UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-23034-ALTONAGA

EGOR RUBANOV,

Petitioner,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; KRISTI NOEM, U.S. Secretary of Homeland Security; PAMELA BONDI, Attorney General; TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; ZOELLE RIVERA, Assistant Field Office Director, Krome Processing Center; and KROME DETENTION CENTER WARDEN,

Respondents.
_____/

RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE

Respondents, Donald J. Trump, in his official capacity as President of the United States; Kristi Noem, U.S. Secretary of Homeland Security; Pamela Bondi, Attorney General; Todd M. Lyons, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; Zoelle Rivera, Assistant Field Office Director, Krome Processing Center; Krome Detention Center Warden,[1] by and through the undersigned Assistant United States Attorney, and pursuant to the

[1] A writ of habeas corpus must "be directed to the person having custody of the person detained." *See* 28 U.S.C. § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Id.* at 439. As Petitioner is currently detained at Krome North Service Processing Center ("Krome"), a detention facility in Miami, Florida, the immediate custodian in charge of Krome is Assistant Field Director ("AFOD") Charles Parra. Accordingly, the only proper respondent in this case is AFOD Parra, in his official capacity.

Court's Order to Show Cause (D.E. 6), hereby file this response, and in support thereof, state as follows:

Introduction

Petitioner, Egor Rubanov, filed the Emergency Amended Petition for Writ of Habeas Corpus (the "Amended Petition") "to challenge his unlawful apprehension and continued immigration detention.'" Am. Pet. (D.E. 5) at ¶ 5. As detailed below, Petitioner's detention is lawful. Petitioner has been detained for twenty-seven days, since June 21, 2025, and the Amended Petition is premature under *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Court lacks jurisdiction to review Petitioner's detention for purposes of executing a removal order under 8 U.S.C. § 1252(g). Additionally, challenges to Petitioner's conditions of confinement are not properly asserted in a habeas action—particularly when he has received adequate medical care. For these reasons, the Amended Petition should be denied.

Factual Background

1. Petitioner is a citizen of Russia and national of Moldova by birth. Form I-213, Record of Deportable/Inadmissible Alien, dated June 1, 2018, attached hereto as Exhibit "A."

2. On June 14, 2013, Petitioner was admitted to the United States as a B-2 nonimmigrant. *Id.*

3. On January 15, 2014, a Notice to Appear ("NTA") was issued, charging Petitioner as removable under 8 U.S.C. § 1227(a)(1)(B), or section 237(a)(1)(B) of the Immigration and Nationality Act, as an alien who remained in the United States for a time longer than permitted. Am. Pet., Ex. A.

4. On October 24, 2014, an immigration judge denied Petitioner's requests for relief from removal and ordered him removed to Russia. Written Decision and Order of the Immigration Judge, dated October 24, 2014, attached hereto as Exhibit "B."

5. On November 21, 2014, Petitioner appealed the immigration judge's decision to the Board of Immigration Appeals ("BIA"). Declaration of Deportation Officer ("DO") Jean Josil attached hereto as Exhibit "C," at ¶ 9.

6. On December 20, 2016, the BIA dismissed the appeal and affirmed the immigration judge's decision. Decision of the BIA, dated December 20, 2016, attached hereto as Exhibit "D."

7. On February 7, 2017, Petitioner filed his Application for Stay of Deportation or Removal. Ex. C at ¶ 11.

8. On December 13, 2017, Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO") denied Petitioner's Application for Stay of Deportation or Removal. *Id.* at ¶ 12.

9. On January 17, 2018, ICE issued a letter to Petitioner, requiring him to report in person on February 12, 2018 to discuss the denial of his I-246 application. Appointment letter, dated January 17, 2018, attached hereto as Exhibit "E."

10. On March 30, 2018, after Petitioner failed to report on February 12, 2018, ICE issued a Warrant of Removal/Deportation for Petitioner. Form I-205, Warrant of Removal/Deportation, dated March 30, 2018, attached hereto as Exhibit "F."

11. On May 11, 2018, Petitioner filed a motion to reopen with the BIA. Ex. C at ¶ 15.

12. On June 1, 2018, Petitioner was taken into custody. Detention History attached hereto as Exhibit "G"; Ex. A.

13. On the same day, Petitioner was processed and released on an Order of Supervision pending a decision on his motion to reopen. Form I-220B, Order of Supervision, dated June 1, 2018, attached hereto as Exhibit "H."

14. On February 15, 2019, the BIA denied Petitioner's motion to reopen, finding the motion untimely and that none of the new arguments presented altered the results of his case. Decision of the BIA, dated February 15, 2019, attached hereto as Exhibit "I."

15. On July 5, 2019, Petitioner filed a second motion to reopen with the BIA, alleging ineffective assistance of counsel. Ex. C at ¶ 18.

16. On July 13, 2021, the BIA denied the motion for being untimely, number-barred, and not having shown compliance with the requirements for an ineffective assistance of counsel claim. Decision of the BIA, dated July 13, 2021, attached hereto as Exhibit "J."

17. On September 6, 2023, Petitioner filed a third motion to reopen with the BIA, arguing that no time or number-bar issues exist because he was raising a new claim for relief. Ex. C at ¶ 20. The motion remains pending. *Id.* Also pending before the BIA is an emergency motion for stay of removal while the motion to reopen is pending. *Id.*

18. On June 21, 2025, Petitioner was issued a Notice of Revocation of Release, informing him that ICE intends to remove him to Russia or Moldova. Notice of Revocation of Release, dated June 21, 2025, attached hereto as Exhibit "K." Petitioner refused to sign the Notice of Revocation of Release. *Id.*

19. On the same day, Petitioner was also issued a new Warrant of Removal/Deportation, which he refused to sign, and was taken into ICE custody. Form I-205, Warrant of Removal/Deportation, dated June 21, 2025, attached hereto as Exhibit "L"; Form I-213, Record of Deportable/Inadmissible Alien, dated June 21, 2025, attached hereto as Exhibit "M"; Ex. G.

20. Petitioner has received medical treatment since his arrival at the Krome North Service Processing Center ("Krome") on June 22, 2025. Medical Records from Krome are attached hereto as Exhibit "N." Petitioner was medically screened upon arrival and referred to HCA Florida Kendall Hospital in Miami, Florida for evaluation, where he was treated and released on the same day. *Id.* at 43-44; Ex. G. Upon his return to Krome, Petitioner was seen by Immigration Health personnel on June 22, 2025. Ex. N at 43-44. Petitioner was determined to be in stable condition. *Id.* Petitioner then had a physical exam on June 27, 2025. *Id.* at 36-41. Petitioner also had his blood pressure checked on June 30, 2025 and July 7, 2025. *Id.* at 31-32, 23-24. Petitioner was last examined on July 8, 2025 for flu-like symptoms. *Id.* at 18-20. Petitioner has also received mental health wellness services on June 30, 2025; July 9, 2025; and July 10, 2025. *Id.* at 27-30, 14-16, 11-13.

21. On July 7, 2025, Petitioner filed his Petition for Writ of Habeas Corpus ("Petition"). Pet. (D.E. 1).

22. On July 14, 2025, Petitioner filed his Amended Petition.

23. On July 15, 2025, Petitioner was asked to complete the travel document application, but he refused to do so upon the advice of counsel. Ex. C at ¶ 22.

24. On July 16, 2025, Petitioner was issued a new Notice of Revocation of Release, informing him that ICE intends to remove him. Notice of Revocation of Release, dated July 16, 2025, attached hereto as Exhibit "O." An initial informal interview was conducted thereafter with the use of a Russian interpreter to explain that the reason the Order of Supervision was being revoked is because ICE intends to effectuate his removal to Russia. Ex. C at ¶ 23. Petitioner was given an opportunity to respond. *Id.* Petitioner stated he did not want to be removed to Russia because he is afraid of returning. *Id.*

25. ICE intends to remove Petitioner to Russia upon receipt of travel documents. *Id.* at ¶ 25.

26. Petitioner is presently detained at Krome while waiting for his removal to be effectuated. *Id.* at ¶ 26.

Memorandum of Law

a. The Revocation of Petitioner's Order of Supervision and Detention are Lawful.

The detention of an alien subject to a final order of removal, such as Petitioner, is governed by 8 U.S.C. § 1231. Following the entry of a final removal order, "the Attorney General shall remove the alien from the United States within a period of 90 days" (the "removal period"). 8 U.S.C. § 1231(a)(1)(A). Under certain circumstances, the Attorney General may continue to detain an alien after the removal period expires. *Id.* at § 1231(a)(6). The removal period may be extended for an alien

> ordered removed who is inadmissible under [8 U.S.C. § 1182], removable under [8 U.S.C. § 1227(a)(1)(C)], [8 U.S.C. § 1227(a)(2)], or [8 U.S.C. § 1227(a)(4)] . . . or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal[.]

8 U.S.C. § 1231(a)(6).

In *Zadvydas*, the Supreme Court held that 8 U.S.C. § 1231(a) contains an implicit temporal limitation on the government's authority to detain an alien for a "presumptively reasonable period" of six months. 553 U.S. at 701; *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005). The *Zadvydas* Court clarified that the presumptively reasonable detention period did not mean that every alien not removed within six months must be released. 553 U.S. at 701. "To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.*

The Department of Homeland Security ("DHS") has enacted regulations to govern the detention of aliens beyond the removal period and subject to release. *See* 8 C.F.R. § 241.4. These regulations provide for the revocation of release from DHS custody. 8 C.F.R. § 241.4(*l*). Specific

to this case, "[r]elease may be revoked *in the exercise of discretion* when, in the opinion of the revoking official . . . [i]t is appropriate to enforce a removal order." *Id.* at § 241.4(*l*)(2) (emphasis added).

In *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002), the Eleventh Circuit held that in order to state a claim under *Zadvydas*, "the alien not only must show post-removal order detention in excess of six months but also must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." 287 F.3d at 1052. Where an alien cannot meet his burden of establishing that the evidence shows that there is not a substantial likelihood of removal in the reasonably foreseeable future, a petition for habeas corpus should be dismissed. *See, e.g., Oladokun v. U.S. Atty. Gen.*, 479 F. App'x 895, 897 (11th Cir. 2012); *Akinwale*, 287 F.3d at 1052.

As a preliminary matter, Petitioner's Order of Supervision was revoked pursuant to 8 C.F.R. § 241.4(*l*)(2). Petitioner is detained because it is necessary to secure his removal. ICE's authority to revoke supervised release is not limited to instances where the alien has violated the conditions of release. Thus, ICE was entirely within its authority to revoke Petitioner's release in order to effectuate his removal pursuant to his final order of removal.

Moreover, the Amended Petition is premature. As of the date of filing, Petitioner has been in post-removal order detention for twenty-seven days. The Amended Petition should be dismissed because Petitioner has not shown post-removal order detention in excess of six months. *Akinwale*, 287 F.3d at 1051-52. ("The six-month period must have expired at the time [the] § 2241 petition was filed in order to state a claim under *Zadvydas*."); *see also Gonzales v. Barr*, No. 4:20-cv-10130-JLK, 2020 U.S. Dist. LEXIS 232107, at *8 (S.D. Fla. Dec. 10, 2020) ("the 180 days in post-order custody must have expired before an individual can challenge custody under 8 U.S.C. § 1231"); *Salpagarova v. Immigration & Naturalization Serv.*, No. 20-61739-CV-SINGHAL, 2020 U.S. Dist. LEXIS 266517, at *4 (S.D. Fla. Oct. 20, 2020) ("Petitioner is not entitled to relief because she has not been detained for more than six months after being subject to a final order of removal").

Petitioner cites to district courts outside of the Eleventh Circuit for the proposition that "detention or re-detention once the removal period has lapsed is available only in limited circumstances." Am. Pet. at ¶ 122. Those cases are neither binding nor persuasive. They are also distinguishable. In contrast, a sister court within our district, has held that detention once the removal period has lapsed, is lawful under *Zadvydas*. *Guerra-Castro v. Parra*, No. 1:25-cv-22487-GAYLES, Order (D.E. 23) (July 17, 2025). There, an alien's order of removal became final in April 2014 after he waived an appeal. *Id.* at 1. The next month, the alien was released from immigration custody on an order of supervision. *Id.* at 1-2. In May 2025, the alien had his order of supervision revoked and was taken into custody to effectuate his removal. *Id.* at 2. In his habeas action, the alien argued that his detention was in violation of the Fifth Amendment because his removal period had passed. *Id.* at 5-6. The court found that federal law permits the government to detain aliens beyond the ninety-day removal period and denied his petition for writ of habeas corpus as premature because the alien had not been detained for more than six months. *Id.* at 5, 6. Here, too, the Amended Petition is premature. *Thai v. Hyde*, No. 25-11499-NMG, 2025 U.S. Dist. LEXIS 111179, at *8 (D. Mass. June 11, 2025);

Setting aside the brevity of his detention, Petitioner cannot carry his burden of showing that removal is not reasonably foreseeable. The plain text of 8 U.S.C. § 1231(a)(6) authorizes Petitioner's detention past the removal period. Under *Zadvydas*, Petitioner bears the initial burden to show that removal is not significantly likely in the foreseeable future. 533 U.S. at 701. Petitioner fails to allege, much less proffer any evidence of, a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.

Citing to *Zadvydas*, Petitioner attempts to shift the burden to Respondents and argues that "[d]etention beyond March 20, 2017 is presumptively unlawful absent evidence of a significant likelihood that [Petitioner] will be removed in the reasonable foreseeable future." Am. Pet. at ¶ 124. Petitioner misses the mark. Referring to the detention period, not the removal period, which is limited to ninety days, the Court provided that "[a]fter th[e] 6-month period, once the alien

provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Zadvydas*, 533 U.S. at 701. Where, as here, Petitioner has failed to carry his burden to show that his removal is not reasonably foreseeable, the burden does not shift to Respondents.

Assuming, *arguendo*, Petitioner met his initial burden, which he did not, the Amended Petition, nonetheless should be dismissed. As set forth above, and verified in the Declaration of DO Josil, Respondents have diligently pursued Petitioner's travel document from Russia to execute his removal order. Notably, Petitioner has delayed immigration officials in effectuating removal by refusing to complete the travel document ostensibly upon the advice of counsel. The Russian government has not denied, nor has it indicated that it intends to deny, the request for Petitioner's travel document. Upon the issuance of a travel document, Respondents intend to remove Petitioner to Russia. Respondents have provided sufficient evidence to establish that Petitioner's removal is likely to occur in the reasonably foreseeable future.

It is significant that, unlike in *Zadvydas*, Petitioner has no institutional barrier to removal. In *Zadvydas*, two aliens faced "potentially permanent" civil confinement. 533 U.S. at 691. Petitioner Zadvydas was born to Lithuanian parents in a displaced persons camp in Germany. *Id.* at 684. Germany refused to accept him because he was not a German citizen, and Lithuania refused to accept him because he was not a Lithuanian citizen or a permanent resident. *Id.* Petitioner Ma had no realistic chance that his native Cambodia would accept him given the lack of a repatriation agreement between Cambodia and the United States. *Id.* at 685-86.

In contrast to the petitioners in *Zadvydas*, there is no impediment to Petitioner's removal. The United States routinely removes aliens to Russia. In fiscal year 2019, the United States removed 153 aliens to Russia; in fiscal year 2020, 108 aliens were removed; in fiscal year 2021, 80 aliens were removed; in fiscal year 2022, 68 aliens were removed; in fiscal year 2023, 229 aliens

were removed; and in fiscal year 2024, 464 aliens were removed. *See* U.S. Immigration and Customs Enforcement's Fiscal Year 2024 Annual Report, *available at* https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf.

Petitioner has failed to proffer any evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. The only impediment to removal is the issuance of the appropriate travel documentation; therefore, Petitioner has not met his burden under *Zadvydas* to establish that his removal is not reasonably foreseeable. Petitioner's post-removal order detention is, therefore, lawful.

In short, Petitioner's detention does not violate any constitutional, statutory, or regulatory provision. He is, accordingly, not entitled to habeas relief.

b. The Court Lacks Jurisdiction to Review Petitioner's Detention for Purposes of Executing a Removal Order.

"Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute . . . which is not to be expanded by judicial decree." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (internal citations omitted). District courts lack jurisdiction over "any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this Act." 8 U.S.C. § 1252(g).

Indeed, the Eleventh Circuit has held that 8 U.S.C. § 1252(g) strips district courts of jurisdiction over habeas claims arising from the execution of removal orders, such as this case. *Camarena v. Dir., Immigration & Customs Enforcement*, 988 F.3d 1268, 1272 (11th Cir. 2021). Likewise, 8 U.S.C. § 1252(b)(9) bars "[j]udicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States" except by "a petition for

review filed with an appropriate court of appeals." 8 U.S.C. §§ 1252(b)(9), 1252(a)(5). Re-detaining an alien for purposes of removal constitutes an enforcement mechanism of a removal order. *Tazu v. Att'y Gen. United States*, 975 F.3d 292, 298–99 (3d Cir. 2020) ("Re-detaining [the alien] was simply the enforcement mechanism the Attorney General picked to execute his removal. So § 1252(g) funnels review away from the District Court and this Court.").

In a similar case, ICE called an alien to its office, revoked her order of supervision, and detained her to effectuate the final order of removal. *Westley v. Harper*, No. 25-229 SECTION M (4), 2025 U.S. Dist. LEXIS 32981, at *6 (E.D. La. Feb. 24, 2025). The alien sought habeas relief, alleging that the process was unlawful, violated her due process, and did not comply with federal regulations. *Id.* at *6-7. In opposition, the government argued that the matter was outside of the district court's jurisdiction under 8 U.S.C. § 1252(g), and the court agreed. *Id.* at *8-9. The court held that the actions taken by ICE, including a purported "ruse" to illicit the alien's appearance, were directly connected to the execution of a removal order, and thus the district court was precluded from exercising jurisdiction over the claims. *Id.* at *16 ("Thus, Petitioner's claims regarding these events are inextricably intertwined with and 'arise from' the decision to execute the removal order, and by virtue of § 1252(g), this Court lacks jurisdiction over those claims."). The court further noted that the jurisdiction-stripping provision of 8 U.S.C. § 1252(g) also barred the alien's claims brought under other statutes. *Id.* at *18.

The Court lacks jurisdiction to entertain direct attacks on the legality of the removal order. Similarly, the Court lacks jurisdiction to entertain indirect attacks on the execution of the removal order. Here, Petitioner asks the Court to order his release from detention to indirectly prevent the execution of the removal order. Such an indirect attack is barred under 8 U.S.C. § 1252(g) as a challenge to the execution of the removal order.

c. A Petition for Writ of Habeas Corpus is Not the Appropriate Mechanism for Challenging Conditions of Confinement.

An individual may seek habeas relief under 28 U.S.C. § 2241 if he is "in custody" under federal authority "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c). The "sole function of habeas corpus is to provide relief from [u]nlawful imprisonment or custody, and it cannot be used for any other purpose." *Cook v. Hanberry*, 592 F.2d 248, 249 (5th Cir. 1979).[2]

There are two "main avenues to [seek] relief on complaints related to imprisonment": a petition for habeas corpus and a civil rights complaint. *Muhammad v. Close*, 540 U.S. 749, 750 (2004). "Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus"; however, relief from which is sought based upon the "circumstances of confinement" is available through a civil rights action. *Muhammad*, 540 U.S. at 750; *see also Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015) (a "§ 2241 petition is not the appropriate vehicle for raising an inadequate medical care claim, as such a claim challenges the conditions of confinement, not the fact or duration of that confinement"). The appropriate relief from the conditions of confinement that violate the Constitution is to require the discontinuance or correction of any improper practices, it does not include release from confinement. *Gomez v. United States*, 899 F.2d 1124, 1126 (11th Cir. 1990).

Petitioner alleges that he is "medically vulnerable," Pet. at ¶ 141; "has requested—but has not received—medical attention," *id.* at ¶ 143; and "has been deprived of his complete necessary medication," *id.* at ¶ 145. Even if the Court found merit in Petitioner's claim, which Respondents

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[2] In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981), the Eleventh Circuit adopted as binding precedent all decisions of the Fifth Circuit Court of Appeals issued before the close of business on September 30, 1981.

deny, Respondents would presumably be ordered to provide the medical treatment Petitioner requests—which Respondents have already done. Petitioner would not be released.

Because Petitioner's claim challenges the conditions of his confinement, the claim is not properly asserted in a habeas action. The Amended Petition should be denied.

d. Petitioner Has Received Adequate Medical Care While in Detention.[3]

Even if Petitioner's conditions of confinement claim related to his medical care was properly asserted in this habeas petition, which it is not, Petitioner has, in fact, received adequate medical care. The Eighth Amendment prohibits prison officials from exhibiting deliberate indifference to prisoners' serious medical needs. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). Conditions of confinement violate the Eighth Amendment if (1) objectively speaking, the conduct by public officials is "sufficiently serious" to constitute a cruel or unusual deprivation; and (2) there must be a subjective intent by the public officials involved to use the sufficiently serious deprivation in order to punish. *Taylor v. Adams*, 221 F.3d 1254, 1257 (11th Cir. 2000).

To show an objectively serious deprivation in a medical context, it is necessary to demonstrate (1) an objectively serious medical need that, if left unattended, would pose a substantial risk of serious harm; and (2) the response was poor enough to constitute an unnecessary and wanton infliction of pain—not just negligence or even medical malpractice. *Id.* at 1258. To show the required subjective intent to punish, it is necessary to establish that the public official acted with deliberate indifference. *Id.* That is, "awareness of facts from which the inference could

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[3] The standard for a federal detainee's treatment under the Fifth Amendment is identical to those under the Eighth Amendment. *Daniel v. U.S. Marshall Serv.*, 188 F. App'x 954, 961-62 (11th Cir. 2006).

be drawn that a substantial risk of serious harm exists and . . . drawing of the inference." *Id.* (alterations accepted).

Where a prisoner has received medical attention, courts are hesitant to find that an Eighth Amendment violation has occurred. *See Hamm v. DeKalb Cnty.*, 774 F.2d 1567, 1575 (11th Cir. 1985). An inadvertent failure to provide adequate medical care cannot constitute "an unnecessary and wanton infliction of pain" or be "repugnant to the conscience of mankind." *Estelle*, 429 U.S. at 105-06; *see also Alfred v. Bryant*, 378 F. App'x 977, 979 (11th Cir. 2010) (quoting *Chandler v. Crosby*, 379 F.3d 1278, 1289 (11th Cir. 2004)) ("A prison condition generally does not violate the Eighth Amendment unless it involves 'the wanton and unnecessary infliction of pain.'"). "[T]he Constitution doesn't require that the medical care provided to prisoners be perfect, the best obtainable, or even very good. Rather, medical treatment violates the Eighth Amendment only when it is so grossly incompetent, inadequate, or excessive as to shock the conscience or to be intolerable to fundamental fairness." *Keohane v. Fla. Dep't of Corr. Sec'y*, 952 F.3d 1257, 1266 (11th Cir. 2020) (internal quotation marks and citations omitted and alterations accepted).

Since his detention, Petitioner has been examined or treated by medical staff at Krome at least eight times: June 22, 2025; June 27, 2025; June 30, 2025; July 7, 2025; July 8, 2025; July 9, 2025; and July 10, 2025. Petitioner has been clinically stable each time. Petitioner has been prescribed Aspirin 81 mg, Sertraline HCl 25 MG; and Tamsulosin HCl 0.4 MG. When necessary, Petitioner was transferred to HCA Florida Kendall Hospital for treatment.

Petitioner has failed to show an objectively serious deprivation with a subjective intent to punish. Indeed, Petitioner has received adequate medical care while in detention.

Conclusion

Based on the foregoing, Respondents respectfully request that the Court deny the Amended Petition and grant such other relief deemed just and proper.

Respectfully submitted,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

By: ***Amy L. Soto***
AMY L. SOTO
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 124858
E-Mail: amy.soto@usdoj.gov
99 NE 4th Street, Suite 300
Miami, Florida 33132
Telephone: (305) 961-9368

Counsel for Respondents