

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-cv-22644-DPG

ROBERTO CHAVEZ BARRIOS,
Petitioner-Plaintiff,

vs.

GARRETT J. RIPA, in his official capacity
As Director of Miami Field Office, U.S.
Immigration and Customs
Enforcement, et. al.,
Respondents- Defendants.

**RESPONDENTS' OPPOSITION TO PETITIONER'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND RETURN AND MEMORANDUM OF
LAW**

Garrett J. Ripa, Director of Miami Field Office, et. al. ("Respondents"), through the undersigned Assistant United States Attorney, hereby files their Response in opposition to Petitioner's Emergency Motion for Temporary Restraining Order [DE 10] (the "TRO Motion") and Response to this Court's Order, dated June 12, 2025, directing that Respondents "shall make a return certifying the true cause of the [Petitioner's] detention" [DE 17]¹. The Court should dismiss the Petition and deny the TRO Motion.

Petitioner's detention is lawful. Petitioner has been detained for one week, since June 11, 2025, and the Petition is premature under *Zadvydas*. The Court lacks jurisdiction under 8 U.S.C. § 1252(a)(2)(B)(ii) to enjoin Respondents from transferring Petitioner to another district. Petitioner cannot challenge the legality of his removal order or indirectly obstruct removal by asking the

¹ The Court ordered that the Respondents are to "make a return certifying the true cause of the [Petitioner's] detention" within five days after service upon the Civil Division of the United States Attorney's Office for the Southern District of Florida [DE 17]. As of the date of this filing, service has not been made. However, given the Court's Order for Respondents to respond to the Motion for TRO on June 18, 2025, and the hearing scheduled for June 23, 2025, and the fact that the issues overlap, Respondents submit this combined Response to the Motion for TRO and Return and Memorandum of Law.

