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

Dainier Aleman Garcia,	)	
	)	Case No. 3:25-cv-00522-RGJ
Petitioner,	)	
	)	
v.	)	
	)	
Jeff Tindall, Jailer, Oldham 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.	)	
	)	

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO WRIT

Comes the Petitioner, by counsel, and responds to the reply filed by the Respondents. As grounds for his reply, Petitioner states as follows:

1. In October 2022, when Petitioner was released from detention, he was paroled under INA 212(D)(5). This is the same statute, under which several Cuban nationals have been paroled and have since adjusted their statute under the Cuban Adjustment Act ("CAA").
2. When the Petitioner first reported to ICE in April 2023, he was thanked for being compliant and was advised to check in again in April 2024. This time he was asked to check in online. At no point during his check in, was a Form I-871, Notice of Intent /

Decision to Reinstate Prior Order, presented to him. Nor was he made to sign said document, to which he declared he did not wish to contest this determination. His check-in was online with no officer present.

3. His Application for Adjustment of Status was denied in 2024, and although he was told that he was ineligible for the relief, because he is in removal, Mr. Aleman Garcia was not given prior notice that his removal order was to be or had been reinstated. It appears that his removal order was reinstated, without any notice to him, by the same entity that released him on parole in the first place.
4. In addition, Mr. Aleman Garcia also filed an Application for Asylum and Withholding of Removal, which remains pending.
5. During his parole, Mr. Aleman Garcia never committed an offence, nor was he charged with, or convicted of any crimes, which negative equities could possibly impact his eligibility or ability to remain paroled.
6. On May 13, 2025 he went to report in person to ICE, because he was asked to come in person, instead of reporting online like he had done before. The Forms and warrants stated in the Respondents' response, even if true, were never served on Mr. Aleman Garcia, thereby providing him with any kind of notice.
7. On or about June 6, 2025, again, with no prior notice to Mr. Aleman Garcia, or his counsel, a reasonable fear interview was scheduled. Although a phone call was allegedly made to the undersigned, the undersigned did not have notice. However, after the undersigned missed an unexpected 7am call from the DHS, she called in to Mr. Aleman Garcia's reasonable fear interview, using the bridge line provided in a voice message, but

the interview had already began. When asked, the interviewing officer shared that they do not give notice, although Mr. Aleman Garcia had requested that his attorney be present.

8. During the interview the call dropped several times. At some point, it could not be reconnected with Oldham county. Both Counsel and the USCIS officer stayed on the line for what may be at least 30 minutes, but most of that period was spent waiting and trying to reconnect with Oldham. During that wait period, the undersigned tried calling and sending emails to Oldham county to reconnect Mr. Aleman Garcia, but, to no avail. Therefore, that 30 minute waiting period was not spent “talking” except for small talk between counsel and the USCIS office to fill the awkward silence. At some point, both the asylum officer and the undersigned realized the connection could not be re-established. The officer then asked counsel if she had something to say, and the undersigned made a statement.
9. No further notice was given to the undersigned about a newly scheduled interview. The undersigned received a summary, after the fact, weeks later. Therefore, the assertion that the undersigned was present for a second interview on June 10, 2025 is completely false.
10. The Respondents in their response have shared a chronology of events but they have not explained why and how their actions are lawful. Even the chronology of events, are skewed and not based on actual facts.
11. Since January 20, 2025, DHS has been given expanded power, to apply expedited removal to individuals in the United States, who have been in the country for less than two years and who are inadmissible under 8 U.S.C. § 1182(a)(6)(C) or (a)(7). However, regardless of its expansion, Mr. Aleman Garcia had been in the country since October 2022, at the time of his arrest and detention. Clearly, on May 13, 2025, Mr. Aleman

Garcia had been in the country for more than two years, and therefore he shouldn't have been placed in expedited removal, and if he's not in expedited removal, then Mr. Aleman Garcia needs to be released on bond, while he pursues any and all relief(s) available to him, including but not limited to his I-589 Application for Asylum.

12. Contrary to Respondent's response, that a Petition for Review, was never filed within the 30 day time frame, following the Immigration Judge's decision, the Petitioner did file timely, a Petition for Review with the Sixth Circuit Court of Appeals on August 20, 2025. Case number 25-3666.
13. The Petitioner concludes that the Respondent's response to the writ is based on inaccuracies in fact and in law, and that the Petitioner's detention is not only unlawful but a violation of his right to due process and an abuse of discretion.

Respectfully submitted,

/s/ Sylvia S. Quaye
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Dated: August 27, 2025

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

I represent Petitioner, Dainier Aleman Garcia, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Motion, are true and correct to the best of my knowledge.

Dated this 27th day of August, 2025.

/s/ Sylvia S. Quaye
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