.13(i)(2).
38. Respondents revoked Petitioner’s release without notice and without evidence that she could be deported to any country.
39. By failing to provide notice for the termination of Petitioner’s OSUP and failing to afford her an interview upon revocation of her OSUP, ICE “necessarily ‘violate[d] due process.’” *K.E.O. v. Woosley*, 2025 U.S. Dist. LEXIS 172361, *16 (W.D. Ky. Sept. 4, 2025) (citing *Orellana*, 2025 U.S. Dist. LEXIS 164986, 2025 WL 2444087, at *6).
40. Respondents’ actions are arbitrary, capricious, an abuse of discretion, and contrary to law. 5 U.S.C. § 706(a)(2)(A). As such, Petitioner is entitled to immediate release.

SECOND CAUSE OF ACTION

VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE

41. Petitioner re-alleges and incorporates each factual allegation above.
42. The governing regulations require Respondents to notify Petitioner of the reason for her re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not complied with this obligation, nor have they provided her with an initial interview at which she can respond to the

purported reasons for the revocation. *Cf. id.* As such, because ICE has failed to afford Petitioner the minimal process required under its own regulations, it violated Petitioner's procedural due process rights and the *Accardi* doctrine such that Petitioner is entitled to immediate release.

43. To the extent that any official other than the Executive Associate Commissioner of the former Immigration and Naturalization Service ("legacy-INS"), or the Executive Associate Director of ICE has signed a Notice of Revocation as to Petitioner's OSUP, that individual lacks authority to so revoke Petitioner's release pursuant to the process required by regulation such that Petitioner is entitled to immediate release.

THIRD CAUSE OF ACTION

UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED DETERMINATIONS OF DANGER OR FLIGHT RISK

44. Petitioner re-alleges and incorporates each factual allegation above.
45. Detention violates § 1231 and the Due Process Clause of the U.S. Constitution unless it is reasonably related to the government's purpose of preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-91.
46. Before her detention in March 2025, Petitioner lived in the community for over eighteen (18) years. For thirteen (13) of those years, Petitioner was on an OSUP. During her time in the United States, prior to her detention in March 2025, she got married and gave birth to four (4) United States citizen children. Petitioner has received no process to determine whether her re-detention is warranted.
47. Petitioner is entitled to an individualized determination by impartial adjudicators as to whether her detention is justified based on danger or flight risk.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant her the following relief:

1. Assume jurisdiction over this matter;
2. Declare that Respondents have violated her rights by failing to comport with regulatory requirements pertaining to the revocation of OSUPs;
3. Order Respondents to immediately release her back on an OSUP;
4. Order Respondents to release her from detention absent an individualized determination by an impartial adjudicator that her continued detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision;
5. Enjoin Respondents from revoking her OSUP without providing her a determination by an impartial adjudicator that her re-detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision, at which hearing Respondents will bear the burden of proof of demonstrating that she is a flight risk or a danger to the community;
6. Enjoin Respondents from re-detaining her without first notifying her of the reasons for the revocation of her release, providing her with an opportunity to rebut those reasons, and providing her with a prompt interview as required by regulation;
7. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law;
8. Grant her such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 13th day of March, 2026,

/s/Nora Unverzagt Galindo
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Nora Unverzagt Galindo, submit this verification in support of Cindy Yamileth Cardona Meza's Petition for Writ of Habeas Corpus. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 13th day of March, 2026.

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