

ICE

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in the Western District of Kentucky, whereas only 15 were filed over a 12-month period in that district ending September 2025, according to a Courier Journal review of federal court documents and data.

These lawsuits are a last resort for many because immigration judges have blocked the traditional path to release by denying bond or by ruling that the immigration courts lack the power to release the detainees.

Some ICE detainees have been incarcerated for a few weeks, while others have been held for several months after being arrested in places such as Chicago and Indianapolis.

Kentucky has played a significant role in the Trump administration's mass deportation plan for immigrants. While the Department of Homeland Security (DHS) has spared the state from extensive ICE raids and enforcement actions, 11 county jails contract with ICE to house detainees.

ICE data analyzed by Relevant Research indicates that as of Feb. 5, the average daily population of ICE detainees in Kentucky jails was 1,152.

According to data from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, Kentucky has fewer ICE detainees than states like Texas and Louisiana, which have 18,734 and 8,244 detainees, respectively. Despite this, Kentucky ranks 16th in the nation for the number of ICE detainees.

Louisville-based immigration attorney Hishem Adel Alsaman said the months-long detentions are a blatant violation of people's constitutional rights.

"The system is not meant to take and detain them after they've been here for (sometimes) 20-plus years, claiming they're subject to mandatory detention when the law says you're not," Alsaman said.

Kentucky detainees picked up in Chicago, Minneapolis

From the late 1990s through the 2010s, detention was not the default for undocumented immigrants. Most people who entered the country unlawfully and were not deported were released with orders to periodically check in with ICE.

For those fighting deportation, immigration judges held bond hearings to determine whether they could be released from ICE custody while their cases played out.

However, in September, the Board of Immigration Appeals ruled that immigration judges have no authority to conduct bond hearings for anyone who entered the country without passing through an official point of entry or being processed by immigration authorities, regardless of how long they've been here or how clean their criminal record is.

Critics say the decision amounts to indefinite detention because immigration cases can take months or years to resolve. They say it has created a constitutional crisis, as the Constitution prohibits the federal government from depriving any person of life, liberty or property without due process of law, irrespective of their immigration status.

"When we request a bond hearing, they just say, 'We don't have jurisdiction,'" Alsaman said of immigration judges.

(On Feb. 18, a federal judge in California threw out the Board of Immigration Appeals' decision, ruling that the Trump administration had failed to comply with an earlier order. It remains unclear whether immigration judges will now agree to hold bond hearings.)

Cue the flood of habeas cases.

Since January, more than 100 such cases have been filed in the Western District of Kentucky, which comprises 53 counties, including Jefferson. As of Feb. 19, 48 had been filed this month alone, The Courier Journal found.

Most came from people detained at the Grayson County Detention Center, which has housed ICE detainees for about a year. Other locations with high numbers include the Hopkins, Oldham and Christian County jails. (The Courier Journal limited its review of habeas cases to the Western District of Kentucky and did not include the Eastern District.)

Among the cases reviewed by The Courier Journal, many of the detainees are Chicago residents. Others hail from Indianapolis, rural Indiana and Minnesota, where ICE recently ended increased enforcement actions.

Across the habeas petitions, similar themes emerge: The detainees were attending routine ICE check-ins when apprehended. Many said they have pending asylum cases, have authorization to live and work in the United States, have no criminal records (if they did, only a

couple of traffic infractions), and were cooperating with immigration authorities before the change in detention policy.

Others were arrested during traffic stops by either federal or state authorities.

"Local police will run their information and coordinate with ICE on the arrest side," said Colleen Cowgill of the National Immigrant Justice Center, a nonprofit that provides free or reduced-price legal services to immigrants.

Conditions in Kentucky centers questioned

In one notable case, Jose Paniagua Calderon, a 27-year-old Mexican man, was detained on Dec. 4 in Vancouver after ICE agents pulled him over. They smashed his front driver's-side window, sending glass into his left ear, and ran over his foot, fracturing it, according to a habeas petition filed in late January.

Since then, Paniagua Calderon has been transferred to a detention center in Portland, Oregon; then to one in Tacoma, Washington; then to El Paso, Texas; then to Brazil, Indiana; and finally to the Hopkins County Jail in Madisonville, Kentucky, where he has been since Dec. 23, according to the petition. Paniagua Calderon's family attributes the frequent transfers to retaliation for the significant media attention his arrest sparked.

In January, family members flew from Vancouver to Nashville to post a \$7,000 bond at an ICE field office after an immigration judge ordered his release, the petition says. However, when they arrived, they were told DHS was appealing the judge's decision.

Paniagua Calderon alleges he has received infrequent treatment for the injuries to his foot and ear. DHS officials say an X-ray of his foot showed no broken bones, but Paniagua Calderon alleges he is still in pain.

Juliana Madaki, a Louisville immigration attorney who filed the petition on Paniagua Calderon's behalf, declined to comment.

In another case, Maria Lopez Ruiz was detained on Oct. 19 in a grocery store parking lot in Wheeling, IL. According to the habeas petition filed on her behalf, ICE agents approached the car where she was sitting, asked for documentation, and arrested her after she could not produce immigration papers.

The 54-year-old Mexican woman, who, according to the petition, has been in the United States since 2006, was transferred to the Grayson County Detention Center in Leitchfield, Kentucky, on Oct. 29.

Lopez Ruiz claims in the petition that despite repeated requests, jail authorities have denied her insulin and other medication to treat her diabetes and high blood pressure, and that she suffers from a heart condition that requires daily aspirin to prevent blood clots.

"I'm sick head to foot," Lopez Ruiz said during a hearing this month, appearing via remote conference.

In an email, Grayson County Jailor Jason Woosley told The Courier Journal to direct all inquiries to ICE, saying the agency should handle them. He did not answer a specific question about Lopez Ruiz's condition.

(On Feb. 20, U.S. District Court Judge Rebecca Grady Jennings ordered the release of Lopez Ruiz, ruling that her due process rights had been violated. The judge also mandated that the federal government provide her with a bond hearing before a neutral immigration judge.)

Last month, 26-year-old Luz Gonzalez Bautista, a Mexican woman, was arrested by Indiana State Police after the vehicle she was in was stopped. She was soon transferred to a detention center, where Gonzalez Bautista alleges in a habeas petition that she was not informed she was in immigration custody or that removal proceedings had been initiated against her, as she received no paperwork explaining the basis for her detention.

Gonzalez Bautista was transferred to the Grayson County Detention Center on Jan. 28, where she has remained since.

Alsaman, the immigration lawyer based in Louisville, said he's received reports that jails in Kentucky housing ICE detainees, such as the one in Grayson County, are overcrowded and unsanitary, and detainees are not receiving necessary medical care.

He said that one of his clients lost 30 pounds in a month due to inadequate food, while others have reported that their families are unable to provide them with essential medication.

"It's disheartening. That's why we go the habeas route and try to get those cases filed," said Alsaman, who has three such cases pending in the Western District.

ICE officials did not respond to a request for comment made Feb. 19.

Federal judges in Kentucky appear to be feeling the strain brought on by the surge in filings. At a hearing for Lopez

Ruiz earlier this month, Jennings told an attorney seeking their client's release to exercise patience.

Jennings said she was working as quickly as possible but that she had to read each petition and its accompanying documents before making a decision.

"If I could read all of them right now and eliminate any unnecessary detentions, I would. But we all need to do our jobs," Jennings said, adding that several more habeas cases had been randomly assigned to her in the past 24 hours.

In response to questions about how the recent surge in cases has impacted the federal prosecutors in Kentucky's Western District, U.S. Attorney Kyle Bumgarner said his office is dedicated to supporting the president's priorities, including immigration enforcement. He said the office has appropriately staffed the habeas cases. "We are committed to fulfilling this mission while also significantly enhancing our efforts to combat violent crime in Louisville and throughout the Western District of Kentucky," Bumgarner said in a statement. "During the first year of President Trump's term, the number of indictments from our office increased by over 50%."

Most habeas petitions filed over the past few months remain pending. However, four judges from the Western District have resolved nearly two dozen cases, consistently ruling in favor of the detainees.

Since Dec. 1, Judges Jennings, Greg N. Stivers, Ben Beaton and Chief Judge David Hale have decided 21 cases among themselves, with Jennings making the most rulings at 15. (A separate case was transferred out of the Western District.)

In each, the judges determined that ICE had violated plaintiffs' due process rights. They ordered ICE to release the detainees immediately or provide them with a bond hearing before a neutral immigration judge.

In one of her most recent decisions on Feb. 18, Jennings ordered ICE to release Karanpreet Singh, a 23-year-old Indian man, the following day. Singh was arrested by Indianapolis police in December after a multi-car crash and transferred to the Daviess County Detention Center in Owensboro, according to a habeas petition filed on his behalf.

Singh, who entered the U.S. in 2023 at age 20, had been living with his aunt and uncle in Greenwood, Indiana, before his detention, according to the petition, and has "Special Immigrant Juve-

nile Status," which allows him to work in the country.

Jennings wrote that the status can be revoked only with notice and that the Secretary of Homeland Security must find "good and sufficient cause" to do so and allow the individual time to present evidence as to why their status should not be revoked.

"Singh's procedural due process rights are not violated by the very fact that he is detained. Rather, (his) rights are violated because he has been detained without a hearing that accords with due process," Jennings, a Trump appointee, wrote, citing a previous case.

The deluge continues

Earlier this month, a three-judge panel of the Fifth Circuit Court of Appeals, which covers Texas, Louisiana, and Mississippi, upheld the Board of Immigration Appeals' ruling in favor of mandatory detention.

Though the ruling does not affect Kentucky, which is covered by the Sixth Circuit Court of Appeals, some immigration lawyers worry that ICE will transfer detainees arrested elsewhere to facilities in those states, where legal challenges will be more difficult under the Fifth Circuit's ruling.

"We're trying to strategize ways that we can be able to more quickly file in Illinois while someone is detained there," said Cowgill of the National Immigrant Justice Center, who has two pending habeas petitions in the Western District of Kentucky. "At least for habeas purposes, as long as you're filing while the person is within the district that you're filing in, even if they're later transferred, you're kind of locked in your jurisdiction."

Even so, two Texas judges appear to have found a workaround to the appellate ruling, even though district court judges generally follow their appellate judges, Politico recently reported. The two judges contend that an individual's constitutional right to due process cannot be taken away without at least a hearing before an immigration judge.

The matter is expected to eventually reach the Supreme Court.

In the meantime, the Western District of Kentucky continues to see a flood of habeas cases. Between Feb. 18 and 19, another seven were filed.

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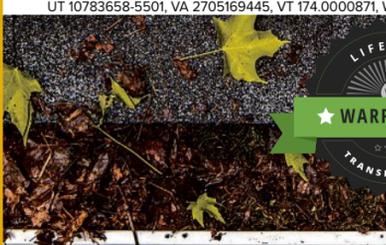
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