

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO 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; MARKWAYNE MULLIN, in his official capacity as Secretary, U.S. Department of Homeland Security; and TODD BLANCHE, in his official capacity as Attorney General of the United States,

*Respondents.*

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

A No. 

**PETITIONER'S REPLY TO RETURN TO ORDER TO SHOW CAUSE**

Petitioner, Cindy Yamileth Cardona Meza, petitioned for a writ of habeas corpus under 28 U.S.C. § 2241 on March 13, 2026 seeking immediate release from immigration custody based on 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. (DN 1). The Court issued an Order to Show Cause on March 19, 2026. (DN 8). Respondents filed their Return on March 24, 2026. (DN 10).

In their Return, Respondents concede that they “have not located documents revoking Petitioner’s supervision” and “acknowledge that the Court has previously ruled on the substantive question regarding lack of documentation of termination of an order of supervision.” (DN 10 at 2). Although Petitioner bears the ultimate burden of demonstrating she is entitled to relief, in the context of habeas challenges specifically as to re-detention after an OSUP revocation, ICE initially bears the burden of demonstrating the existence of changed circumstances that make removal in the reasonably foreseeable future significantly likely. *See Roble v. Bondi*, 803 F. Supp. 3d 766, 772 (D. Minn. 2025) (“Although [Petitioner] has the ultimate burden of proving entitlement to habeas relief, the regulations at issue in this case place the burden on ICE to first establish changed circumstances that make removal significantly likely in the reasonably foreseeable future.” (citations omitted)); *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2206113, at \*3 (E.D. Tex. Aug. 2, 2025) (“[U]pon revocation of supervised release, it is the Service’s burden to show a significant likelihood that the alien may be removed.”); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 150 n.2 (D. Mass. 2025).

In this case, Respondents have produced no evidence of compliance with the governing regulatory framework. The record contains no written notice of the revocation of Petitioner’s

OSUP, no statement of the grounds for such revocation, and no explanation for her continued detention. Nor have Respondents identified the decision-maker responsible for revoking her OSUP or ordering her detention. Most critically, there is no indication that Petitioner was afforded any of the procedural protections required by regulation, including notice, an interview, or an opportunity to be heard. Accordingly, the Court should grant relief.

This Court had occasion to address the precise question at issue in this case in *M.L.P. v. Woosley*, No. 4:25-cv-170-BJB (W.D. Ky. Dec. 23, 2025). Just as in *M.L.P.*, Respondents in this case too rest their detention authority on 8 U.S.C. § 1231. (DN 10 at 4). As this Court explained in *M.L.P. v. Woosley*, to detain an individual subject to a final order of removal under this section, “the Government must satisfy the conditions laid out in 8 U.S.C. § 1231(a)(6). And those conditions have been refined and codified in the regulatory procedures outlined in 8 C.F.R. § 241.4. Among other things, that regulation requires the Government to give a detained alien a “copy of any decision ... to release or to detain” her, § 241.4(d); to “notif[y]” her “of the reasons for revocation of ... her release,” § 241.4(l)(1); and to “afford [her] an opportunity to respond to the reasons for revocation” in an “informal interview promptly after ... her return to [Government] custody.” No. 4:25-cv-170-BJB, DN 14 at 2. Just as was the case in *M-L-P- v. Woosley*, where Respondents “couldn’t find a copy of any notice that the order had been revoked—or any documents memorializing the decision to revoke it and detain her,” the Government in this case too have been unable to locate documents revoking Petitioner’s OSUP and failed to abide by the aforementioned regulations as to Petitioner. No. 4:25-cv-170-BJB, DN 14 at 3. Respondents concede as such: “respondents cannot currently show that Petitioner’s order of supervision was revoked in accordance with 8 C.F.R. § 241.4(l)(2).” (DN 10 at 5).

Respondents argue that release is not the appropriate remedy in this case. To the contrary, immediate release is the customary remedy in habeas proceedings. *See Dept. of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 107 (2020) (“Habeas has traditionally been a means to secure release from unlawful detention.”); *Munaf v. Geren*, 553 U.S. 674, 698 (2008) (explaining that “the quintessential habeas remedy” is release from custody). Petitioner has been prejudiced by Respondents’ actions in that she continues to be denied a meaningful opportunity to challenge the revocation of her OSUP. “As a remedy, courts across the country have ordered the release of individuals stemming from ICE’s illegal detention.” *K.E.O. v. Woosley*, No. 4:25-cv-74-RGJ (W.D. Ky. Sept. 4, 2025), *citing cases Roble v. Bondi*, 2025 WL 2443453, at \*5 (D. Minn. Aug. 25, 2025) (ordering petitioner’s “release from custody as a remedy for ICE’s illegal re-detention”); *Nguyen v. Hyde*, 2025 WL 1725791, at \*5 (D. Mass. June 20, 2025) (holding that because ICE violated “its own regulations. . . [petitioner’s] detention is unlawful and that his release is appropriate”); *Rombot v. Souza*, 296 F.Supp. 3d 383, 389 (finding that because ICE’s detention failed to follow due process, the court ordered release “pursuant to the conditions in [petitioner’s] preexisting Order of Supervision.”)

Respondents have not identified a lawful basis for Petitioner’s continued detention and concede that they are unable to demonstrate compliance with the regulatory framework as to Petitioner. This Court should thus grant relief and order Petitioner’s immediate release.

Respectfully submitted this 6th day of April, 2026.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2026, a copy of the foregoing was filed electronically. Service of this filing will be made on the ECF-registered counsel by operation of the Court's electronic filing system.

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