

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

URSULO MAURICIO LAINEZ BRICENO,

Petitioner,

v.

E. K. CARLTON, in official capacity, Warden,
Federal Detention Center, Miami; GARRETT J.
RIPA, in official capacity, Field Office Director
of Enforcement and Removal Operations, ICE's
Miami Field Office; KRISTI NOEM, in official
capacity, Secretary, U.S. Department of
Homeland Security; TODD M. LYONS, in
official capacity, Acting Director of ICE;
PAMELA BONDI, in official capacity, U.S.
Attorney General;

Respondents.

Case No. 25-cv-25586-RAR

**REPLY TO RESPONDENT'S
OPPOSITION TO PETITIONER'S
MOTION FOR TEMPORARY
RESTRAINING ORDER**

**REPLY TO RESPONDENT'S OPPOSITION TO PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

REPLY TO OPPOSITION TO MOTION FOR TRO

INTRODUCTION

Petitioner Replies here to Respondents' Opposition to Petitioner's Motion for Temporary Restraining Order. To reduce redundancies, Petitioner incorporates Sections I–III of Petitioner's Traverse filed prior to this reply. [ECF No. 16]. Sections I-II.B. of Respondents' Opposition address statutory interpretation of Section 1225 and 1226. These sections address the statutory interpretation issue, and Petitioner's due process rights.

Petitioner responds below to the points in Respondent's Opposition to Motion for a Temporary Restraining Order specific to the TRO issue, found in the Opposition at section II.C.

ARGUMENT

I. **Petitioner Is Entitled to a Preliminary Injunction or TRO**

Respondents complain about the nature of the relief Petitioner seeks, but they cannot identify a lawful basis for their complaints. Contrary to Respondents' suggestion in their Opposition, Opp at 17-18, n.7, Petitioner is not seeking redress here about the conditions of confinement. that would preclude such relief. Likewise, there is no basis to oppose the request to prevent transfer out of this District during the pendency of the habeas litigation. Most importantly, and contrary to Respondents' assertions, there is nothing "extraordinary" or "drastic" about the requested remedy. Opp. at 15. What is "extraordinary" and "drastic" is the Respondents' unconstitutional action in re-detaining Petitioner without process.

The order of immediate release is actually the standard remedy for detention without a "pre-deprivation" hearing. In *Zinerman v. Burch*, the Supreme Court held that "the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." 494 U.S. 113, 127 (1990) (emphasis in original). Respondents' brazenly disregarded that Supreme Court holding. The due process violation Petitioner experienced is re-inflicted on him with each

day that he is unlawfully held. Every day Petitioner is kept in detention is a day away from his wife and children who depend on him. Every day erodes his mental and emotional health and that of his family. Every day violates his constitutional right to liberty and due process. These harms are irreparable and cry out for immediate relief.

Only by releasing Petitioner immediately can the Court put an end to this constitutional violation. Notably, in opposing this relief, Respondents cite to cases involving injunctions in business disputes or involving intellectual property. Opp at 16—e.g. *Verizon Wireless* involved a permit to put up a cell tower; *Mercedes-Benz* involved the specific performance of contract obligations; *Exhibitors Poster Exh* involved the sale of motion picture advertising posters—but they do not cite to a case involving the paramount liberty: freedom from captivity, one that is anchored in the U.S. Constitution’s due process clause (and habeas corpus guarantee) and stretches back into the mists of English law. “‘The typical remedy for [unlawful] detention is, of course, release.’ . . . [A]s far back as 1670, it was said that habeas is a ‘remedy by which a man is restored again to his liberty, if he have been against law deprived of it.’” *Khabazha v. United States Immigr. & Customs Enf’t*, No. 25-CV-5279 (JMF), 2025 U.S. Dist. LEXIS 232130, at *22 (S.D.N.Y. Nov. 25, 2025) (quoting U.S. Supreme Court decisions).

Petitioner is likely to succeed on the merits of his case. Respondents do not meaningfully address the violation of Petitioner’s rights to liberty and due process. They do not refute the indisputable fact that his rights *have* been violated and he is unlawfully detained to this day. A return to the status quo here requires a return to the last peaceable position between the parties before Respondents disturbed it with their unlawful actions. Immediate release is a required remedy for an “extraordinary” and “drastic” violation of due process.

Moreover, Petitioner's request here is not dilatory as Respondents suggest. Opp at 19. And Respondents' authority on this point is inapt. Petitioner did not wait for over a year while he "dealt with other matters" as in *Pals Group, Inc v. Quiskeya Trading Corp.*, 2017 WL 532299 *6 (S.D. Fla. Feb. 9, 2017) cited by Respondents. Petitioner brought his case as soon as he found counsel, which was no small feat given the arduous circumstances of his detention as described in his Petition. Pet. at ¶10.

The threat of injury here outweighs any harm injunction would cause. Respondent's detention is in violation of his due process rights, and in violation of the INA. Respondents argue that he is "detained to assure his attendance at removal proceedings, and if necessary, by operation of law, his removal from the United States." Opp at 19. Respondents ignore Petitioner's exemplary conduct over the last six years, with no changed circumstances. Respondents, conversely, identify no harms to the legal process that an injunction would cause.

All these factors weigh heavily in Petitioner's favor. He faces irreparable injury in the form of constitutional harm of the highest order if the preliminary injunction is not granted. *See Pinchi*, 2025 WL 2084921, at *7 (collecting cases). The public interest weighs strongly in Petitioner's favor. *Id.* The public interest is served by granting injunctive relief.

Respondents suggest that a TRO could interfere with Respondent's ability to execute final removal orders against Petitioner, but there are no final removal orders. And this is another diversion. The requested injunctive relief would free Petitioner immediately and it would allow Respondents to re-detain him, but only if they held a hearing first and showed, by clear and convincing evidence that he was a danger or a flight risk. A TRO would ensure that Respondents

restore Petitioner's constitutional rights and properly enforce the INA as written and intended, all of which are in the public's interest.

CONCLUSION

For the foregoing reasons, this Court should grant the preliminary injunction.

Date: December 15, 2025

Respectfully Submitted,

/s/ Felix Montanez

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