

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

YULIETH GOMEZ MEJIA

PETITIONER

v.

NO. 4:25-CV-82-RGJ

KRISTI NOEM, in her Official Capacity as
Secretary, Department of Homeland Security *et al.*

RESPONDENTS

**RESPONDENTS' OPPOSITION TO
PETITIONER'S MOTIONS FOR EVIDENTIARY HEARING AND
EXTENSION OF TIME TO FILE A REPLY BRIEF [DN 16]**

Petitioner presents the Court with a sparsely worded vague motion seeking an evidentiary hearing and requesting an extension of time to file her reply brief as previously ordered by the Court. Petitioner claims she is seeking clarification but does not explain what is unclear. Petitioner additionally asserts there exists a factual disagreement but does not offer any details regarding what "facts presented by the Government were inconsistent with the Petitioner's experience" or how any actual inconsistencies are material to the issue before the Court. [Doc. 16, PageID.176.]

The Petition and Mejia's original brief in this case contain *ipse dixit* language claiming abuses of discretion, illegalities, recklessness, and claims of "Frankenstein's monster" while evading pertinent legal issues.¹ For example, in its response to the Court's Order to Show Cause, the United States on August 8, 2025, expressly informed

¹ Petitioner argued in her original brief that she was denied due process, but she failed to cite to any statutory or regulatory procedure that she was denied, other than to claim she could not be placed in expedited removal proceedings because she had been in the United States for more than two years. [See generally Doc. 10.]

the Court and Petitioner that applicants for asylum, such a Mejia, pursuant to 8 U.S.C. § 1225(b)(1)(b) “shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.” [Doc. 6, PageID.21.] Petitioner bears the burden of proving that her detention is unlawful² and yet has not once addressed the mandatory language of 8 U.S.C. § 1225(b)(1)(b). Petitioner repeatedly admits she has an application for asylum but her Petition and original brief to this Court are conspicuously silent as to the law that requires detention during the resolution of her application, even after the United States expressly informed the Court that was one of the legal foundations for her detention. *Id.*; 8 U.S.C. § 1225(b)(1)(b).

The Respondents (nor the Court) can, at this point, determine whether resources should be expended to have an evidentiary hearing based upon what Petitioner has presented. First, the motion is void of any substance justifying such a hearing but rather only offers ambiguous claims of factual inconsistency and relevance. Second, Petitioner has completely sidestepped the legal issue that detention is required during a determination of her request for asylum. While Petitioner should have addressed this issue in her original brief as she was clearly on notice of the Respondents’ position, she should now be required to file her reply brief prior to the Court determining whether an evidentiary hearing is required for the narrow issue that is before it.³

² See *Freeman v. Pullen*, 658 F. Supp. 3d 53, 58 (D. Conn. 2023) (quoting *McDonald v. Feeley*, 535 F. Supp. 3d 128, 135 (W.D.N.Y. 2021)).

³ “Habeas is at its core a remedy for unlawful executive detention and . . . [c]laims so far outside the core of habeas may not be pursued through habeas.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 119 (2020) (citing *Munaf v. Geren*, 553 U.S. 674 (2008); *Skinner v. Switzer*, 562 U.S. 521, 535, n.13 (2011)) (internal quotation omitted).

Petitioner could have explained her legal positions, as well as any claimed factual inconsistencies, in her reply brief, had she filed one. She delays the final determination of this Court by not filing her brief and by instead filing a flurry of elusive motions. The Court should deny Petitioner's motion for an evidentiary hearing. If Mejia addresses detention pursuant to 8 U.S.C. § 1225(b)(1)(b), it will be the first time she has stated her position on that important issue, and, consequently, the United States will likely move for leave to file a sur-reply. Once the matter is fully briefed, the Court certainly may determine there are material facts in dispute that need to be resolved at a hearing, but that determination should not be made until Petitioner fully addresses the legal issues before the Court. This is, after all, a habeas proceeding. This is not run-of-the-mill civil litigation with its accompanying discovery process.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2025, I filed this document via CM/ECF, which will automatically provide service to all counsel of record.

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