UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

DANIEL LAZARO GONZALEZ OROPEZA	**CIVIL ACTION**
VERSUS	**NO. 25-991-SDD-SDJ**
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, et al.	

RESPONSE TO PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 BY RESPONDENTS U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND PAMELA BONDI

Pursuant to the Court's November 25, 2025, *Order*, Federal Respondents, U.S. Immigration and Customs Enforcement and Pamela Bondi,[1] provide this response to *pro se* Petitioner Daniel Lazaro Gonzalez Oropeza's *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 ("Petition")*. R.Doc. 4. *Pro Se* Petitioner Daniel Lazaro Gonzalez Oropeza ("Petitioner" or "Mr. Gonzalez Oropeza") requests that the Court order "immediate release from ICE custody." R.Doc. 1, p. 7. Citing *Zadvydas v. Davis*, 533 U.S. 678 (2001), Petitioner claims that his removal is not reasonably foreseeable in the future because "[t]here exists no repatriation agreement between Cuba and the U.S." R. Doc. 1-1, p. 4. For the following reasons, Mr. Gonzalez Oropeza's *Petition* should be denied.

---

[1] Petitioner did not name Attorney General Pamela Bondi in his *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241*. But to the extent the Court construes Attorney General Bondi as the real party in interest in this matter, this response is filed on her behalf too. Additionally, the undersigned does not represent Kevin Jordan, Warden, Louisiana ICE Processing Center, because he is not a federal employee. However, all arguments made on behalf of the remaining Respondents apply with equal force to Warden Jordan as he is detaining the Petitioner at the request of the United States.

I. FACTUAL AND PROCEDURAL BACKGROUND

Mr. Gonzalez Oropeza is a native and citizen of Cuba. *See* **Ex. A**, Declaration of Lisa P. Fruge-Prudhome, at 1. He was paroled into the United States at or near Miami, Florida, on or about October 10, 1997, and became a Lawful Permanent Resident on April 10, 2001. *Id*, ¶ 4.

Less than seven years later, Mr. Gonzalez Oropeza received his first criminal conviction. He was convicted of assault on January 30, 2008, in Miami-Dade County, State of Florida. **Ex. B**, Notice to Appear, at 1. A few years later, on August 15, 2011, Mr. Gonzalez Oropeza was convicted of manslaughter with a deadly weapon and sentenced to ten years' incarceration in the Florida Department of Corrections. *Id.* Most recently, on or about July 9, 2025, he was arrested in Miami and booked into the Turner Guiford Knight Jail. **Ex. A**, ¶ 7.

Shortly after Petitioner's conviction for manslaughter, removal proceedings were initiated. On October 17, 2011, a Notice to Appear ("NTA") was issued. **Ex. B**, at 1. The NTA charged Mr. Gonzalez Oropeza as being removable under Section 237(a)(2)(A)(iii) of the Immigration Nationality Act. *Id.* This provision of the INA authorizes removal of "[a]ny alien who is convicted of an aggravated felony at any time after admission."[2] A Final Order of Removal was entered on September 11, 2012,[3] and Mr. Gonzalez Oropeza was personally served with a copy of the removal order on the same date. **Ex. C**, Final Order of Removal.

On July 9, 2025, a Warrant of Removal/Deportation was issued for Mr. Gonzalez Oropeza. *See* **Ex. D**, Warrant of Removal/Deportation, at 1. Petitioner was placed in ICE custody on or about July 16, 2025,[4] where it was determined he would be held pending removal. On September 2, 2025, Petitioner was transferred to the Louisiana ICE Processing Center. **Ex. A**,

---

[2] 8 U.S.C. § 1227(a)(2)(A)(iii).
[3] In his *Petition*, Mr. Gonzalez Oropeza lists his date of removal order as May 2014. R. Doc. 1, p. 4.
[4] In his *Petition*, Mr. Gonzalez Oropeza states he was taken into immigration custody on June 12, 2025. R. Doc. 1, p. 4. However, he was not taken into custody until after his July 8, 2025, arrest in Miami.

¶ 8. On October 7, 2025, Petitioner was issued a Notice of Removal stating that it was ICE's intention to remove him to Mexico. **Ex. A**, at 2, ¶ 9. On or about November 18, 2025, ERO was notified that Gonzalez Oropeza was not eligible to be removed to Mexico because of his age. *Id.*, ¶ 10. However, on or about December 10, 2025, ERO received notice that Mexico would accept those in Petitioner's age group. Mr. Gonzalez Oropeza is expected to be transferred to Arizona to be removed to Mexico on or about December 22, 2025. *Id.*, ¶ 12.

On October 27, 2025, Mr. Gonzalez Oropeza filed a *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241*. R. Doc. 1. Mr. Gonzalez Oropeza asserts that the Court has jurisdiction under 28 U.S.C. § 2241, the Suspension Clause (article I Section 9 clause 2 of the United States Constitution), and 28 U.S.C. Section 1331. R.Doc. 1-1, p. 5. He further asserts that the Court may grant relief under 28 U.S.C. § 2241, 5 U.S.C. § 702, and 28 U.S.C. § 1651 (All Writs Act). R.Doc. 1-1, p. 5. Respondents concede that the Court has jurisdiction under 28 U.S.C. § 2241 because Mr. Gonzalez Oropeza's only challenge is to the lawfulness of his detention.

II. LAW

A. The Relevant Removal Statutes Under the INA

Because Mr. Gonzalez Oropeza is currently subject to a final order of removal, the statutory basis for his detention is 8 U.S.C. § 1231. That statute requires the Government to "remove the alien from the United States within a period of 90 days (in this section referred to as the 'removal period')." 8 U.S.C. § 1231(a)(1)(A).

"During the removal period, the Attorney General shall detain the alien," and "[u]nder no circumstance during the removal period shall the Attorney General release an alien who has been found inadmissible under section 1182(a)(2) or 1182(a)(3)(B) of this title or deportable under

section 1227(a)(2) or 1227(a)(4)(B) of this title."[5] 8 U.S.C. § 1231(a)(2)(A); *see also* 8 C.F.R. § 241.3(a). This mandatory detention provision is applicable to Mr. Gonzalez Oropeza because an immigration judge found Mr. Gonzalez Oropeza subject to removal pursuant to Section 237(a)(2)(A)(iii)[6] of the Immigration and Nationality Act, as amended, which states that "[a]ny alien who is convicted of an aggravated felony at any time after admission is deportable." **Ex. B**, at 1.

However, even after the 90-day removal period, the alien's release from detention is not guaranteed. "An alien ordered removed who is inadmissible under section 1182 of this title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title 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, may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in" 8 U.S.C. § 1231(a)(3). 8 U.S.C. § 1231(a)(6). The decision regarding release is discretionary. The Supreme Court has held that 8 U.S.C. § 1231(a)(6) does not require bond hearings for aliens after six months of detention or require the Government to bear the burden of proving by clear and convincing evidence that an alien poses a flight risk or a danger to the community. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 576 (2022).

Importantly, the alien has the burden to "demonstrate[] to the satisfaction of the Attorney General or her designee that his or her release will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending such alien's removal from the United States." 8 C.F.R. § 241.4(d)(1). "Before making any recommendation or

---

[5] The INA references the Attorney General and is cited in this brief as written. However, while the Attorney General once exercised this authority, much of it has now been transferred to the Secretary of Homeland Security. *See Clark v. Martinez*, 543 U.S. 371, 374 n.1 (2005). Many of the INA's references to the Attorney General are now understood to refer to the Secretary. *Id.*; *see also* Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002).

[6] 8 U.S.C. § 1227(a)(2)(A)(iii).

decision to release a detainee," the pertinent reviewing officials "must conclude that: (1) Travel documents for the alien are not available or, in the opinion of the Service, immediate removal, while proper, is otherwise not practicable or not in the public interest; (2) The detainee is presently a non-violent person; (3) The detainee is likely to remain nonviolent if released; (4) The detainee is not likely to pose a threat to the community following release; (5) The detainee is not likely to violate the conditions of release; and (6) The detainee does not pose a significant flight risk if released." *Id.* § 241.4(e). Further, 8 C.F.R. § 241.4(f) sets forth eight factors, which "should be weighed in considering whether to recommend further detention or release of a detainee . . . ."

Through 8 U.S.C. § 1231(b)(1)-(2), Congress has provided for the determination of a country to which an alien with a final order of removal may be removed. But should it become infeasible to remove an alien to the country designated in their final order of removal, Congress has provided a fail-safe option: permitting removal to "another country whose government will accept the alien into that country." 8 U.S.C. § 1231(b)(2)(E)(vii); *cf. also id.* § 1231(b)(1)(C)(iv). Removals under this provision are referred to as "third-country removals."

B. U.S. Supreme Court Decision: *Zadvydas v. Davis*

Mr. Gonzalez Oropeza is challenging the length of his detention post-final order of removal under 8 U.S.C. § 1231(a). He further claims his continued detention contravenes the Supreme Court's holding in *Zadvydas*.

In *Zadvydas*, the Supreme Court analyzed detention under 8 U.S.C. § 1231(a)(6). The case concerned two aliens—Kestutis Zadvydas and Kim Ho Ma—who filed petitions for habeas relief in district courts within the Fifth and Ninth Circuits, respectively. Mr. Zadvydas "ha[d] a long criminal record," a "history of flight," and a 1994 final deportation order to Germany.

Zadvydas, 533 U.S. at 684. Germany refused to accept him, as did Lithuania and the Dominican Republic. *Id.* Despite these prolonged and fruitless efforts, the Fifth Circuit required Mr. Zadvydas to demonstrate his removal was "impossible" before he could secure habeas relief. *Id* at 702. Mr. Ma, a Cambodian national, had a history of "gang membership," was convicted of an "aggravated felony," and received a final order of removal, for which his 90-day removal period expired in "early 1999." *Id.* at 685. He argued his removal was unforeseeable in the absence of a repatriation treaty between the United States and Cambodia. The Ninth Circuit agreed without giving due consideration to future Government negotiations. *Id.* at 702.

The Supreme Court established a middle ground. Analyzing the substance and purpose of 8 U.S.C. § 1231, the Supreme Court first acknowledged that "post-removal-period detention [is limited] to a period reasonably necessary to bring about that alien's removal from the United States." *Id.* at 689. "[O]nce removal is no longer foreseeable, continued detention is no longer authorized by statute." *Id.* at 699. Recognizing the Executive Branch's constitutional responsibility over foreign policy, the Court thought "it practically necessary to recognize some presumptively reasonable period of detention" and settled on a period of six months. *Id.* at 700-701. However, "[t]his 6-month presumption . . . does not mean that every alien not removed must be released after six months." *Id.* at 701. Rather, "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 Court thus endorsed a two-step approach: "*After this 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." *Id.* at 701. (emphasis added). So, this six-month period of time is a

"presumptively reasonable period of detention" after which an alien may "provide[] good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future." *Id.*

III. ARGUMENT

A. Because Mr. Gonzalez Oropeza Filed His Petition within the Presumptively Reasonable 6-Month Period of His Detention, His Petition is Premature and Should be Denied

As previously discussed, the six-month term set forth in *Zadvydas* is a "presumptively reasonable period of detention" after which an alien may "provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 699. At least two Fifth Circuit cases have denied petitions for writ of habeas corpus as premature where the period of post-removal-order detention is under six months. *Agyei-Kodie v. Holder*, 418 F. App'x. 317, 318 (5th Cir. 2011) ("any challenge to [petitioner's] continued post removal order detention is premature"); *see also Chance v. Napolitano*, 453 F. App'x. 535 (5th Cir. 2011) (same). And many recent district court cases in the Western District of Louisiana, Southern District of Texas, and the Northern District of Texas have followed this line of reasoning.[7]

In this case, Petitioner filed his *Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241* on October 27, 2025. Upon information and belief, Petitioner's detention began on or about July 16, 2025. Therefore, at the time he filed his *Petition*, Mr. Gonzalez Oropeza had been detained for less than four months. And, at the time of this filing—December 22, 2025—

[7] *Enwonwu v. Joyce*, No. 6:25-CV-0232, 2025 WL 2112712, at *3 (W.D. La. May 14, 2025); *Qasem A. v. DHS ICE*, No. 3:25-CV-841-L-BK, 2025 WL 2816816, at *2 (N.D. Tex. July 18, 2025); *Etadafimue v. Noem*, No. 1:25-CV-00282, 2025 WL 2252585, at *1 (W.D. La. July 11, 2025), *report and recommendation adopted*, No. 1:25-CV-00282, 2025 WL 2248942 (W.D. La. Aug. 6, 2025); *Kakhidze v. Venegas*, No. 1:25-CV-136, 2025 WL 2411229, at *1 (S.D. Tex. Aug. 20, 2025); *Kim v. Warden, S. Louisiana ICE Processing Ctr.*, No. 6:25-CV-00912, 2025 WL 2451094, at *1 (W.D. La. Aug. 8, 2025), *report and recommendation adopted*, No. 6:25-CV-00912, 2025 WL 2444595 (W.D. La. Aug. 25, 2025); *Mbaye v. US Immigr. & Customs*, No. 6:25-CV-01449, 2025 WL 3213782, at *1 (W.D. La. Oct. 7, 2025), *report and recommendation adopted*, No. 6:25-CV-01449, 2025 WL 3209030 (W.D. La. Nov. 17, 2025).

Petitioner will have been detained in ICE custody for less than six months. Based on the foregoing Fifth Circuit decisions in *Agyei-Kodie v. Holder* and *Chance v. Napolitano*, and the recent district court case law within the Fifth Circuit, Mr. Sanchez's Petition should be denied as premature.

B. Mr. Gonzalez Oropeza's Petition Should be Denied Because He Cannot Satisfy His Initial Burden of Showing That His Removal is Not Reasonably Foreseeable

Relying on *Zadvydas*, Petitioner states that his detention is not authorized because his removal to Cuba is not significantly likely to occur in the reasonably foreseeable future. R.Doc. 1-1, pp. 4, 10. Here, Mr. Gonzalez Oropeza's argument mirrors that made by Mr. Ma in *Zadvydas*. Like Mr. Ma, Petitioner's entire argument turns on the lack of a repatriation agreement between the United States and his country of national origin, Cuba. Mr. Gonzalez Oropeza contends that his removal is not reasonably foreseeable due to an alleged lack of diplomatic relationship between the United States and Cuba; therefore, his "indefinite detention" violates 8 U.S.C. § 1231 and is unconstitutional.

It is true that foreseeability of removal is the touchstone of the *Zadvydas* inquiry, but that does not negate the fact that Mr. Gonzalez Oropeza still "bears the initial burden of proof in showing that no such likelihood of removal exists." *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006). And, "[c]onclusory statements" asserted by the Petitioner, without more, are insufficient to satisfy this burden. *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006).[8]

Additionally, "a detained person who brings a *Zadvydas* claim before the presumptively reasonable six-month period has run will have a harder time establishing a right to relief."

[8] *See also Abdimalikkhuzha v. US Immigration & Customs Enforcement*, No. 1:25-CV-00261, 2025 WL 1196008, at *1 (W.D. La. Apr. 23, 2025) (same and citing *Andrade*) ("[w]hen a petitioner comes forward with nothing more than conclusory allegations, he fails to shift the burden to the government under *Zadvydas*"); *Shah v. Wolf*, No. 3:20-CV-994-C-BH, 2020 WL 4456530, at *2-4 (N.D. Tex. July 13, 2020) ("Speculation and conjecture are not sufficient to carry this burden; nor is a 'lack of visible progress' in his removal sufficient in and of itself to show no significant likelihood of removal in the reasonably foreseeable future."), *report and recommendation adopted*, No. 3:20-CV-994-C-BH, 2020 WL 4437484 (N.D. Tex. Aug. 3, 2020).

Puertas-Mendoza v. Bondi, No. SA-25-CA-00890-XR, 2025 WL 3142089, at *2 (W.D. Tex. Oct. 22, 2025). If such a claim is brought before the presumptively six-month period has run, then instead of simply "provid[ing] [a] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future . . . they must *prove* 'that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* (emphasis original) (quoting *Zadvydas*, 533 U.S. at 701).

Respondents acknowledge that ICE has been unable to remove Mr. Gonzalez Oropeza to Cuba. But the fact that one country—Cuba—has refused to accept Petitioner, does not mean that there is no significant likelihood of Mr. Gonzalez Oropeza's removal in the reasonably foreseeable future. As previously addressed, in the event an alien cannot be removed to the country designated in their final order of removal, removal may be permitted to "another country whose government will accept the alien into that country." 8 U.S.C. § 1231(b)(2)(E)(vii); *cf. also id.* § 1231(b)(1)(C)(iv). So even if Cuba is not a viable country for Mr. Gonzalez Oropeza's removal, he has failed to offer any evidence showing or demonstrating that he cannot be removed to another third-country. As such, Petitioner has not carried his initial burden of providing a good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future.

Moreover, Respondents have already made a good faith attempt to remove Petitioner to Mexico on November 18, 2025—well within the Petitioner's presumptively reasonable period of detention. **Ex. A**, at 2, ¶ 10. Mexico, however, had recently begun denying Cubans over the age of 60 years of age. Because of Petitioner's age—61—he was originally deemed ineligible for removal by the Mexican Government. However, on or about December 10 ,2025, ERO received notice that Mexico would accept those in Petitioner's age group. *Id.*, ¶ 11. As a result, Mr.

Gonzalez Oropeza is expected to be transferred to Arizona to be removed to Mexico on or about December 22, 2025. *Id.*, ¶ 12. ICE's past and ongoing efforts clearly demonstrate ICE's intention of removing Mr. Gonzalez Oropeza from the United States. Whereas Petitioner's conclusory allegations without more fail to carry his initial burden of showing that his removal is not reasonably foreseeable. Accordingly, Mr. Gonzalez Oropeza's Petition should be denied.

C. Petitioner's Continued Detention is Necessary Because He Poses a Danger to the Community

Additionally, based on Mr. Gonzalez Oropeza's criminal history his continued detention is also necessary to secure his presence for removal from the United States. *See Zadvydas*, 533 U.S. at 690.[9] Between 2008 and 2011, Mr. Gonzalez Oropeza was convicted of assault and manslaughter with a deadly weapon. **Exs. E-F**. Petitioner's criminal history illuminates the danger he poses to the community and that his continued detention is warranted and necessary to execute his removal. In the alternative, the Respondents urge the Court to order Mr. Gonzalez Oropeza to comply with the conditions of release set forth in 8 C.F.R. § 241.5 and an Order of Supervision.

[9] In *Tran v. Mukasey*, 515 F.3d 478, 483-85 (5th Cir. 2008), the Fifth Circuit held that a risk of danger to the community based on an alien's mental illness does not justify continued, indefinite detention. However, for the reasons discussed above, the Government does not contend that Petitioner's current detention is indefinite. To the contrary, ICE is actively working to secure Petitioner's removal to a third country. Mr. Gonzalez Oropeza's criminal history therefore provides an additional basis for why release is not appropriate while ICE continues processing him for removal.

IV. CONCLUSION

For the foregoing reasons, the Federal Respondents respectfully request that the Court deny Daniel Lazaro Gonzalez Oropeza's *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241*.

Baton Rouge, Louisiana, this 19th day of December, 2025.

UNITED STATES OF AMERICA, by

KURT WALL
UNITED STATES ATTORNEY

/s/ Monica Griffith-Braud
Monica Griffith-Braud, LBN 33162
Assistant United States Attorney
451 Florida Street, Suite 300
Baton Rouge, Louisiana 70801
Telephone: (225) 389-0443
Fax: (225) 389-0685
E-mail: monica.griffith-braud@usdoj.gov

CERTIFICATE OF SERVICE

A filed copy of this *Response to Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241* was mailed to the petitioner, Daniel Lazaro Gonzalez Oropeza, at the Louisiana ICE Processing Center, Attn: Raymond Louis, 17544 Tunica Trace, Angola, LA 70712.

/s/ Monica Griffith-Braud
Monica Griffith-Braud, LBN 33162
Assistant United States Attorney

LIST OF EXHIBITS

Respondents submit the attached exhibits with this response:

Exhibit No.	Description
A	Declaration of Lisa D. Fruge-Prudhome
B	Notice to Appear
C	Final Order of Removal, September 11, 2012
D	Warrant of Removal/Deportation
E	State Criminal Records, Part 1
F	State Criminal Records, Part 2