

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

CINDY YAMILETH CARDONA MEZA,

PETITIONER

v.

CIVIL ACTION NO. 4:26-CV-148-BJB

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;

MARKWAYNE MULLIN¹, in his 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

RESPONSE TO ORDER TO SHOW CAUSE

Federal Respondents,² ICE Chicago Field Office Director, Todd M. Lyons,
Markwayne Mullin, and Pamela Jo Bondi, respond to the Court's order to show cause.

¹ Pursuant to Fed. R. Civ. P. 25(d), Markwayne Mullin is substituted for Kristi Noem as Secretary of the Department of Homeland Security.

² This response is filed on behalf of Federal Respondents in their official capacities. 28 U.S.C. § 517 allows the Office of the United States Attorney to make appearances in court to attend to the United States' interests, and consistent with that statute and *Roman v. Ashcroft*, 340 F.3d 314, 319-20 (6th Cir. 2003), this filing attends to the United States' interests to the extent that the petition also names a County Jailer as a respondent.

Petitioner is subject to a reinstated order of removal and is mandatorily detained under 8 U.S.C. § 1231. *Johnson v. Guzman Chavez*, 594 U.S. 523, 544 (2021). Respondents acknowledge that the Court has previously ruled on the substantive question regarding lack of documentation of termination of an order of supervision. *See M.L.P. v. Woosley, et al.*, Civil Action No. 4:25-CV-170, DN 14. Here, Respondents have not located documents revoking Petitioner's supervision, though efforts at locating those documents have been hampered by the recent reassignment of ICE officers to provide security at airports across the country. The relevant revocation documents would likely be in a paper file, and the ICE officers who are accustomed to using and reviewing those files are, in large part, currently unavailable. Respondents will continue to seek the revocation documents and file them in the record if they are located.

FACTUAL BACKGROUND

Petitioner is a Honduran citizen and national. [Exhibit 1, I-213 Record of Deportable / Inadmissible Alien at 3.] On July 28, 2006, U.S. Border Patrol (USBP), encountered her near Naco, Arizona. [*Id.* at 2.] USBP conducted a field interview and determined that Petitioner had entered the United States illegally. [*Id.*] She was arrested, provided an order of expedited removal, [Exhibit 2, I-860, Notice and Order of Expedited Removal] and removed to Honduras on August 16, 2006. [Ex. 1 at 2-3.] Petitioner later re-entered the United States at an unknown place and time.

On April 16, 2012, ICE officers in Stuart, Florida, encountered Petitioner at the Marin County Jail pending local charges of retail theft. [*Id.* at 3.] She was convicted. [*Id.*] On April 18, 2012, Petitioner went into ICE ERO custody and was processed as a

reinstated order of removal, but she was not removed. [*Id.*] Rather, she was placed on an order of supervision. Later, Petitioner submitted an application to U.S. Citizenship and Immigration Services for a T-visa, but in October 2024, USCIS notified her that she was ineligible for that relief. [*Id.*]

On March 20, 2025, Petitioner checked in at the ICE office in Indianapolis, Indiana. *Id.* She was positively identified and placed under arrest. *Id.* Prior to her arrest, a Warrant for Removal/Deportation was completed. [**Exhibit 3**, I-205 Warrant of Removal/Deportation.] The Warrant advised Petitioner that she was subject to removal/deportation because she was an inadmissible alien, in violation 8 U.S.C. § 1182(a)(9)(A)(i) because she had previously been removed. [*Id.*] That same date, Petitioner received a written warning. [**Exhibit 4**, I-294 Warning to Alien Ordered Removed or Deported.] Also on March 20, 2025, a Deportation Officer provided Petitioner with ICE Form I-871, Notice of Intent/Decision to Reinstate Prior Order of Removal. [**Exhibit 5**, I-871, Notice of Intent/Decision to Reinstate Prior Order.]

After Petitioner was detained, she expressed fear about being removed to Honduras. [Doc. 1, PageID.3.] Petitioner is currently in withholding only proceedings, and an immigration judge has a hearing on that request for relief scheduled for March 25, 2026. [*Id.*] While Petitioner's withholding claim is being adjudicated, she cannot be removed.

Petitioner is currently detained at the Grayson County Detention Center.

ARGUMENT

I. Petitioner bears the burden to establish that her custody is improper.

To obtain habeas relief, Petitioner must not merely show that she is “in custody,” but rather that she is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3); see *Dickerson v. United States*, 530 U.S. 428, 439, n. 3 (2000). “[I]n a habeas proceeding the petitioner ‘has the burden of establishing his right to federal habeas relief and of proving all facts necessary to show a constitutional violation.’” *Caver v. Straub*, 349 F.3d 340, 351 (6th Cir. 2003) (quoting *Romine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001)). Habeas relief is limited to “simple release,” and habeas is not a vehicle through which an alien can challenge other aspects of their immigration proceedings or determinations. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117–20 (2020).

II. Petitioner is properly detained under 8 U.S.C. § 1231.

Petitioner has a final order of removal. She is currently detained under 8 U.S.C. § 1231. See *Guzman Chavez*, 594 U.S. at 544 (holding that aliens with reinstated removal orders are detained under 8 U.S.C. § 1231). Petitioner has been detained because her prior order of removal was reinstated, and she has filed for withholding relief. See *Guzman Chavez*, 594 U.S. at 535–38.³

³ Because Petitioner has a withholding claim pending, the length of her detention does not run afoul of *Zadydas*. 95 F.4th 750, 757–58 (4th Cir. 2024).

III. Response to the allegations regarding revocation of the order of supervision.

Since Respondents received notice of the Petition, they have attempted to identify and locate documents related to the revocation of Petitioner's order of supervision. The records received by Respondents accompany this response as Exhibits 1-5. However, Respondents cannot currently show that Petitioner's order of supervision was revoked in accordance with 8 C.F.R. § 241.4(l)(2). Nevertheless, release is not the only, or even the appropriate, remedy if the order of supervision was not properly revoked. The Court should instead order Respondents to provide the notice described in 8 C.F.R. § 241.4(l)(2). *See Bahadorani v. Bondi*, No. CIV-25-1091-PRW, 2025 WL 3048932, at *3-4 (W.D. Okla. Oct. 31, 2025).

CONCLUSION

For the above reasons, the Court should deny Petitioner's request for a writ of habeas corpus and order Respondents to provide proper notice regarding her revocation of supervision.

Respectfully submitted,

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/s/ Timothy D. Thompson

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2026, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Timothy D. Thompson

Timothy D. Thompson
Assistant United States Attorney