FILED
U.S. District Court
District of Kansas
05/13/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

UNITED STATES DISTRICT COURT
FOR KANSAS

Yeni Arely Ramos Aguilar, Petitioner, v. Todd Lyons, *in his official capacity as Acting Director of Immigration and Customs Enforcement* Markwayne Mullin, *in his official capacity as Secretary of the Department of Homeland Security*, Todd Blanche, *in his official capacity as Acting Attorney General of the United States,* and Misty Mackey, *in her official capacity as Warden in charge of Midwest Regional Reception Center, KS* Respondents.	)	**Petition for Writ of Habeas Corpus -- Person in ICE Custody** Case No.: 26-3127-JWL

Petition for Writ of Habeas Corpus –
Person in ICE Custody

Petitioner Yeni Arely Ramos Aguilar, by counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and requests immediate release from immigration detention, or alternatively an individualized bond hearing before a neutral adjudicator, and states as follows:

I. Introduction

1. Petitioner Yeni Arely Ramos Aguilar is a noncitizen currently detained by Immigration and Customs Enforcement ("ICE") at the Midwest Regional Reception Center in Leavenworth, Kansas.
2. Petitioner has been detained since approximately November 9, 2025 following a routine traffic stop in Palm Beach County, Florida.
3. Petitioner is presently in removal proceedings under INA § 240 and is not subject to a final order of removal.
4. On March 30, 2026, an Immigration Judge denied Petitioner's request for a custody redetermination hearing solely for "Lack of jurisdiction."
5. Her continued detention without a meaningful opportunity to seek release violates 8 U.S.C. § 1226(a), which generally permits release on bond or conditional parole for noncitizens in removal proceedings.
6. Her continued detention also violates the Due Process Clause of the Fifth Amendment because the government has failed to provide constitutionally adequate procedures or individualized justification for continued detention.
7. DHS records materially overstate the seriousness of Petitioner's criminal history.
8. The Form I-213 broadly references allegations involving "Fraud," "Battery," and "DUI," but the available state court records demonstrate that the DUI charge was nolle prossed, the resisting charge was nolle prossed, and the domestic battery allegation resulted in a "NO FILE" disposition. That is, she was not convicted of those charges.

9. The remaining adjudicated offenses appear limited primarily to misdemeanor traffic-related conduct, including reckless driving and driving with an expired driver's license.

10. Petitioner is not a danger to the community or a flight risk.

11. Petitioner therefore seeks immediate release from custody, or alternatively an individualized custody hearing before an Immigration Judge at which the government bears the burden of proving continued detention is justified.

Jurisdiction and Venue

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody in violation of the Constitution.

13. Venue is proper in this District because Petitioner is detained in Leavenworth, Kansas.

Parties

14. Petitioner Yeni Arely Ramos Aguilar is currently detained at the Midwest Regional Reception Center in Leavenworth, Kansas.

15. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement and is the federal agent charged with overseeing ICE detention and custody determinations. He is sued in his official capacity.

16. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. DHS oversees ICE and is responsible for enforcement of the immigration laws. He is sued in his official capacity.

17. Respondent Todd Blanche is the Acting Attorney General of the United States and oversees the Executive Office for Immigration Review ("EOIR"), including the

immigration courts and Board of Immigration Appeals. He is sued in his official capacity.

18. Respondent Misty Mackey is the Warden of the Midwest Regional Reception Center in Leavenworth, Kansas. She is Petitioner's immediate custodian and is sued in her official capacity.

Exhaustion

19. No statutory exhaustion requirement applies. However, the Kansas City Executive Office of Immigration Review is of the position that it lacks jurisdiction to conduct for Bond Redetermination Hearings. Therefore, further exhaustion would be futile.

V. Factual Background

20. Petitioner is a native and citizen of Guatemala.

21. According to DHS records, Petitioner entered the United States without inspection many years ago and has resided in the United States since approximately 2004.

22. On or about November 9, 2025, Petitioner was encountered following a routine traffic stop in Palm Beach County, Florida.

23. DHS records specifically state that Petitioner "was encountered due to TRAFFIC STOP."

24. ICE thereafter lodged an immigration detainer and initiated removal proceedings.

25. Petitioner is presently in removal proceedings under INA § 240.

26. The Notice to Appear further states that DHS vacated a prior expedited removal order following a credible fear determination.

27. Petitioner has now remained in immigration detention for approximately six months.

28. DHS records portray Petitioner as having a criminal history involving "Fraud," "Battery," and "DUI."

29. However, the available state court records show that:

    a. the DUI charge was nolle prossed;

    b. the resisting-without-violence charge was nolle prossed; and

    c. the domestic battery allegation resulted in a "NO FILE" disposition by prosecutors.

30. The remaining adjudicated matters appear limited primarily to traffic-related offenses, including reckless driving and expired-license offenses.

31. Petitioner does not pose a danger to the community sufficient to justify prolonged civil detention without individualized review.

32. The Immigration Court has denied Yeni's bond request, writing only the following on the order: "Lack of Jurisdiction."

33. Less restrictive alternatives to detention are readily available.

Claims for Relief

Count I – Unlawful Detention Under 8 U.S.C. § 1226(a)

34. Petitioner incorporates the preceding allegations.

35. Under Petitioner is detained pursuant to 8 U.S.C. § 1226(a), not § 1225(b).

36. Petitioner was not apprehended at the border or immediately upon entry. Rather, according to DHS's own records, she had been residing in the United States for many years before being encountered following a routine traffic stop in Florida.

37. Section 1226(a) authorizes release on bond or conditional parole pending completion of removal proceedings.

38. Nevertheless, when Petitioner requested a custody redetermination hearing pursuant to 8 C.F.R. § 1236, the Immigration Judge denied the request solely for "Lack of jurisdiction."

39. Respondents continue to detain Petitioner without providing a meaningful opportunity to seek release before a neutral adjudicator.

40. Petitioner's continued detention without access to a custody determination therefore violates 8 U.S.C. § 1226(a).

Count II — Due Process Violation (Fifth Amendment)

41. Petitioner incorporates the preceding allegations.

42. Respondents' position is categorical: once § 1225 applies, detention without any opportunity for release is permissible.

43. That position eliminates all processes.

44. Petitioner requested a custody redetermination hearing, but the Immigration Judge denied the request for lack of jurisdiction without making any individualized findings regarding danger, flight risk, or necessity of detention.

45. Petitioner therefore has no constitutionally adequate mechanism to challenge the necessity of continued detention.

46. Respondents do not contend that Petitioner is a danger or a flight risk. They identify no individualized basis for detention.

47. Petitioner has now remained detained for approximately six months while removal proceedings remain pending.

48. Under these circumstances, continued detention without an individualized custody hearing violates the Due Process Clause of the Fifth Amendment.

Requested Relief

Petitioner respectfully requests that the Court:

a) Grant the writ of habeas corpus and order Petitioner's immediate release, along with her personal effects and documents taken from her at the time of her arrest; or

b) In the alternative, order a prompt bond hearing before a neutral decisionmaker where the government bears the burden of proof that the petitioner is a danger or a flight risk;

c) Stay the petitioner's removal and transfer from this jurisdiction;

d) Grant any further relief deemed just.

Date: May 13, 2026

Very Respectfully Submitted,
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