

Sylvia S. Quaye
Kentucky Bar No. 91249
Attorney for Petitioner

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

Dainier Aleman Garcia,	)	
	)	
Petitioner,	)	Case No. 3:25-cv-00522-RGJ
	)	
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 RESPONSE TO RESPONDENTS' NOTICE OF IMPENDING
REMOVAL**

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

1. Pursuant to the Court Order prohibiting the Respondents from moving the Petitioner to another detention facility, the Petitioner asks that the court prevent such relocation.
2. The Respondents keep referring to other judicial processes, that may be more appropriate for the Petitioner. They argue that the Sixth Circuit Court of Appeals ("CA6") has not issued a stay of removal, nor has a petition been filed with the CA6. The Respondents fail

to acknowledge the fact that litigation takes time and even if a Petition has been filed with the CA6, it probably would not have been ruled on yet. A petition for a stay of removal was not filed with the CA6, but an Application for a one year Stay of Removal, was filed by the Petitioner, with the Department of Homeland Security on May 20, 2025. See Exhibit A. That, together with his Application for Asylum remains pending. Yet, the Department wants to ignore the Applications and the fact that they are still pending and move the court to allow the unwarranted removal of an innocent man, who has a right to due process, and who needs to have his day in court.

3. Under 28 U.S. Code § 2254 an individual's wrongful detention is an appropriate basis to file a petition for a writ of habeas. Mr. Aleman Garcia is in custody, under the jurisdiction of this court, and he argues that he is being held wrongfully because his right to due process under the Constitution has been violated. Instead of waiting for a finding from this court, the Department is attempting to further violate Mr. Aleman Garcia's rights by ignoring the pending Applications and Petitions and requesting to remove him while this matter awaits adjudication. This move, by the Department makes the case for the Petitioner.
4. What good is it to have the case pending before the court, if the Respondent is removed? This is yet another ploy by the Department to thwart the judicial process, and remove the Petitioner, so that the matter is moot. This abuse of power should not be allowed by this court. They have had Mr. Aleman Garcia since May 13, 2025. What's a few days prior to adjudication?!

5. Wherefore the Petitioner prays that the court uphold its prior order(s) and prevent Mr. Aleman Garcia from being moved from the Oldham County Detention Center, until the final determination of the writ.

Respectfully submitted,



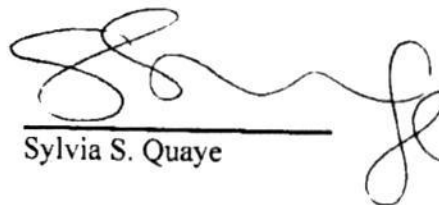
Sylvia S. Quaye
SSQUAYE LAW PLLC
P.O. BOX 1124
Prospect, KY 40059
ssquaye@gmail.com
502 298 9579
Counsel for Petitioner

Dated: September 18, 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 18th day of September, 2025.



Sylvia S. Quaye

EXH A

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs EnforcementOMB No. 1553-0021
Expires: 10/31/2027

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL

Action Block - For ICE Use Only ☐ GRANTED ☐ One Year ☐ Six Months ☐ Three Months ☐ Other _____ ☐ DENIED ☐ Denial letter attached. ☐ REJECTED ☐ Incorrect Fee ☐ Application was not submitted in person ☐ Other _____ ☐ Additional information attached. Date: _____ Decision made by: _____ Deciding Official Signature (Sign in ink): _____ (Printed Name/Title) Office: _____		Fee/Date Stamp 5-27-25 P. Rosado 155.00 MO 19-755254144 LOU-25-1123
---	--	---

A-File Number: 	Date: 05/22/2025	If you are currently detained by ICE, provide the name of the detention facility: Oldham County	
Last Name: Aleman Garcia	First Name: Dainier	Middle Name:	
Address (Number and Street): 		Country of Citizenship: Cuba	Passport No.:
Apartment Number: 	Expiration Date: 03/10/2028	Length of stay requested: ☒ One year ☐ Six months ☐ Three months ☐ Other:	
Town/City: 	State: KY	Zip Code: 40214	Arrested by police or other law enforcement agency (other than for immigration reasons) ☐ Yes - Documents attached ☒ No
Telephone Number: 	Cell Telephone Number: 		

REASON(S) FOR REQUESTING A STAY OF DEPORTATION OR REMOVAL:

Respondent was ordered removed in Feb. 2018, but he returned to the US in 2022, as a result of threats to his life after he was returned to Cuba. He was then paroled and given an I-94. Under the CAA he should have been able to adjust after a year. He was detained at an ICE check up. A Motion to Reopen under changed circumstances will soon be filed to properly adjudicate his case. He now has a USC child and an LPR fiancée.

EVIDENCE SUBMITTED (attached):

☐ Medical ☐ Brief ☒ Other (specify): Respondent's affidavit. I certify under penalty of perjury that the information provided and contained herein is true and correct to the best of my knowledge and belief. Dainier Aleman Garcia Signed with permission - Dainier Aleman Garcia (Printed Name) (Signature) (Sign in ink)
--

INFORMATION IF FORM PREPARED BY OTHER THAN APPLICANT:

I declare under penalty of law that this document was prepared by me at the request of the applicant and is based on all information of which I have knowledge. I understand that providing false information on behalf of the applicant could result in criminal prosecution and, upon conviction, a fine or imprisonment or both.			
SYLVIA S QUAYE (Printed Name)			
5022989579 (Telephone Number)	P.O. BOX 1124 (Street Address)	PROSPECT (City)	KY 40059 (State) (Zip Code)