UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:25-cv-24363-CANNON

ALFREDO NUNES RIBEIRO,

Petitioner,

v.

GARRETT J. RIPA, *et al.*,

Respondents.
_____/

RESPONDENTS' RETURN AND MEMORANDUM OF LAW TO PETITIONER'S EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Respondents, Garrett J. Ripa, Miami Field Office Director for Enforcement and Removal Operations ("ERO"), Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), and Kristi Noem, Secretary of the Department of Homeland Security ("DHS") (collectively "Respondents"), by and through the undersigned Assistant United States Attorney, and in accordance with this Court's Order to Show Cause [ECF No. 4], respectfully submit this Return to *pro se* Petitioner Alfred Nunes Ribeiro's ("Petitioner") Emergency Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 [ECF No. 1], as follows:

INTRODUCTION

Proceeding *pro se*, Petitioner commenced this action on September 23, 2025, by filing an Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in which he challenges the conditions of his confinement at Krome North Service Processing Center ("Krome") in Miami, Florida. ECF No. 1 at 1-2. Specifically, he alleges that he is being denied immunosuppressant medication to prevent rejection of a liver transplant he underwent in 2013, in

violation of the Fifth and Eighth Amendments to the Constitution and the Rehabilitation Act, 29 U.S.C. § 794. *See id.* at COUNTS I & II. Petitioner alleges further that his transfer to—and ongoing immigration detention at—Krome are "arbitrary and abusive," in violation of ICE policies and the Administrative Procedure Act, 5 U.S.C. § 706. *Id.* at COUNT III. As relief, Petitioner seeks, *inter alia*, an Order requiring Respondents to provide his immunosuppressant medications and releasing him "on parole or transfer to FCI Berlin/MA-area facility." *Id.* at PRAYER FOR RELIEF.

The Court should deny the Petition. *First*, a petition for writ of habeas corpus is not the appropriate mechanism for challenging conditions of confinement. *Second*, the Petitioner is receiving appropriate and ongoing medical care while in detention, including his medications, and as such, this claim is moot. *Finally*, courts lack jurisdiction to review decisions regarding where an alien is detained.

FACTUAL BACKGROUND

A. Petitioner's Immigration Proceedings

The Petitioner is a native and citizen of Brazil. *See* Ex. A, Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213) dated June 26, 2025. On or about March 30, 2000, he was admitted to the United States at the Orlando International Airport, Florida as a nonimmigrant visitor (B-2 visa) for a period not to exceed September 29, 2000. *Id.* at 2. He remained in the United States beyond September 29, 2000, the time authorized by law. *Id.*; *see also* Declaration of Assistant Field Office Director Keith M. Chan ("AFOD Chan Declaration") ¶¶ 6-7.

In 2016, Petitioner applied for immigration benefits with the U.S. Citizenship and Immigration Service ("USCIS"). *See* Ex. A at 3. On September 29, 2016, USCIS issued a Notice to Appear placing Petitioner in removal proceedings charging him as removable as a visa overstay

pursuant to INA § 237(a)(1)(B). *See* Ex. B, Notice to Appear ("NTA") dated September 29, 2016. On October 13, 2023, those removal proceedings were terminated by the Executive Office of Immigration Review ("EOIR") on Petitioner's motion to terminate based on a deficient NTA. *See* Ex. A at 3.

On April 13, 2018, Petitioner was arraigned in Woburn District Court, Massachusetts for assault and battery. *See id.*; *see also* Ex. C at 1, Composite Criminal Record (*Commw. of Mass.* vs. *Alfredo Nunes Ribeiro*, Docket No. 1853CR000996). The charges were dismissed. *Id.*; *see also* AFOD Chan Declaration ¶ 8.

On May 23, 2023, Petitioner was arraigned in Woburn District Court, Massachusetts for assault and battery on a household/family member. *See* Ex. A at 3; *see also* Ex. D at 1, Composite Criminal Record (*Commw. of Mass. vs. Alfredo Nunes Ribeiro*, Docket No. 2353CR000750A). These charges are pending. *See* Ex. A at 1, 3; *see also* AFOD Chan Declaration ¶ 9.

Following his May 2023 charges for household/family member assault and battery, Petitioner was encountered and taken into ICE custody on June 26, 2025. *See* Ex. A at 2; *see also* Ex. E, Detention History; Ex. F, Form I-200, Warrant of Arrest; AFOD Chan Declaration ¶ 10. At that encounter, Petitioner admitted that he had entered the United States as a visitor in March 2000 and overstayed his authorized stay. *See* Ex. A at 2. At the time of his apprehension, Petitioner was served a Form I-286, Notice of Custody Determination, where he was informed that he would remain in ERO's custody during the pendency of his EOIR proceedings. *See* Ex. G, Form I-286, Notice of Custody Determination; *see also* AFOD Chan Declaration ¶ 11.

On the same day, Petitioner was placed in removal proceedings by issuance of a Notice to Appear, based on his removability as a visa overstay in violation of INA § 237(a)(1)(B) in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, he remained in the United

States for a time longer than permitted in violation of this Act or any other law of the United States. *See* Ex. H at 1-3, NTA dated June 26, 2025; *see also* AFOD Chan Declaration ¶ 12. Petitioner's removal proceedings are ongoing before EOIR.

On June 28, 2025, Petitioner was detained at the Wyatt Detention Center located in Central Falls, Rhode Island. *See* Ex. E. On July 7, 2025, Petitioner requested a bond redetermination hearing before the immigration judge at the Chelmsford Immigration Court. *See* AFOD Chan Declaration ¶ 14. On July 17, 2025, the immigration judge denied Petitioner's bond redetermination request, finding that Petitioner was a danger to the community. *See id.*; *see also* Ex. I, Immigration Judge's Order denying bond dated July 17, 2025. On August 18, 2025, Petitioner appealed the immigration judge's denial of bond to the Board of Immigration Appeals ("BIA"). *See* Ex. J, BIA Filing Receipt for Appeal; *see also* AFOD Chan Declaration ¶ 15. The bond appeal is pending before the BIA. *See id.*

On July 11, 2025, Petitioner was transferred to Federal Correction Institute Berlin ("FCI Berlin"), within the docket control of ERO Boston Field Office and within the jurisdiction of Chelmsford EOIR. *See* Ex. E; *see also* AFOD Chan Declaration ¶ 16. After his July 17, 2025, bond hearing, Petitioner was scheduled for a master calendar hearing before the immigration judge on July 22, 2025. *See* Ex. K, Notice of Hearing for July 22, 2025; *see also* AFOD Chan Declaration ¶ 17. On July 22, 2025, Petitioner attended a master calendar hearing where he admitted to the allegations on his NTA and conceded to removability under INA §237(a)(1)(B). *See* AFOD Chan Declaration ¶ 17. Thereafter, Petitioner was scheduled for a merits hearing on his application for relief on September 30, 2025. *See* Ex. L, Notice of Hearing for September 30, 2025; *see also* AFOD Chan Declaration ¶ 17.

On September 12, 2025, Petitioner was transferred to the Krome North Service Processing Center (Krome) for continuity of medical care. *See* Ex. E; *see also* AFOD Chan Declaration ¶ 18.

On September 16, 2025, Petitioner, through counsel, filed a motion to advance his September 30, 2025, hearing before the Chelmsford Immigration Court. *See* AFOD Chan Declaration ¶ 19. On September 18, 2025, the immigration judge denied the motion. *See id.*; *see also* Ex. M, Order of the Immigration Judge.

On September 26, 2025, ERO Boston filed a Form I-830, Notice to EOIR of Alien Address, advising EOIR that Petitioner was being housed at Krome. *See* Ex. N, Form I-830; *see also* AFOD Chan Declaration ¶ 20. To date, Petitioner's removal proceedings remain with the Chelmsford Immigration Court, while he remains in ICE custody at Krome. *See* Ex. E, Detention History; *see also* Ex. O, Notice of Hearing for October 16, 2025; Ex. P, Immigration Judge's Order granting change of venue, dated October 8, 2025; Ex. Q, Form I-830, Notice to EOIR: Alien Address filed October 6, 2025; AFOD Chan Declaration ¶¶ 20-22.

To date, Petitioner remains in ICE custody at Krome. *See* Ex. E, Detention History; *see also* AFOD Chan Declaration ¶ 22.

B. Petitioner's Medical Care at Krome

To fully apprise the Court, Petitioner's entire 138-page medical record from Krome is filed with this Return. *See* Ex. R, Petitioner's Krome Medical Record. To aid the Court with respect to Petitioner's claim that he is being denied immunosuppressant medication, Respondents provide the following chronological summary of his relevant medical treatment:

Date	Plaintiff's Medical Records Note Summary	Page Citation (Ex. R)
9/12/25	[redacted]	2
9/15/25		2
9/15/25		2
9/15/25 to 9/30/25		3
9/12/25		72-75
9/15/25		66-71
9/15/25		53-55

9/15/25	[redacted]	56-58
9/15/25		59-60
9/15/25		61-63
9/16/25		43, 47-48
9/16/25		43-44

9/16/25	[redacted]	49-50
9/16/25		51-52
9/17/25		38-39
9/17/25		41-42

9/18/25	[redacted]	34-37
9/19/25		32-33
9/20/25		27
9/20/25		28-30
9/23/25		23-24
9/24/25		13-17

[redacted]		
9/24/25	[redacted]	3
9/24/25	[redacted]	18-19
9/24/25	[redacted]	20-22
9/26/25	[redacted]	3
9/27/25	[redacted]	3
9/27/25	[redacted]	12

ARGUMENT

A. Petitioner's Claims Are Not Cognizable Under 28 U.S.C. § 2241.

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 unlawful imprisonment or custody, and it cannot be used for any other purpose." *Cook v. Hanberry*, 592 F.2d 248, 249 (5th Cir. 1979).[1]

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). The Supreme Court has explained that "[c]hallenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus"; however, relief which is sought based upon the "circumstances of confinement" is only proper through a civil action. *Muhammad*, 540 U.S. at 750; *Nelson v. Campbell*, 541 U.S. 637, 643 (2004) (claims challenging the conditions of confinement "fall outside th[e] core [of habeas corpus]" and may be brought in a civil rights action); *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"); *Hutcherson v. Riley*, 468 F.3d 750, 754 (11th Cir. 2006) ("The line of demarcation between a § 1983 civil rights action and a § 2254 habeas claim is based on the effect of the claim on the inmate's conviction and/or sentence.").

---

[1] 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.

Importantly, here, Petitioner does not—because he cannot—claim that he is wrongfully detained under the Immigration and Nationality Act or that his detention is unlawful. *See* Ex. A at 2 (admitted to ICE/ERO Officers on June 26, 2025 that he was in the United States illegally, having overstayed without authorization). Instead, he alleges inadequate medical care, being "housed in tents amid overcrowding with no meaningful access to doctors or medical services," s*ee* ECF No. 1 ¶¶ 9, 12, and invokes "reports" of "notoriously inhumane" conditions at Krome, as well as unrelated, unspecified litigation brought by public interest and advocacy organizations as a basis for *his* claims that he is at risk of "transplant rejection and death." *See id.* This is precisely the type of conditions of confinement claim that is not redressable in a § 2241 habeas petition as it neither attacks the fact nor the duration of his confinement. *See Gorrell v. Hastings*, 541 F. App'x 943, 945 (11th Cir. 2013) (ADA claims not appropriately raised in § 2241 habeas corpus petition); *Gomez v. United States*, 899 F.2d 1124, 1126 (11th Cir. 1990) (observing that even if a prisoner proves a violation, relief of an Eighth Amendment violation does not include release from confinement); *Vaz*, 634 F. App'x at 780-81 (§ 2241 habeas relief not available for inadequate medical care claim by detainee arising under the Fifth Amendment); *see also Chen v. Carlton*, No. 25-cv-21300, 2025 WL 1092379, at *2 (S.D. Fla. Apr. 11, 2025) (same). For this reason alone, the Petition should be denied.

B. Petitioner Is Receiving Constitutionally Appropriate Medical Care at Krome, Including His Immunosuppressant Medications.

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 to punish. *Taylor v. Adams*, 221 F.3d 1254, 1257 (11th Cir. 2000).[2]

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 be drawn that a substantial risk of serious harm exists[] and . . . draw[ing of] the inference." *Id.*

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

---

[2] Petitioner asserts an Eighth and Fifth Amendment claim to support his request for habeas relief. The Fifth Amendment Due Process Clause, not the Eighth Amendment, governs a federal detainee's inadequate medical care claim. *Zadvydas v. Davis*, 533 U.S. 678, 693-94 (2001) ("[T]he Due Process Clause [of the Fifth Amendment] protects an alien subject to a final order of deportation . . . ."). Further, the Due Process Clause of the Fifth Amendment governs federal action. *Rodriguez-Padron v. Immigration & Naturalization Serv.*, 13 F.3d 1455, 1458 n.7 (11th Cir. 1994). Nevertheless, the standard for a federal detainee's treatment under the Fifth Amendment is identical to that under the Eighth. *Daniel v. U.S. Marshall Serv.*, 188 F. App'x 954, 961-62 (11th Cir. 2006).

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).

Respondent recognizes that Petitioner has received a liver transplant and has medical needs based upon that status. However, based on his medical record, Petitioner can make no showing that the care he has received at Krome rises to the level of shocking or repugnant to constitute deliberate indifference. To the contrary, not only is Petitioner receiving his immunosuppressant medications, *see* Ex. R at 3 (start Tacrolimus and Magnesium Oxide on September 24, and start Mycophenolate Mofetil on September 27), he has had regular and ongoing access to medical professionals since the day he arrived at Krome. Indeed, his record shows between September 12, 2025 and September 27, 2025, he was seen, examined, or treated by medical staff *at least 19 times*, including multiple times on several days. *See* Ex. R at 6-77; *see also* Summary Chart, *supra*.

Specifically, on September 12, 2025, the day he arrived, Petitioner was seen for an Intake Assessment where it was noted that he had a history of a liver transplant for which he was taking Tacrolimus and Magnesium, among other medications, on a regular basis. *Id.* at 72-75. At that encounter, he reported feeling "okay." *Id.*

On September 15, 2025 he received a more comprehensive screening where he reported no pain and was in no acute distress. *Id.* at 66-71. That same day, Petitioner was admitted to the Segregated Medical Housing Unit for isolation from airborne infection, where he had no less than five (5) encounters with Krome Medical Staff. *Id.* at 3, 66-71(Initial), 53-55 (MHU Night Nursing Rounds), 56-58 (MHU 23-hour Observation), 59-60 (Sputum Collection), and 61-63 (PPDTST/Plant). Throughout that day, the record reflects that Petitioner was stable, reported no pain, was not in distress, and had no complaints, problems, or concerns.

The record shows that at every subsequent encounter, Petitioner reported no pain, no concerns or complaints, appeared alert, comfortable, and in no distress. This includes: three (3) encounters on September 16, *see id.* at 43-44, 47-52; two (2) encounters on September 17, *see id.* at 38-39, 41-42; one (1) encounter on September 18, *see id.* at 34-37; one (1) encounter on September 19, *see id.* at 32-33; two (2) encounters on September 20, *see id.* at 27-30; one (1) encounter on September 23, *see id.* at 23-24; and three (3) encounters on September 24, *see id.* at 13-22. In addition, in connection with his status as a liver transplant recipient, Petitioner was referred for an "ABD ultrasound" and Hepatology consult on September 24. *Id.* at 124-135.

Based on the foregoing multiple medical encounters, evaluations, testing, and medications orders, it is clear that Petitioner cannot show that he has received inadequate—let alone *constitutionally* deficient—medical care at Krome.

C. Even If Petitioner Could Show Deliberate Indifference to a Serious Medical Need, the Issue Is Moot.

"[A] case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Powell v. McCormack*, 395 U.S. 486, 496 (1969). "Put another way, '[a] case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.'" *Fla. Ass'n of Rehab. Facilities, Inc. v. Fla. Dep't of Health & Rehab. Servs.*, 225 F.3d 1208, 1216-17 (11th Cir. 2000) (quoting *Ethredge v. Hail*, 996 F.2d 1173, 1175 (11th Cir.1993)).

On September 24, 2025, Petitioner started Tacrolimus 1 MG, 3 capsules twice a day, and Magnesium Oxide 400 MG 1 tablet twice a day. *See* Ex. R at 3. On September 27, 2025, he started Mycophenolate Mofetil 500 MG 2 tablets twice a day. *Id.* To the extent Petitioner had not received his medications at the time the Petition was filed, there can be no question he is receiving them now. As such, to the extent that Petitioner seeks his immunosuppressant medication, the case "no

longer presents a live controversy with respect to which the court can give meaningful relief," and the Petition should be denied as moot. *Ethredge*, 996 F.2d at 1175; *Keohane*, 952 F.3d at 1270 (dismissing as moot a deliberate indifference to a serious medical need claim where the treatment sought was provided shortly after a petition for a writ of habeas corpus was filed).

D. The Court Lacks Jurisdiction to Review Discretionary Decisions Regarding Where an Alien is to be Detained.

Petitioner alleges that, while he was detained at FCI Berlin, New Hampshire, he had access to medical care, was near his family and legal counsel in Massachusetts, and that his transfer to Krome "without notice and justification" was "arbitrary and abusive," in violation of ICE policies and the Administrative Procedure Act, 5 U.S.C. § 706. *See* ECF No. 1 ¶¶ 7-8, and COUNT III.[3] He requests an order from this Court transferring him back to FCI Berlin or another facility in Massachusetts. *Id.*

Petitioner's challenge to his transfer and ongoing detention at Krome fails for the same reason as his first basis for habeas relief—it attacks neither the fact nor duration of his confinement. It fails for the additional reason that Congress has vested DHS/ICE with the authority to enforce the nation's immigration laws which includes the authority to determine the location of detention of an alien in deportation proceedings and to transfer aliens from one detention center to another.

Indeed, numerous courts have recognized that under 8 U.S.C. § 1252(a)(2)(B)(ii), jurisdiction is lacking to enjoin or order the transfer of a detainee to or from another place of

---

[3] Petitioner claims that his transfer had the result of "severing [his] access to counsel …" ECF No. 1 ¶ 8. However, his own Petition undermines this claim. He contends that his counsel requested that he be transferred back to FCI Berlin or Massachusetts, *see id.* ¶ 10, and that he "filed a CRCL complaint." *Id.* ¶ 10. In addition, the record shows that on September 16, 2025, Petitioner, through counsel, filed a motion to advance his September 30, 2025, hearing before the Chelmsford Immigration Court. *See* AFOD Chan Declaration ¶ 19.

detention. Section 1252(a)(2)(B) specifically provides that "no court shall have jurisdiction to review any action of the Attorney General the authority for which is specified under this subchapter to be in the discretion of the Attorney General."[4] 8 U.S.C. § 1252(a)(2)(B)(ii). In turn, under 8 U.S.C. § 1231(g)(1), which falls within the subchapter provides that the "Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal." 8 U.S.C. § 1231(g)(1).

This Court should do the same and decline to hear any claim regarding Petitioner's place of confinement. *See, e.g., Calla-Collado v. Attorney General of the United States*, 663 F.3d 680, 685 (3d Cir. 2011) (Congress vested DHS "with authority to enforce the nation's immigration laws[,]" and that, as a "part of DHS, ICE 'necessarily has the authority to determine the location of detention of an alien in deportation proceedings ... and therefore, to transfer aliens from one detention center to another'") (quotation and citation omitted); *Sinclair v. Attorney General of the United States*, 198 F. App'x 218, 222 n. 3 (3rd Cir. 2006) (same, and listing cases); *Van Dinh v. Reno*, 197 F.3d 427, 433 (10th Cir. 1999) (citing 8 U.S.C. § 1231(g)(1), concluding no authority to dictate to DHS where petitioner should be housed); *Rios–Berrios v. INS*, 776 F.2d 859, 863 (9th Cir. 1985) (interpreting former statute now codified as § 1231(g)); *Jane v. Rodriguez*, No. 20-5922, 2020 WL 10140953, at *2 (D.N.J. May 22, 2020) (recognizing DHS' discretion to detain and set detention locations and transfers during COVID-19); *Vasquez-Ramos v. Barr*, No. 20-cv-6206-

---

[4] Although the statute and regulations refer to the "Attorney General," these references should, in light of the Homeland Security Act of 2002, be read as references to the Secretary of Homeland Security. *See* Homeland Security Act § 471, 6 U.S.C. § 291 (abolishing the former Immigration and Naturalization Service); *id.* § 441, 6 U.S.C. § 251 (transferring immigration enforcement functions from the Department of Justice to the Department of Homeland Security); 8 U.S.C. § 1103(a)(1) ("The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens . . . .").

FPG, 2020 WL 13554810, at *4 (W.D.N.Y. June 26, 2020) (citing, *Salazar v. Dubois*, No. 17-cv-2186 (RLE), 2017 WL 4045304, at *1 (S.D.N.Y. Sept. 11, 2017) (discretion referred to in § 1252(a)(2)(B)(ii) "encompasses the Attorney General's authority to 'arrange for appropriate places of detention for aliens detained pending removal or a decision on removal.'"); *Lway Mu v. Whitaker*, 18-cv-06924, 2019 WL 2373883, at *5 (W.D.N.Y. June 4, 2019) (declining to order DHS to house petitioner in a specific facility, citing § 1231(g)(1)); *Tercero v. Holder*, No. 12-cv-0246, 2012 WL 8667571, at *3 (D.N.M. Oct. 4, 2012) (court lacked jurisdiction under § 1231(g)(1) over attorney general's decision to detain aliens in New Mexico pending proceedings in Texas); *Kapiamba v. Gonzalez*, No. 07-cv-335, 2007 WL 3346747 (W.D. Mich., Nov. 7, 2008) (finding that attorney general's decision to detain petitioner in a particular facility unreviewable under § 1231(g)(1)). For this additional reason, the Petition should be denied.

CONCLUSION

For all the reasons set forth above, the Court should deny the Petition with prejudice.

Dated: October 14, 2025

Respectfully submitted,

JASON A. READING QUIÑONES
UNITED STATES ATTORNEY

By: */s/ Jennifer R. Andrade*

JENNIFER R. ANDRADE
Assistant U.S. Attorney
Federal Bar No. A5503107
United States Attorney's Office
Southern District of Florida
99 NE 4th Street, Suite 300
Miami, FL 33132
Telephone: (305) 961-9313
Email: Jennifer.Andrade@usdoj.gov

Counsel for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 14, 2025, a true and correct copy of the foregoing was hand-delivered on the following by personnel at Krome:

Alfredo Nunes Ribeiro
A[redacted]
Krome Service Processing Center
Inmate Mail/Parcels
18201 S.W. 12th Street
Miami, Florida 33194
Pro se Petitioner

Jennifer R. Andrade
JENNIFER R. ANDRADE
Assistant U.S. Attorney