

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-61845 SMITH

MARIO RODRIGUEZ IZQUIERDO,

*Petitioner,*

v.

GARRETT RIPA, in his official capacity as  
Field Office Director of the Immigration and  
Customs Enforcement, Enforcement and  
Removal Operations Miami Field Office,  
et al.,

*Respondents.*

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**RESPONDENTS' RESPONSE TO PETITIONER'S  
MOTION TO AMEND OR ALTER JUDGMENT**

Respondents, by and through the undersigned Assistant U.S. Attorney, hereby respond in opposition to Petitioner's Motion to Amend or Alter Judgment, dated November 24, 2025 [ECF 16]. The motion must be denied because it is untimely.

Petitioner's instant motion seeks, pursuant to Federal Rule of Civil Procedure 59(e), to amend the Court's order entered on October 24, 2025. *Id.*, p. 1. Rule 59(e) requires that "[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." *Id.*; Fed. R. Civ. P. 6(b)(2) (prohibiting courts from extending the time to file Rule 59(e) motions); *Banister v. Davis*, 140 S. Ct. 1698, 1703 (2020) ("The time for doing so is short—28 days from entry of the judgment, with no possibility of an extension.").

In this action, the deadline by which Petitioner must have filed any motion to

amend or alter the judgment was Friday, November 21, 2025. Petitioner's instant motion, filed on Monday, November 24, 2025, is therefore untimely. "Timeliness constitutes a jurisdictional dimension central to . . . the motion for reconsideration. . . [A]n untimely filed motion to alter or amend cannot invoke a trial court's jurisdiction." *Hertz Corp. v. Alamo Rent-A-Car, Inc.*, 16 F.3d 1126, 1129 (11th Cir. 1994). Since the Motion is untimely, the Court has no jurisdiction to consider it.

Wherefore, Respondents respectfully request that the Court deny Petitioner's motion.

Respectfully submitted,

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