

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 25-25859-CV-WILLIAMS

MANAURY OLIVAREZ GEORGE,

Petitioner,

v.

WARDEN OF KROME, *et al.*,

Respondents.

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**ORDER**

**THIS MATTER** is before the Court on Petitioner Manaury Olivarez George's ("**Petitioner**" or "**Mr. George**") Amended Petition for Writ of Habeas Corpus (DE 5) ("**Petition**"). Respondents filed a Response in Opposition (DE 9) ("**Response**"), and Petitioner filed a Reply in Support (DE 10). For the reasons discussed below, Mr. George's Amended Petition (DE 5) is **DENIED**.

**I. FACTUAL BACKGROUND**

Mr. George is a citizen of the Dominican Republic. (DE 5 ¶ 24). On September 12, 2019, Mr. George was granted conditional permanent residence in the United States by the United States Citizenship and Immigration Service ("**USCIS**"). (DE 9 at 2). On August 16, 2021, Mr. George filed a Form I-751<sup>1</sup> to remove the conditions on his residence status. This Petition is currently pending before USCIS. (*Id.*). On January 19, 2024, Mr. George was convicted of several offenses: simple battery, criminal trespass, and hindering an

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<sup>1</sup> Form I-751 is a Petition to Remove Conditions on Residence.

emergency telephone call. (*Id.*). Mr. George was sentenced to confinement of eight months and twelve months of probation. (*Id.*).

On June 28, 2025, Mr. George returned from a trip abroad and presented to United States Customs and Border Protection ("**CBP**") as a returning conditional permanent resident who was deemed an applicant for admission. (DE 5 ¶ 28; DE 9 at 2). CBP determined that Mr. George was inadmissible because he was convicted of a crime involving moral turpitude. (*Id.*). Mr. George was taken into custody by U.S. Immigration and Customs Enforcement ("**ICE**") and was issued a Notice to Appear ("**NTA**"), which charged him with being removable under 8 U.S.C. § 1182(a)(2)(A)(i)(I). Mr. George was then transferred to the Everglades Detention Center. (DE 9 at 3).

On July 27, 2025, Mr. George filed a Motion to Terminate with the Krome Immigration Court, arguing that his conviction was not a crime involving moral turpitude. (DE 5 ¶ 30; DE 9 at 3). On September 29, 2025, the immigration judge granted Mr. George's Motion to Terminate, finding that DHS did not sufficiently establish a record as to Mr. George's underlying crimes.<sup>2</sup> DHS appealed the immigration judge's order on October 29, 2025, and that appeal is pending with no set briefing schedule. (DE 5 ¶ 41). Mr. George notes that he has to "wait at least another forty-two (42) days for the briefing to be completed [and] he must wait an indefinite amount of time for the Board of Immigration Appeals ("**BIA**") to issue a decision on his case." (*Id.* ¶ 43). On this basis,

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<sup>2</sup> Although DHS argued that the victim was [REDACTED], the immigration judge found that "[t]he record, here, does not indicate the relationship between [Mr. George] and the victim. [REDACTED] . . .

[REDACTED] Accordingly, the immigration court held that Mr. George's underlying convictions did not constitute a crime involving moral turpitude because the government failed to establish who the victim was in this instance.

Mr. George argues that his detention is indefinite and therefore unconstitutional. (*Id.* ¶ 42). Mr. George remains in ICE's custody at Krome North Service Processing Center.

## II. LEGAL STANDARD

District courts have the authority to grant writs of habeas corpus. See 28 U.S.C. § 2241(a). Habeas corpus is fundamentally “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (citation omitted). A writ may be issued to a petitioner who shows that he is being held in custody in violation of the Constitution or federal law. See 28 U.S.C. § 2241(c)(3). The Court's jurisdiction extends to challenges involving immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

## III. DISCUSSION

As a threshold matter, Respondents argue that the Court should dismiss the Petition because Mr. George has failed to exhaust administrative remedies. The exhaustion requirement, however, is not a jurisdictional bar. *Kemokai v. U.S. Att'y Gen.*, 83 F.4th 886, 891 (11th Cir. 2023) (acknowledging the abrogation of prior Eleventh Circuit precedent interpreting § 1252(d)(1) as a jurisdictional bar by *Santos-Zacaria v. Garland*, 598 U.S. 411, 413 (2023)). Respondents further argue that the Court does not have subject matter jurisdiction to review Mr. George's claims because 8 U.S.C. § 1252(g) precludes the Court from questioning ICE's discretionary decision to commence removal proceedings. (DE 9 at 9). Petitioner counters that he is “not challenging Respondents' decision to commence or adjudicate his removal proceedings,” but is simply challenging his “unreasonably prolonged detention.” (DE 10 at 3). It is well established that a district court may consider cases concerning the unconstitutionality of a prolonged detention.

See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Accordingly, the Court rejects Respondents' argument and finds that it has jurisdiction to consider the Petition.

In bringing this claim for habeas relief, Mr. George argues that "any delays [in his proceedings] . . . were caused by DHS' [noncompliance] with the deadlines set by the immigration judge[,] delays by the immigration court [in] scheduling the hearings and issuing decisions, and the government's delay in filing the EOIR-26." (DE 10 at 5). Consequently, Mr. George declares that his detention does not have a "foreseeable end in sight." (*Id.*).

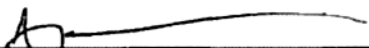
While the Court agrees that Petitioner has been subjected to an extended detention, an uncertain future is not synonymous with an indefinite one. See *Rodriguez v. Meade*, No. 20-cv-24382, 2021 WL 671333, at \*4-5 (S.D. Fla. Feb. 22, 2021). Here, there is a foreseeable end in sight: the BIA's adjudication of the appeal presently before it. Although Petitioner does not yet know the BIA's briefing schedule and, consequently, does not know the precise date as to when the BIA will rule on the appeal, the Court is confident that, at some point, the appeal will be adjudicated.<sup>3</sup> At that point, the issue of Petitioner's detention will also be addressed. On these facts, the Court cannot find that Petitioner's continued detention is unconstitutional.

Accordingly, it is **ORDERED** and **ADJUDGED** that the Amended Petition for Writ of Habeas Corpus (DE 5) is **DENIED**.

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<sup>3</sup> However, if the BIA fails to take up this matter in the reasonably near future, the Petitioner may renew his request with this Court.

**DONE AND ORDERED** in Chambers in Miami, Florida, this 30th day of December,  
2025.

  
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KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE