**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF FLORIDA – ORLANDO DIVISION**

**EVANDRO MARCHESINI LAGOS, Petitioner,**

**v.**

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY, et al., Respondents.**

**Case No.: 6:25-cv-00673-JSS-UAM**

# ⚖ MOTION TO REJECT RESPONDENT'S FILING (DOCKET 39)

**and to Reinforce Constructive Habeas Corpus, Structural Misalignment of Counsel, and the Right to Economic Self-Reliance**
**Submitted as Package 11 by Petitioner Evandro Marchesini Lagos**

## TO THE HONORABLE COURT:

Petitioner respectfully files this motion in formal response to **Docket Entry 39**, submitted by Respondent's counsel **Ms. Joy Warner**, on **July 9, 2025**.

This filing does not meet the minimum standards of legal response, adversarial debate, or factual rebuttal required in a **habeas corpus case of constitutional dimension**. Instead, it relies on **deflection, rhetorical attacks, and strategic silence** — with no engagement with the legal merits of the case.

## I. FALLACIES AND OMISSIONS: AN ATTACK ON THE MESSENGER, NOT THE MESSAGE

In her response, Ms. Warner characterizes the Petitioner's motions as:

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"...an avalanche of confused and overlapping documents..."
"...nonsensical filings..."
"...a continuous burden to the Court..."

Rather than addressing a single fact raised in over 400 pages of documented motions and exhibits, Ms. Warner resorts to **ad hominem** and **straw man** fallacies — attacking the Petitioner's person instead of the **constitutional violations** being raised.

Let us be clear: when a representative of the government has no legal arguments, the last refuge is often to ridicule the opponent. That is not **advocacy** — it is **abandonment**.

## II. INSULTING THE COURT, NOT JUST THE PETITIONER

By calling this case "nonsensical" and "confused," Ms. Warner is not merely attacking the Petitioner — she is implicitly suggesting that the U.S. Magistrate Judge and the Honorable Judge Sneed have:

- wasted their time,
- misunderstood the law, or
- tolerated a frivolous action until now.

But the record speaks for itself:

- **No motion has been dismissed.**
- **The case advanced through multiple judicial screenings.**
- **Several emergency filings were allowed and docketed.**
- **The case was not denied sua sponte.**

If this case were "nonsensical," it would not be alive.

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⚖️ *The law is not confusion. The law is clarity.*
Quoting statutes, due process violations, and human rights precedents is not "burdensome" — it is the **foundation of lawful petitioning**.

## III. RESPONDENT'S COUNSEL IS HIDING — NOT REPRESENTING

Ms. Warner openly states:

> "I will not be responding to future filings unless the Judge requires it."

This statement demonstrates a **willful disengagement** from her adversarial duty. It resembles a child who **provokes and then hides** behind the authority figure — in this case, the Court itself.

Her refusal to answer further unless compelled reveals that:

- She has **no defense**.
- She has **no facts**.
- She has **no lawful explanation** for the parole cancellation.

**Silence**, in this context, is not neutrality.
It is **institutional obstruction**.

## IV. FAILURE TO CONFRONT THE FACTS: A STRATEGY OF DELAY, NOT DEFENSE

This is not the first time Ms. Warner has avoided the core issues. Instead of engaging with:

- legal basis for the abrupt parole cancellation,

- Petitioner's legal entry under humanitarian grounds,
- ongoing deprivation of work rights and due process,

— she responds with generalized complaints and rhetorical gestures.

## V. THE HABEAS CORPUS IS CONSTRUCTIVE — AND ALREADY IN ACTION

Petitioner reaffirms that this is a case of **constructive habeas corpus**:

> The deprivation of liberty arises **not from physical imprisonment**, but from an **abrupt, unexplained legal cancellation of immigration status**, performed via email, **despite a scheduled hearing** and full procedural compliance.

Respondent's failure to explain this act — or to offer any legal basis — constitutes:

- a **silent suspension of due process**,
- a form of **custody by legal void**.

## VI. STRATEGIC SILENCE IS A FORM OF OBSTRUCTION

Ms. Warner's 4-page response contains:

- **no legal citations**,
- **no direct rebuttal** of the parole issue,
- **no contestation** of key Exhibits,

- **no explanation** of the DHS decision,
- **no reference** to the Petitioner's economic and humanitarian situation.

This is not engagement. This is strategic abandonment.

## VII. REQUEST FOR JUDICIAL ACTION – AND RIGHT TO ECONOMIC SELF-DEFENSE

Petitioner respectfully asks this Court to:

1. Recognize that **Respondent's filing (Docket 39)** fails to rebut any legal or factual foundation of this habeas corpus;
2. Accept the **re-submission of Exhibit 23**, which demonstrates that Ms. Warner's participation is structurally misaligned and legally inadequate;
3. Acknowledge that **no factual or legal justification** has been offered for the parole cancellation, and that such silence **impairs judicial truth-seeking**;
4. Invite this Court to endorse the **constructive nature of this habeas corpus** — and confirm that denial of status, without process or pathway, constitutes **custody**;
5. Take judicial notice that Petitioner's **economic vulnerability is real and ongoing** — and that the absence of government response has **obstructed access to work authorization** and essential benefits;
6. Consider that, with the next immigration **hearing set for July 24**, this case demands **immediate clarity**: not only to avoid deportation, but to allow Petitioner to **fund his own survival**, should the outcome be unfavorable.

⚖️ *Justice should not only protect the innocent — it should empower them to stand on their own feet.*

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## VIII. FINAL WORDS

Petitioner has submitted over **400 pages** of evidence-backed filings. Respondent has submitted **four** — mostly avoiding substance.

Petitioner asks this Court to draw the **only reasonable conclusion**:

> If the government had a case, it would have made it.
> If Respondent's counsel had evidence, she would have submitted it.
> If the Petitioner were truly "confused," then justice would not have advanced this far.

Instead, the truth remains unchallenged — and silence has replaced law.

Let the record reflect: this habeas corpus is **not a complaint** — it is an **act of survival**.

And **justice**, if it is to mean anything at all, **must now move forward**.

**Respectfully submitted,**
**Evandro Marchesini Lagos**
**July 10, 2025**

📎 **Exhibit 23 – Structural Position and Conflicted Role of Attorney Joy Warner**
*(Originally submitted on May 29, 2025 – Reattached in response to Docket 39)*