

FILED MAR 20 26 AM 8:29 MD-61-CJL

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

YIRANDY ROSALES ALMARAL

A#
Petitioner,

Civil Action No: _____

4:25-cv-425

v.

PAM BONDI Attorney General;
KRISTI NOEM Secretary of Department of Homeland Security;
U.S. ICE Field Office Director For The Western District of Texas Field Office
JASON STREEVAL Warden Stewart Detention Facility,
Respondent(s)

**TRAVERSE TO RESPONDENTS RESPONSE PURSUANT TO 28 U.S.C. § 2241,
BY A PERSON SUBJECT TO INDEFINITE IMMIGRATION DETENTION.**

Petitioner, YIRANDY ROSALES ALMARAL, files the following Traverse to Respondent's Response and respectfully asks the Court to grant his petition and states as follows:

Petitioner's Habeas is not premature and even granted relief in the recent decision of Bechara v. Mordant, 2026 U.S. Dist. LEXIS 39283 (M.D. of FL. Ft. Myers DIV) the Judge recognized that the six-month period begins when the removal period becomes final, not at arrest. The Court reasoned that this interpretation aligns with Zadvydas's purpose of preventing indefinite detention. "[t]he Supreme Court's" stated rationale for establishing a preemptively reasonable "6-Month period for detention pending removal supports the claim that this period commences at the beginning of the removal period Akinwale v. Ashcroft 287 F. 3d 1050, 1052 n.3(11th Cir.2002) not at the new date of detention. Also see Gozo v. Napolitano, 309 F. App'x 344, 346 (11th Cir. 2009) so petitioner 180 days detention period ended years ago and not now when he exceeded 180-days detained again and agreed upon numerous times in the Jurisdiction of the 5th Circuit, 9th circuit and the 11th Circuit with referencing cases of , Espina v. Hardin, 2026 U.S. Dist. LEXIS 33491 (M.D. of FL. Ft. Myers DIV), Gonzalez v. Noem, 2026 U.S. Dist. LEXIS 2007 (M.D. Of FL. Ft. Myers DIV) Paneque v. Mordant, 2026 U.S. Dist. Lexis 19774 in the (M.D. of FL. Ft. Myers DIV.), Bolivar v. Ripa, 2026 U.S. Dist. LEXIS 6838 (M.D. of FL. Jacksonville DIV.), Beltran v. Ripa, 2026 U.S. Dist. LEXIS 273 (M.D. of FL. Ft. Myers DIV.), Aragon v. United States Dep't of Homeland Sec., 2026 U.S. Dist. LEXIS 4043 (M.D. Of FL. Ft. Myers DIV), Ambrosiv v. Warden, Folkston ICE Processing Ctr., 2025 U.S. Dist. LEXIS

193840, Khammanivong v. Edlow, 2025 U.S. Lexis 255231, which all agree as the 5th Circuit, 9th circuit and the 11th Circuit acknowledges all detention periods count. The clock does not reset every time the individual is detained or it would allow indefinite detention by allowing DHS to cycle release and re-detention anytime it so desired, and this becomes a life long sentence and indefinite detention, so **"within days in all these cases mentioned above it was ordered immediate release."**

In addition

I. THIS COURT HAS JURISDICTION TO CONSIDER MR. Almaral'S CLAIMS.

A. Mr. Almaral is not challenging his final removal order, but his illegal continued detention. the process required in relation to third country removals, and the numerous violations committed by DHS/ICE of their own rules, regulation and procedures since detaining petitioner.

To begin, this Court have jurisdiction to consider all of Mr. Valdez's claims as , § 1252(g) does nor bar review of "all claims arising from deportation proceedings." Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482, 119 S. Ct. 936, 142 L. Ed. 2d 940 (1999); see also Jennings v. Rodriguez, 583 U.S. 281, 294, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018). Instead, "courts have jurisdiction to decide a purely legal question that does not challenge the Attorney General's discretionary authority." Ibarra-Perez v. United States, ___ F. 4th ___, 2025 WL 2461663, at *6 (9th Cir. Aug. 27, 2025) (cleaned up).

In Ibarra-Perez v. United States, the Ninth Circuit squarely held that § 1252(g) does not prohibit immigrants from asserting a "right to meaningful notice and an opportunity to present a fear-based claim before [they] [are] removed," id. at *7 the same claim that Mr. Almaral raises here with respect to third-country removals. The court reasoned that § 1252(g) does not prohibit challenges to unlawful practices merely because they are in some fashion connected to removal orders." Id. Instead, § 1252(g) is "limited to actions challenging the Attorney General's discretionary decision's to initiate proceedings, adjudicate cases, and execute removal orders." Arce v. United States, 899 F. 3d 796, 800 (9th Cir. 2018). It does not apply to arguments that the government "entirely lacked the authority, and therefore the discretion," to carry out a particular action. Id. at 800. Thus, §1252(g) applies to discretionary decisions that [the Secretary] actually has the power to make, as compared to the violation of his mandatory duties." Ibarra-Perez, 2025 WL 2461663, at *9.

The same logic applies to all of Petitioner's claims, because he challenges only violations of ICE's mandatory duties under statues, regulations, and the Constitution. Accordingly, "[t]hough 8 U.S.C. §1252(g), precludes this Court from exercising jurisdiction over the executive's decision to 'commence proceedings, adjudicate cases, or execute removal orders against any alien,' this Court has

Habeas jurisdiction over the issues raised here, namely the lawfulness of [Mr. Almaral's] continued detention, the process required in relation to third-country removals, and DHS/ICE own rules, regulations and procedures since detaining the petitioner roughly 8-months ago now.

Y.T.D. v. Andrews, No. 1:25-cv-01100-JLT-SKO, 2025 WL 2675760, at *5 (E.D. Cal. Sep. 18, 2025).

Other courts have agreed. See, e.g., Kong v. United States, 62 F. 4th 608 (1st Cir. 2023) at 617 ("§1252(g) does not Bar judicial review of Kong's challenge to the lawfulness of his detention," including ICE's fail[ure] to abide by its own regulations"); Cardoso v. Reno, 216 F. 3d 512, 516 (5th Cir. 2000) ("[Section 1252(g) does not bar Courts from reviewing an aliens detention order[.]"); Parra v. Perryman, 172 F. 3d 954, 957 (7th Cir. 1999) (1252(g) did not apply to a "claim concern[ing] detention"); J.R. v. Bostock, No. 2:25-cv-01161-JNW, 2025 WL 1810210, at *3 (W.D. Wash. June 30, 2025) (1252(g) did not apply to claims that ICE was "failing to carry out non-discretionary statutory duties and provide due process"); D.V.D. v. U.S. Dep't of Homeland Sec., 778 F. Supp. 3d 355, 377-78 (D. Mass. 2025) (§ 1252(g) did not bar review of "the purely legal question of whether the Constitution and relevant statutes require notice and an opportunity to be heard prior to removal of an alien to a third-country"). **Judge Brian E. Murphy in Boston ruled on Feb. 25, 2026 that the Trump administration's policy of deporting migrants to third-countries (not their home countries) is unconstitutional. He found the policy violated due process by not allowing migrants to contest it.**

Petitioner's continued detention by respondents is unlawful and contravenes 8 U.S.C. §1231(a)(6) as interpreted by the Supreme Court in Zadvydas. Petitioner's 90-day statutory period of detention for continued removal efforts have passed as this is now his 2nd time actually completing and exceeding a 90-day detention and-removal proceeding while detained by DHS/ICE since being ordered removed by an Immigration Court and Judge on 2-27-2018. Respondent's have been unable to remove the Petitioner to Cuba, or Mexico for that matter especially because there is no repatriation agreement between the United States and Cuba for Political Refugees such as the Petitioner, and Cuba will not accept Political Refugee Cubans from the era that the Petitioner arrived to the United States who have been ordered removed. In the instance of Martinez, the Supreme Court held that the continued indefinite detention of someone like the petitioner under such circumstances is unreasonable and not authorized by U.S.C. §1231(a)(6).

"If deportation can never occur, the government's primary legitimate purpose in detention-executing removal-is nonsensical."

Because Petitioner is unlikely to be removed to Cuba, or Mexico his continued indefinite detention

violates substantive due process.

If the non-citizen satisfies the initial burden then the Government “must respond with evidence sufficient to rebut that showing.” *Id.* If the Government fails to meet its burden, then the non-citizen must be released from detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 299 (2018) here the government has failed to do so.

PRAYER FOR RELIEF

THEREFORE, Petitioner prays that this Court grant the following relief:

1. Grant the Petitioner a Habeas Corpus directing the respondent to immediately release petitioner from custody, under reasonable conditions of supervision;
2. Order Respondents and all their officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an immigration Judge especially once released on supervision.
3. Award Petitioner's Attorney fees and cost under the Equal Access to Justice Act (“EAJA”), as amended, 5 U.S.C. §2412, and on other basis justified under law; and
4. **Grant any other form of relief this court deems proper.**

March- 13, 2026

YIRANDY ROSALES ALMARAL

At 

Stewart Detention Center

146 CCA Rd.


Lumpkin, GA 31815

CERTIFICATE OF OATH

I Swear under Penalty of Perjury from the United States of America if this Motion is found to be false, frivolous, or made in bad faith. I also swear that this motion is true to the best of my knowledge.

I further state that this motion is not a copy of a motion that has been ruled on nor has it been deposited of by this Court.

I Swear that this motion has been prepared by agents at Immigration Connection and everything that is said in the following motion is true.

x 

YIRANDY ROSALES ALMARAL

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Petitioner speaks very limited English and does not know any Immigration Laws, or Federal Laws and needs assistance of Council from this moment forward if Habeas Relief is not granted.

CERTIFICATE OF SERVICE

I Swear, that a true and correct copy of the following Motion has been placed in the hands of an institution official to be furnished and forwarded by first class mail to the following parties listed below on March 13, 2026

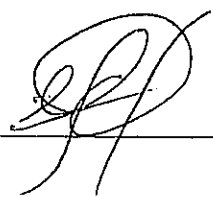
1. U.S. DISTRICT COURT

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P.O. BOX 124
Columbus, GA 31902

2. Office Of Chief Counsel DHS/ICE

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x



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