

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case 1:25-cv-22487-DPG

JOSE GUERRA-CASTRO

Petitioner,

v.

GARRETT, et al.

Respondents.

PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY

Respondents filed a written answer on June 13, 2025, the same day as the scheduled hearing. After, Petitioner homed in on recent relevant decisions and now provides supplemental authority in support of the argument that the Court may order Petitioner remain in custody in South Florida.

In *Perez v. Noem*, No. 25-CV-4828 (DEH), 2025 U.S. Dist. LEXIS 113509 (S.D.N.Y. June 13, 2025), the court enjoined ICE from transferring habeas petitioner outside the district, to preserve counsels' access to petitioner and ensure his participation in the habeas action. *Also see: Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (ordering ICE to transfer noncitizen back to Vermont from Louisiana).

Moreover, the First, Fifth and Ninth Circuit Courts of Appeal disagree with *Van Dinh v. Reno*, 197 F.3d 427, 433 (10th Cir. 1999). Eight U.S.C. § 1252(a)(2)(B) refers to discretionary decision-making in the adjudicative process, where the government's discretion is specified in the text of the statute. Transfer or location of detention is not a discretionary adjudication. *See: Spencer*

Enters. v. United States, 345 F.3d 683, 696 (9th Cir. 2003); *Aguilar v. United States Immigration & Customs Enf't Div. of the Dep't of Homeland Sec.*, 510 F.3d 1, 20 (1st Cir. 2007); *Zhao v. Gonzales*, 404 F.3d 295, n. 5 (5th Cir. 2005).

Respectfully submitted on this day 23rd of June, 2025.

/s/ Mary E. Kramer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2025, I electronically filed the foregoing Notice of Supplemental Authority with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

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