

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

AHMED BABATUNDE BELLO,

Petitioner,

v.

Case No. 3:25-cv-1379-WWB-PDB

Warden of North Florida Detention Facility; Current or Acting Field Office Director, Jacksonville Field Office, U.S. Immigration and Customs Enforcement (“ICE”); Current or Acting Director, U.S. ICE; Current or Acting Director, U.S. Department of Homeland Security (“DHS”); and Current or Acting United States Attorney General.

Respondents.

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**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

The Federal Respondents,<sup>1</sup> and the Warden of the North Florida Detention Center (“NFDC”)<sup>2</sup> (collectively, the “Respondents”), hereby respond to Plaintiff’s Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. Doc. 1. As set forth below, the Court should deny habeas relief and dismiss the Petition because Petitioner

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<sup>1</sup> Garrett Ripa is the Field Office Director for the U.S. ICE Enforcement and Removal Operations (“ERO”) covering Florida, which includes the Jacksonville Field Office. Kristi Noem is the Secretary of DHS. Pamela Bondi is the United States Attorney General.

<sup>2</sup> NFDC is operated out of the now closed Baker Correctional Institute in Sanderson, Florida. The facility now has a new name although it is the same place. Ronnie Woodall was the Warden at the Baker Correctional Institute when it was operated by the State of Florida as a men’s prison, *see* [www.fdle.state.fl.us](http://www.fdle.state.fl.us), but at the time of this filing, there is not a named person as the facility administrator of the NFDC.

has not met his requisite burden; namely, to demonstrate that there is good reason to believe that there is no significant likelihood of his removal from the United States in the foreseeable future. As discussed below, U.S. Department of Homeland Security (“DHS”) officials have been working diligently to effectuate Petitioner’s removal and expect that he will be removed in the reasonably foreseeable future. As such, the Petition should be dismissed. In support thereof, Respondents state the following:

**I. BACKGROUND**

1. Petitioner, Ahmed Babatunde Bello, is a 39-year-old male with an expired—expired on May 31, 2016—passport from the Federal Republic of Nigeria. *See Exhibit A* (Declaration of Deporting Officer Luke Tine dated December 15, 2025).

2. On or about January 1, 2012, Petitioner was admitted to the United States on a student visa, specifically to attend California Baptist University. *Id.* at ¶ 4. Despite being admitted to attend school, Petitioner failed to enroll and his status was terminated on January 31, 2012. *Id.*

3. On April 10, 2013, Petitioner was encountered after an arrest for forgery. Petitioner was issued a Notice to Appear (“NTA”) charging Petitioner with failing to comply with the conditions of his admission and released on his own recognizance. *See Exhibit B* (NTA dated April 10, 2023). The NTA was filed with the immigration court, placing Petitioner in removal proceedings.

4. On June 20, 2018, Petitioner was scheduled to appear for an immigration court hearing and failed to appear. The Immigration Judge (“IJ”), therefore, ordered Petitioner’s removal in absentia under the Immigration and Nationality Act (“INA”) § 237(a)(1)(C)(i) (as an alien who has failed to maintain the nonimmigration status for which he was admitted). Exhibit A at ¶ 5.

5. In September 2024, Petitioner filed a motion to reopen and rescind his in-absentia removal order, claiming lack of notice of the hearing, which triggered an automatic stay. *Id.* at ¶ 6.

6. On February 19, 2025, while Petitioner’s motion to re-open was pending, Petitioner was encountered and detained by Customs and Border Protection (“CBP”) at a Transportation Security Administration (“TSA”) checkpoint after determination that Petitioner had an outstanding removal order. *Id.* at ¶ 7. Petitioner had been detained on February 15. *See Doc. 1 at ¶ 19.* In Form I-213 (Petitioner’s Record of Deportable/Inadmissible Alien), Petitioner’s criminal record reflected convictions for: a) receiving known stolen property (May 17, 2013), for which Petitioner was convicted and sentenced to five years of probation and 128 days in jail; and b) three counts of receiving known stolen property (May 27, 2022), for which Petitioner was sentenced to two years of probation and 150 days in jail. *See Exhibit C* (Petitioner’s Form I-213).

7. On February 27, 2025, the immigration court denied Petitioner’s motion to re-open and the initial stay was lifted. *See Exhibit A at ¶ 8.*

8. On March 21, 2025, Petitioner filed a second motion to re-open to rescind the in-absentia order and additionally filed an emergency motion to stay. *Id.* at ¶ 9.

9. On March 27, 2025, a travel document request packet was initiated with the Nigerian Consulate. *Id.* at ¶ 10. Throughout April 2025, the United States Immigration and Customs Enforcement (“ICE”) took additional measures to pursue the issuance of travel documents for Petitioner and had Petitioner scheduled for removal the week of May 19, 2025. *Id.* at ¶¶ 11-14. By May 2025, Enforcement and Removal Operations (“ERO”) “issued a decision to continue Petitioner’s detention, citing Petitioner’s criminal history and the existence of a significant likelihood of removal in the reasonably foreseeable future,” and the Immigration court denied Petitioner’s motion to re-open. *Id.* at ¶¶ 16-17.

10. On June 12, 2025, Petitioner’s stay of removal was granted by the Board of Immigration Appeals (“BIA”). *See Exhibit D* (Stay Order). Accordingly, Petitioner did not board Petitioner’s departing flight, which was scheduled for the week of June 16, 2025. *See Exhibit A* at ¶ 20. and Petitioner’s temporary travel documents expired while Petitioner’s appeal was under review at the BIA.

11. On July 2, 2025, ICE received temporary travel documents for Petitioner. However, ICE could not take action to pursue Petitioner’s removal at this time due to the granting of Petitioner’s motion to stay removal. *Id.* at ¶ 21-22.

12. On July 16, 2025, Petitioner’s temporary travel documents expired while Petitioner’s appeal was under review at the BIA. *Id.* at ¶ 23.

13. On August 29, 2025, ERO issued another decision to continue detention, citing Petitioner’s criminal history and the existence of a significant likelihood of removal in the reasonably foreseeable future. *Id.* at ¶ 25.

14. On October 20, 2025, the BIA vacated Petitioner’s motion to stay and the appeal was dismissed. *Id.* at ¶ 27; *See also*, **Exhibit E** (Order Dismissing Appeal).

15. On November 18, 2025, Petitioner filed this action pursuant to 28 U.S.C. § 2241. Doc. 1. Specifically, Petitioner seeks “release within 30 days unless Respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger; and (2) if the government cannot meet its burden, the immigration judge order Petitioner’s release on appropriate conditions of supervision, taking into account Petitioner’s ability to pay a bond.” *Id.* at 14.

16. On December 12, 2025, Petitioner refused to cooperate with the signing forms needed to pursue updated travel documents for Petitioner’s removal. *See* Exhibit A at ¶ 30. ERO requested updated travel documents from the Nigerian Consulate.

17. As of today’s date, December 19, 2025, Petitioner has been in custody—detained at the NFDC (Baker Correctional Institution—for approximately 303 days since his detention on February 19, 2025. *See* Exhibit A at ¶¶ 7 & 27.

## II. LEGAL STANDARDS

Federal Rule of Civil Procedure 12(b)(1) requires dismissal of claims where the Court “lack[s] jurisdiction over the subject matter.” Fed. R. Civ. P. 12(b)(1). A motion to dismiss may be brought pursuant to Fed. R. Civ. P. 12(b)(1) through a facial challenge or a factual challenge. *Kennedy v. Floridian Hotel, Inc.*, 998 F.3d 1221, 1230 (11th Cir. 2021). “A facial attack challenges whether a plaintiff “has sufficiently alleged a basis of subject matter jurisdiction, and the allegations in his complaint are taken as true for the purposes of the motion.” *Id.* By contrast, a factual attack “challenges the existence of subject matter jurisdiction irrespective of the pleadings, and extrinsic evidence may be considered.” *Id.*

Federal Rule of Civil Procedure 12(b)(6) tests the legal sufficiency of the complaint. To survive a motion to dismiss under this Rule, a complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

## III. MEMORANDUM

Generally, this Court has jurisdiction to consider a challenge to a petitioner’s continued detention in habeas corpus proceedings. *See Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491 (2001). While the Court has jurisdiction to consider Petitioner’s

challenge to his continued detention, the Petition should be dismissed because Petitioner has failed to establish that his ICE detention is unlawful.

The relevant detention provisions governing Petitioner's detention is § 241(a) of the INA, as amended 8 U.S.C. § 1231(a), which covers detention following entry of a final removal order. This provision generally affords the Attorney General a 90-day period to accomplish removal. *See* 8 U.S.C. § 1231(a)(1)(A). The statute provides that, in certain circumstances, the Attorney General may continue to detain an alien after expiration of the 90-day removal period when the alien is:

An alien ordered removed who is inadmissible under 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 paragraph (3).

8 U.S.C. § 1231(a)(6). Hence, Petitioner's continued detention has a basis in law in that he is removable as charged under the INA. *See generally* **Exhibit A** (Declaration).

The statute defines when the removal period begins. Pursuant to § 1231(a)(1)(B), the "removal period begins on the latest of the following:

- (i) The date the order of removal becomes administratively final.
- (ii) If the removal order is judicially reviewed and if the court orders a stay of removal of the alien, the date of the court's final order.
- (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement."

8 U.S.C. § 1231(a)(1)(B).

In *Zadvydas*, the Supreme Court held that 8 U.S.C. § 1231(a) permits the government to detain an alien during the 90-day removal period in § 1231(a)(1), and an additional 90 days to effectuate the alien's removal from the United States. 553 U.S. at 701; see also *Clark v. Martinez*, 543 U.S. 371, 386 (2005). Stated differently, the Supreme Court "confirmed that six months is a presumptively reasonable period to detain a removable alien awaiting deportation under such circumstances." *Akinwale v. Ashcroft*, 287 F.3d 1050, 1051-1052 (11th Cir. 2002) (citing *Zadvydas*, 553 U.S. at 701).

While six months is a presumptively reasonable detention period, the *Zadvydas* Court also made clear that the six-month presumption did not mean that every alien not removed within this timeframe must be released after six months. *Zadvydas* at 701. The Court explained, "[t]o the contrary, an alien may be held in confinement until it had been determined that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* In *Akinwale*, the Eleventh Circuit concluded that "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 (emphasis added). Thus, the burden is on Petitioner to demonstrate: (1) post removal order detention for a period exceeding six months; **and** (2) that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Id.*

**A. Petitioner Failed to Cooperate in Removal Efforts; Thus, at the Time of Filing the Habeas, Petitioner’s Post-Removal Order Detention Had Not Exceeded Six-Months.**

Petitioner is required to assist in efforts to remove him pursuant to INA § 243(a), as amended 8 U.S.C. § 1253(a). Specifically, the statute provides that any alien with a final order who:

[W]illfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure, or who connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, may be fined under Title 18 or imprisoned for not more than four years or both.

8 U.S.C. § 1253(a)(1)(B), (C). Thus, repatriation is a shared responsibility of the alien, his sovereign, and the U.S. government.

Here, Petitioner contributed to delays in this case. Petitioner’s initial refusal to complete an application for travel document, followed by Petitioner’s filings to contest removal, Petitioner’s refusal to meet with his attorney on November 12, 2025, and Petitioner’s latest refusal—as recently as December 12, 2025—to cooperate with the signing forms needed to pursue updated travel documents for Petitioner’s removal, impeded ICE’s ability to remove Plaintiff. *See generally*, **Exhibit A**. Specifically, Petitioner’s initial motion to re-open resulted in an automatic stay of his removal and contributed to a delay of 12 days between Petitioner’s arrest on February 15, 2025, and IJ order denying the first motion to re-open on February 27, 2025), *see id.* at ¶¶ 7 & 8;

**Exhibit C**, and further, Petitioner’s motion to stay filed with the BIA contributed to a delay of 130 days between the BIA granting Petitioner’s motion to stay on June 12, 2025, and the order vacating the stay on October 20, 2025. *Id.* at ¶¶ 21 & 27. These events led to a cumulative delay—approximately 142 days—in addition to the time it then took for ICE to obtain additional travel documents for Petitioner from the Nigerian Consulate. *Id.* at ¶¶ 20-23 (*e.g.*, Petitioner’s temporary travel documents expired while Petitioner’s appeal was under review at the BIA, resulting in Petitioner not being on the departing flight scheduled for the week of June 16, 2025).

In applying the rational set forth in *Akinwale* to the present case, Petitioner’s removal period, pursuant to 8 U.S.C. §§ 1231(a)(1)(A) and 1231(a)(1)(B)(iii) of the Act, began, the date Petitioner entered immigration custody on February 19, 2025. *See Exhibit A* at ¶ 7. Accordingly, Petitioner’s “presumptively reasonable” six month/180-day period, as set forth in *Zadvydas* and *Akinwale*, expired on August 19, 2025. However, Petitioner’s own refusal to cooperate with ICE led to a prolongation—and effectively the tolling—of his post-removal detention period by at least 142 days, reducing the 303 days down to 161 days of post-removal detention. “[F]or like the orphan who sought sympathy after murdering his parents, petitioner cannot claim that his pre-removal detention is unreasonably long when he is the cause of the delay in his removal.” *Olajide v. BICE*, 402 F. Supp.2d 688, 689 (E.D. Va. 2005).

The Fifth Circuit has held that “if it is shown that petitioner by his conduct has

intentionally prevented the INS from effectuating his deportation, the six-month period should be equitably tolled until petitioner begins to cooperate with the INS in effectuating his deportation or his obstruction no longer prevents the INS from bringing that about.” *Balogun v. I.N.S.*, 9 F.3d 347, 351 (5th Cir. 1993) (“The alien should not be allowed to profit from his own wrong and *contra non valentem agere nulla currit praescriptio*.”). Other circuit and district courts have found the same. *See Lema v. INS*, 341 F.3d 853, 856-57 (9th Cir. 2003) (stating “the risk of indefinite detention that motivated the Supreme Court’s statutory interpretation in *Zadvydas* does not exist when the alien “has the keys [to freedom] in his pocket and could likely effectuate his removal by providing the information requested by the INS”) (alteration in original); *Riley v. Greene*, 149 F.Supp.2d 1256, 1262 (D. Colo. 2001) (tolling the detention period when an alien intentionally causes a delay); *Sango–Dema v. District Director*, 122 F.Supp.2d 213, 221 (D.Mass.2000) (alien cannot trigger right to freedom from indefinite detention “with his outright refusal to cooperate with INS officials”).

Accordingly, Petitioner’s period of detention should be tolled for the 141-day delay ICE encountered resulting from Petitioner’s non-compliance with removal. Thus, Petitioner’s post-order detention period—approximately 161 days—had not exceeded six months at the time he filed his Petition (Doc. 1), and it must be dismissed. *Akinwale*, 287 F.3d at 1052 (“in order to state a claim under *Zadvydas* the alien [. . .] must show post-removal order detention in excess of six months.”).

**B. Petitioner Has Failed to Establish Good Reason to Believe That There Is No Significant Likelihood of Removal In the Reasonably Foreseeable Future.**

Although the burden shifts to the Respondents only once a petitioner satisfies his burden under *Zadvydas*, Respondents have nonetheless provided evidence to establish that Petitioner's removal is likely to occur in the reasonably foreseeable future. *See Exhibit A*. Moreover, Plaintiff fails to present any evidence to establish that there is no significant likelihood of his removal to the Republic of Nigeria in the reasonably foreseeable future. Indeed, ERO has on multiple occasions—with the latest as recent as December 15, 2025, as provided in the declaration—deemed there to be a significant likelihood that Petitioner will be removed in the reasonably foreseeable future and has requested—as recently as December 12, 2025—updated travel documents from the Nigerian Consulate. *See Exhibit A* at ¶¶ 16, 25, 31, & 32. Notably, there is no evidence to suggest that the Republic of Nigeria would deny Petitioner's removal to Nigeria. Because there are no travel bans, once Petitioner's travel documents are obtained, his removal can be accomplished as soon as practicable. Accordingly, Petitioner's arguments are not supported by the facts in this case and must fail. *See Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1365 (N.D. Ga. 2002) (stating “Petitioner's bare allegations are insufficient to demonstrate a significant unlikelihood of his removal in the reasonably foreseeable future.”).

Therefore, Petitioner cannot meet the burden-shifting prerequisite in *Zadvydas* that “the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. See *Akinwale*, 287 F.3d at 1052 (stating “in order to state a claim under *Zadvydas* the alien must not only 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”) Petitioner’s continued detention, therefore, is lawful under § 1231.

**C. Petitioner’s Assertion That Conditions of Confinement Violate Due Process Is Without Merit.**

Petitioner asserts that his continuing detention violates the Fifth Amendment of the U.S. Constitution. Doc. 1 at 14. Of Petitioner’s many complaints regarding the conditions of confinement, most notably, Petitioner claims that while detained, he has received inadequate meals not compliant with his dietary restrictions as a practicing Muslim, that the facility did not prioritize his ability to practice his religion through prayer, and that he has experienced “daily and ongoing religious deprivation,” which has worsened since his transfer to the NFDC. *Id.* at ¶ 35.

The Fifth Amendment to the United States Constitution prohibits the deprivation of a person’s liberty without due process of law—freedom from imprisonment is at the heart of the liberties the Fifth Amendment is designed to protect. *Zadvydas v. Davis*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80

(1992)). Still, the Supreme Court has repeatedly recognized that detention during the pendency of deportation proceedings is a “constitutionally valid aspect of the deportation process.” *See Demore v. Kim*, 538 U.S. 510, 523 (2003); *see also Wong Wing v. United States*, 163 U.S. 228, 235 (1896).

Under the Fifth Amendment Due Process Clause, “a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law.” *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). For conditions of confinement to constitute “punishment,” a petitioner must show either “an expressed intent to punish on the part of detention facility officials,” or an implied intent to punish through a condition or restriction that a “is not reasonably related to a legitimate goal—if it is arbitrary or purposeless[.]” *Id.* at 538-39. “Thus, if a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to ‘punishment.’” *Id.* at 539.

Here, Petitioner fails to show that his detention is not proportionately related to the government’s non-punitive responsibilities and administrative purposes. While civil detainees retain greater liberty protections than individuals convicted of crimes, *see, e.g., Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982), continued immigration detention pending a removal determination cannot be described as punitive or excessive in relation to the legitimate government purpose of protecting the public and ensuring attendance at removal proceedings. *See, e.g., Demore*, 538 U.S. at 523 (“[T]his

Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process.”). “[I]t is a fallacy to think that Respondents do not have a legitimate government purpose in “preventing detained aliens from absconding and ensuring that they appear for removal.”” *Matos v. Lopez Vega*, No. 20-CIV-60784-RAR, 2020 WL 2298775, at \*10 (S.D. Fla. May 6, 2020). Petitioner’s conditions of confinement—even as to the religious restrictions he has faced—do not change this analysis or weaken Respondents’ legitimate interest in Petitioner’s detention during the pendency of removal proceedings. *See Doc. 1* at ¶ 35.

Petitioner has also failed to show a Fifth Amendment violation on account of deliberate indifference to a substantial risk of harm. The Fifth Amendment Due Process Clause governs a deliberate indifference claim by an immigration detainee. *See, e.g., Vaz v. Skinner*, 634 F. App’x 778, 781 (11th Cir. 2015 (per curiam)). This Circuit has determined that the Fifth Amendment is violated when a jailer “is deliberately indifferent to a substantial risk of serious harm to an inmate who suffers injury.” *Swain v. Junior*, 961 F.3d 1276, 1285 (11th Cir. 2020). To establish a deliberate indifference claim, a petitioner must make both an objective and a subjective showing. *Id.* “Under the objective component, the plaintiff must demonstrate ‘a substantial risk of serious harm.’” *Id.* Under the subjective component, a petitioner must prove “‘the defendants’ deliberate indifference’ to that risk of harm by making three subshowings: ‘(1) subjective knowledge of a risk of serious harm; (2) disregard of that risk; (3) by

conduct that is more than mere negligence.” *Id.* “A prisoner bringing a deliberate-indifference claim has a steep hill to climb.” *Keohane v. Fla. Dep’t of Corr.*, 952 F.3d 1257, 1266 (11th Cir. 2020). An “official may escape liability for known risks if [he] responded reasonably to the risk, even if the harm ultimately was not averted.” *Swain*, 958 F.3d at 1089 (internal quotation marks and citation omitted).

Here, Petitioner has failed to set forth a sufficient constitutional violation. As to the objective component, Petitioner has not shown the conditions of confinement are “extreme and present an unreasonable risk of serious damage to [the petitioner’s] future health or safety. *Id.* at 1088. Petitioner has not demonstrated that the Respondents have been non-responsive to his medical needs or, as to the subjective element, Petitioner has not shown that Respondents subjectively believe the measures they are taking are inadequate. Deliberate indifference requires a showing that Respondents disregarded a risk “by conduct that is more than gross negligence.” *Keith v. DeKalb Cnty., Georgia*, 749 F.3d 1034, 1047 (11th Cir. 2014). Even liberally construing the petition, Petitioner does not meet this standard. *See, e.g., Swain*, 961 F.3d at 1089 (“Deliberate indifference requires the defendant to have a subjective state of mind more blameworthy than negligence, closer to criminal recklessness[.]”). Thus, Petitioner’s Due Process Claims are without merit.

Even were Petitioner able to show a violation, “release from imprisonment is not an available remedy for a conditions-of-confinement claim.” *Vaz*, 634 F. App’x at

781 (11th Cir. 2015); *see also St. Louis v. Martin*, No. 220CV349FTM60NPM, 2020 WL 3490179, at \*7 (M.D. Fla. June 26, 2020). Indeed, in *Gomez v. United States*, the Eleventh Circuit stated that if conditions of confinement violate a prisoner's constitutional rights, "[t]he appropriate Eleventh Circuit relief . . . is to require the discontinuance of any improper practices, or to require correction of any condition causing cruel and unusual punishment." *Gomez v. United States*, 899 F.2d 1124, 1126-27 (11th Cir. 1990). The Eleventh Circuit has further indicated that its holding from *Gomez* applies to civil detainees in ICE custody. *See Vaz*, 634 F. App'x at 781-82 (noting that a detained alien could not obtain release based on his conditions of confinement claim). This district has further refused to permit any exception for civil detainees in ICE custody. As stated in *St. Louis v. Martin*, "release under § 2241 unavailing when the alleged constitutional violation is predicated upon the conditions of a petitioner's confinement." 2020 WL 3490179, at \*7. Because Eleventh Circuit precedent precludes the Court from ordering release from custody, the Petition should be denied.

Petitioner relies on *Mathews v. Eldridge* to support his claim that he has a protected liberty interest in relief from unlawful detention and that Respondents have not provided adequate process. Doc. 1 at ¶ 36. This also fails. In *Mathews*, the Court established a three-factor test to determine whether an individual's process is adequate. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). The factors are (1) "the private interest

that will be affected by the official action”; (2) the value of additional procedure in avoiding error; and (3) “the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.*

Here, Petitioner's claims fail on the second and third factors. As to the second factor—the value of additional procedure in avoiding error—Petitioner fails to engage with the *Mathews* analysis into the second factor; nor does he provide any precedent to support his conclusion. Contrast this with the analysis set forth in *Haitian Refugee Center, Inc. v. Nelson*, in which the Eleventh Circuit found sufficient evidence to conclude that the second *Mathews* factor was satisfied. 872 F.2d 1555, 1562 (11th Cir. 1989). There, plaintiffs sought the opportunity to allow use of interpreters during interviews for their pending Special Agricultural Worker applications. *Id.* The Eleventh Circuit reasoned that preventing use of interpreters presented great risk that adjudicators would make an erroneous recommendation because an adjudicator's ability to assess credibility is hampered by their inability to understand an applicant's statements accurately. *Id.* The Court similarly found that precluding witness testimony increased the risk of reaching an erroneous determination, particularly where documentation was otherwise sparse. *Id.* Petitioner's blanket statement that “Petitioner will suffer the erroneous risk of deprivation of liberty,” *see* Doc. 1 at ¶ 39, without discussing what procedures are sought and how they will reduce error is

simply insufficient to satisfy the second *Mathews* factor. Petitioner fails to offer any procedural adjustment shy of outright release and he fails to identify what error remains at risk absent accommodation. Therefore, it is difficult to find an error in Petitioner's continued detention.

As to the third *Mathews* factor, Petitioner is silent as to the government's interest. This is not the analysis *Mathews* demands. Petitioner has not meaningfully discussed how and why the government's interests are impacted by the additional process he seeks nor has he provided precedential support of the position he takes, which suggests that there is none. See *Goldberg for Jay Peak, Inc. v. Raymond James Fin., Inc.*, No. 16-21831-CIV, 2017 WL 7791564, at \*7 (S.D. Fla. Mar. 27, 2017); see also *Herman v. Mr. Cooper Grp. Inc.*, No. 2:23-CV-948-JES-KCD, 2024 WL 3277021, at \*1 (M.D. Fla. July 2, 2024) (“In our adversarial system, a claimant must present her case. It is not a court’s job to conduct research to provide the proper support for [conclusory] arguments.”).

To be clear, the government indeed has a legitimate interest in ensuring the safety of the community and the presence of an individual for removal proceedings, for which detention has been determined to be an appropriate measure. See *Demore*, 538 U.S. at 523, *Matos*, 2020 WL 2298775 at \*10. Congress has established comprehensive laws concerning the detention of aliens during and after removal proceedings and those laws should be adhered to. See *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (“it must weigh heavily in the balance that control over matters of

immigration is a sovereign prerogative, largely within the control of the executive and the legislature.”). Here, Petitioner’s detention determination was made consistent with Congress’s statutory scheme. Petitioner has failed to satisfy the third *Mathews* factor, and his claims must be dismissed.

### **CONCLUSION**

Based on the foregoing, the Petition (Doc. 1) must be dismissed. Petitioner’s detention is lawful. Because Plaintiff fails to carry his burden to establish detention in excess of six months prior to filing his Writ of Habeas Corpus and that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, his Petition should be dismissed. Consequently, as Petitioner’s detention is legal, the Court should dismiss the action.

Dated: December 19, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 19, 2025, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send an electronic copy to the registered participants. I further certify that I will mail a copy of the foregoing to the following non-CM/ECF participant listed below:

Ahmed Babatunde Bello



North Florida Detention Facility  
20706 U.S. Highway 90 West  
Sanderson, FL 32087

/s/ Mai Tran  
MAI TRAN  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**BABATUNDE BELLO, Ahmed**  
Petitioner,

**Case No.: 3:25-cv-01379**

vs.

**Agency No.: A [REDACTED] 712**

**U.S. Attorney General,  
et al.,**

**Respondents.**  
\_\_\_\_\_ /

**DECLARATION OF DEPORTATION OFFICER LUKE TINE**

I, Luke Tine, declare as follows:

1. I am a Deportation Officer with the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"). I am currently assigned to the Miami District, Jacksonville Sub-Office.
2. This declaration is based upon my personal knowledge, information obtained from other individuals employed by ICE, and information obtained from records maintained by ICE.
3. The petitioner, Ahmed BABATUNDE BELLO, A [REDACTED] 712 (hereinafter "Petitioner"), is a native and citizen of the Federal Republic of Nigeria, born [REDACTED]
4. On January 1, 2012, Petitioner entered the United States as a nonimmigrant student to attend California Baptist University. The Petitioner failed to enroll and his status was terminated on January 31, 2012.
5. On April 10, 2013, Petitioner was issued a Notice to Appear ("NTA"), and on June 20, 2018, the immigration judge ("IJ") ordered his removal under INA§ 237(a)(1)(C)(i).
6. Petitioner filed a Motion to Reopen an In Absentia Order with the Immigration Court in September 2024, which automatically stayed Petitioner's removal.
7. On February 19, 2025, while Petitioner's Motion to Reopen was pending, Petitioner was detained by Customs and Border Protection (CBP) after determining Petitioner was subject to a removal order.

8. On February 27, 2025, the Immigration Court denied the Petitioner's first Motion to Reopen and the initial automatic stay was lifted.
9. On March 21, 2025, Petitioner filed a Motion for Sua Sponte Reopening and an Emergency Motion for Stay of Removal with the Immigration Court.
10. On March 27, 2025, a travel document request packet was sent to the Nigerian Consulate.
11. On April 8, 2025, Petitioner was scheduled for removal the week of May 19, 2025 and ERO again contacted the Nigerian Consulate for travel document issuance.
12. On April 16, 2025, the Nigerian Consulate requested to interview Petitioner that day and an interview was conducted the same day.
13. On April 21, 2025, the Travel Document Request (TDR) was mailed out.
14. On April 24, 2025, ERO received Petitioner's Application for a Stay of Deportation or Removal.
15. On May 10, 2025, ERO conducted a Post-Order Custody Review (POCR).
16. On May 10, 2025, ERO issued a decision to continue detention, citing Petitioner's criminal history and the existence of a significant likelihood of removal in the reasonably foreseeable future.
17. On May 12, 2025, the Immigration Court denied Petitioner's Motion for Sua Sponte Reopening.
18. On May 15, 2025, Petitioner filed a Notice of Appeal and an Emergency Motion for Stay of Removal with the Board of Immigration Appeals (BIA).
19. On May 28, 2025, Headquarters (HQ) Removal and International Operations (RIO) recommended Petitioner for the next flight to Nigeria.
20. On June 8, 2025, HQ-RIO scheduled a departing flight for Petitioner the week of June 16, 2025.
21. On June 12, 2025, the BIA granted Petitioner's request for stay of removal.
22. On July 2, 2025, HQ-RIO and ERO received Petitioner's temporary travel documents.
23. On July 16, 2025, Petitioner's temporary travel documents expired while Petitioner's appeal was under review at the BIA.
24. On August 28, 2025, ERO conducted another POCR.

25. On August 29, 2025, ERO issued a decision to continue detention, citing Petitioner's criminal history and the existence of a significant likelihood of removal in the reasonably foreseeable future.
26. On October 7, 2025, ERO verified with the BIA that Petitioner's case was still pending decision, and informed Petitioner of the status.
27. On October 20, 2025, the BIA issued a decision dismissing Petitioner's appeal and vacating Petitioner's stay of removal.
28. On November 12, 2025, ERO noted Petitioner's refusal to meet with his attorney.
29. On December 10, 2025, ERO noted Petitioner's appeal was dismissed, stay vacated, and removal could proceed.
30. On December 12, 2025, Petitioner refused to complete an application for a travel document.
31. On December 12, 2025, ERO requested updated travel document from the Nigerian Consulate. Temporary travel documents were previously issued for this Petitioner, but expired while Petitioner's appeal was pending BIA decision.
32. Based on the aforementioned and continued engagement, there is a significant likelihood that Petitioner will be removed in the reasonably foreseeable future.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15 day of December 2025.

          *Luke R Tine*            
Luke Tine  
Deportation Officer  
DHS/ICE/ERO/MIA/JAC