UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Guillermo Lageyre-Ravelo,

Petitioner, No. 2:25-cv-01171-KCD-DNF

v.

Garrett Ripa, Miami Field Office Director,
Enforcement and Removal Operations, et al.,

Respondents.
_____/

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Guillermo Lageyre-Ravelo petitions for writ of habeas corpus arguing that U.S. Customs and Immigration Enforcement unlawfully revoked his order of supervision. Lageyre-Ravelo's petition should be denied. As an initial matter, this Court lacks jurisdiction over the petition, as Lageyre-Ravelo's claims fall within the Immigration and Nationality Act's jurisdiction-stripping provisions of 8 U.S.C. §§ 1252(g) and (b)(9). Furthermore, Lageyre-Ravelo has been detained for 67 days following revocation of his supervised release on October 31, 2025. In *Zadvydas v. Davis*, the Supreme Court held that continued detention under § 1231(a)(6) is presumptively reasonable for six-months following a removal order. *See* 533 U.S. 678, 701 (2001). Moreover, regulations provide that ICE may revoke an alien's order of supervision at its discretion; thus, an alien does not need violate terms of

supervision to trigger revocation. *See* 8 C.F.R. § 241.4(l)(2)(iii). Lageyre-Ravelo order of supervision was also revoked under 241.13(i)(2), as his removal to a third country, Mexico, is reasonably foreseeable. Lageyre-Ravelo's detention is therefore lawful.

FACTS

Lageyre-Ravelo is a native and citizen of Cuba who was paroled into the United States on February 9, 1962. (Composite Exhibit, Ex. A at 1.) He adjusted his status for a lawful permanent resident on March 27, 1967. *Id.* Lageyre-Ravelo was convicted of possession of cocaine in 1983. *Id.* at 8. In 1990, he was convicted of two counts of sale, delivery, or purchase of a controlled substance and one count of carrying a concealed firearm. *Id.*

Lageyre-Ravelo was placed in removal proceedings on or about April 24, 1997. *Id.* at 1. An immigration judge ordered Lageyre-Ravelo removed to Cuba on January 9, 1998, finding Lageyre-Ravelo was not eligible for cancellation of removal, withholding of removal, or asylum due to his convictions. *Id.* at 9. The immigration judge also denied Lageyre-Ravelo protection under the convention against torture. *Id.* at 5-7.

On October 31, 2025, the petitioner's order of supervision was revoked, and he was taken into custody. *Id.* at 15-16. That same day he was provided a notice of revocation of release informing him ICE determined there is a significant likelihood

of removal in reasonable foresee future. *Id.* A proof of service accompanying the notice of revocation incorrectly states that the notice was served on October 20, 2025, and lists a different individual's name and alien number. (Petition, Doc. 1-6 at 2.) Lageyre-Ravelo was served with a corrected notice on December 23, 2025. (Composite Exhibit, Ex. A at 16.)

On December 18, 2025, ICE provided Lageyre-Ravelo notice that it intends to remove Lageyre-Ravelo to Mexico. *Id.* at 14. That same day Lageyre-Ravelo was provided an informal interview and opportunity to respond to the reasons for revocation of his order of supervision. *Id.* at 13.

He is currently detained at Florida Soft-Sided Facility-South (Alligator Alcatraz). (Detainee Locator, Ex. B.)

ARGUMENT

I. This Court lacks jurisdiction over Lageyre-Ravelo's petition.

A. Title 8 U.S.C. § 1252(g).

There is no jurisdiction to review "any" claim "arising from the decision or action" to "execute removal orders." 8 U.S.C. § 1252(g). This provision bars habeas review in federal courts when the claim arises from a decision or action to "execute" a final order of removal. *Reno v. American-Arab Anti-Discrimination Committee* (*AADC*), 525 U.S. 471, 482 (1999).

Courts consistently hold that § 1252(g) eliminates subject-matter jurisdiction

over challenges—including constitutional claims—to an arrest or detention for the purpose of executing a final removal order. *E.g.*, *Camarena v. ICE*, 988 F.3d 1268, 1273-74 (11th Cir. 2021) ("[W]e do not have jurisdiction to consider 'any' cause or claim brought by an alien arising from the government's decision to execute a removal order."); *Johnson v. U.S. Attorney General*, 847 F. App'x 801, 802 (11th Cir. 2021); *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013).[1] Likewise, § 1252(g) precludes review of the method by which ICE chooses to commence removal proceedings. *Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) ("By its plain terms, the provision bars us from questioning ICE's discretionary decisions to commence removal—and thus necessarily prevents us from considering whether the agency should have used a different statutory procedure to initiate the removal process.").

Lageyre-Ravelo was detained to execute the final removal order against him. He is well within the presumptively reasonable period of detention. This action is an effort to interfere with or halt that legal process. The Immigration and Nationality Act strips the Court's jurisdiction in these instances. 8 U.S.C. § 1252(g).

---

[1] *See also Hamama v. Adducci*, 912 F.3d 869, 874 (6th Cir. 2018) ("Under a plain reading of the text of the statute, the Attorney General's enforcement of long-standing removal orders falls squarely under the Attorney General's decision to execute removal orders and is not subject to judicial review."); *Tazu v. U.S. Attorney General*, 975 F.3d 292, 297 (3d Cir. 2020) ("The plain text of § 1252(g) covers decisions about whether and when to execute a removal order."); *Rauda v. Jennings*, 55 F.4th 773, 778 (9th Cir. 2022); *E.F.L. v. Prim*, 986 F.3d 959, 964–65 (7th Cir. 2021).

B. Title 8 U.S.C. § 1252(b)(9)

There is no jurisdiction to review "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States" outside a case reviewing the final removal order. 8 U.S.C. § 1252(b)(9). This is known as the "zipper clause." *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1257 (11th Cir. 2020). The zipper clause is "a jurisdictional bar where" petitioner seeks "review of an order of removal [or] the decision to seek removal." *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 19 (2020) (cleaned up).

There is a single path for judicial review of removal orders—"a petition for review filed with an appropriate court of appeals." 8 U.S.C. § 1252(a)(5). Reading § 1252(a)(5) and (b)(9) together, courts conclude petitioners must funnel all aspects of challenges to removal proceedings through that avenue. *Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) ("The REAL ID Act clarified that final orders of removal may not be reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals."); *see also Bonhometre v. Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005) (There is "clear intent to have all challenges to removal orders heard in a single forum (the courts of appeals).").

The zipper clause encompasses more than § 1252(g). *AADC*, 525 U.S. at 483. Under these provisions, "most claims that even relate to removal" are improper in a district court. *E.O.H.C. v. DHS*, 950 F.3d 177, 184 (3d Cir. 2020). There are limitations on how broadly courts interpret the zipper clause. *E.g. Canal A*, 964 F.3d

at 1257. But a claim "arises from a removal proceeding when the parties are challenging removal proceedings." *Id.* (cleaned up); *see also Regents of Cal.*, 591 U.S. at 19. Here, Lageyre-Ravelo challenges the government's execution of his final removal order to stop the removal process. These are the claims barred by the zipper clause. 8 U.S.C. § 1252(b)(9).

II. Lageyre-Ravelo's detention does not violate the Immigration and Nationality Act or the Fifth Amendment's Due Process Clause.

Even if the Court were to conclude it has jurisdiction over Lageyre-Ravelo's petition, his claims lack merit. After a final removal order, an alien must be removed within ninety days—i.e., the removal period. 8 U.S.C. § 1231(a)(1); *Zadvydas v. Davis*, 533 U.S. 678, 683 (2001). During the removal period, the alien must be detained. 8 U.S.C. § 1231(a)(2); *Zadvydas*, 533 U.S. at 683. An alien, however, can be detained beyond that removal period. 8 U.S.C. §§ 1231(a)(1)(C), (a)(6); *Zadvydas*, 533 U.S. at 683. This is called a "post-removal" period. *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021).

There is no statutory limit on how long ICE can detain an alien during the post-removal period. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). Due to constitutional concerns, the U.S. Supreme Court has nevertheless interpreted the post-removal period to allow extended detention for "a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. In all, a reasonable length of detention "is presumptively six

months." *Guzman Chavez*, 594 U.S. at 529; *see also Akinwale*, 287 F.3d at 1052 (stating six-month period is inclusive of any ninety-day removal period).

If the presumptively reasonable period expires without removal, then a burden-shifting framework comes into play regarding the "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 689. But before that six-month period expires, any habeas challenge to the detention itself is premature. *E.g.*, *Akinwale v. Ashcroft*, 287 F.3d 1050, 1051-52 (11th Cir. 2002); *Guo Xing Song v. U.S. Attorney General*, 516 F. App'x 894, 899 (11th Cir. 2013); *Gozo v. Napolitano*, 309 F. App'x 344, 346 (11th Cir. 2009). At bottom, "This presumptively reasonable six month period must have expired at the time of the filing of a petition." *E.g.*, *Jiang v. Mukasey*, No. 2:08-cv-773-FtM-29DNF, 2009 WL 260378, at *2 (M.D. Fla. Feb. 3, 2009); *Noel v. Glades Cnty. Sheriff*, No. 2:11-cv-698-FtM-29SPC, 2011 WL 6412425, at *2 (M.D. Fla. Dec. 21, 2011).

Lageyre-Ravelo filed the present petition well before expiration of six months in detention. He was detained on October 31, 2025, and filed the present petition on December 15, 2025. (Doc. 1.) At that point, Lageyre-Ravelo had been detained for 45 days; to date, he has been in detention for 67 days.

While some nonbinding cases disagree, the presumptively reasonable period is not rebuttable before it expires. It is only afterward that the parties can engage in *Zadvydas* burden-shifting related to the "significant likelihood of removal in the reasonably foreseeable future." *See Jennings v. Rodriguez*, 583 U.S. 281, 299 (2018)

(citation omitted); *Zadvydas*, 533 U.S. at 701 (holding the inquiry is "[a]fter this 6-month period"). Before that time limit runs, neither *Zadvydas* nor any other binding precedent permit a challenge based on reasonable foreseeability of removal. *See Akinwale*, 287 F.3d at 1051-52. Requiring ICE to respond during the presumptively reasonable timeframe would impose unnecessary burdens on ICE during a lawful detention. *See Barrios v. Ripa*, No. 1:25-CV-22644, 2025 WL 2280485, at *8 (S.D. Fla. Aug. 8, 2025) ("[I]f the Court counted detentions in the aggregate, any subsequent period of detention, even one day, would raise constitutional concerns."); *Meskini v. Att'y Gen. of United States*, No. 4:14-CV-42-CDL, 2018 WL 1321576, at *4 (M.D. Ga. Mar. 14, 2018) (stating the court "does not read *Zadvydas* to be a permanent 'Get Out of Jail Free Card' that may be redeemed at any time just because an alien was detained too long in the past.").

III. ICE has served Lageyre-Ravelo with a corrected Notice of Revocation.

On October 31, 2025, Lageyre-Ravelo was provided a notice of revocation of release informing him ICE determined there is a significant likelihood of removal in reasonable foresee future. (Composite Exhibit, Ex. A at 15.) A proof of service accompanying the notice of revocation incorrectly states that the notice was served on October 20, 2025, and lists a different individual's name and alien number. (Petition, Doc. 1-6 at 2.) Lageyre-Ravelo was therefore served with a corrected notice on December 23, 2025. (Composite Exhibit, Ex. A at 16.) His contention

that he has not been afforded adequate notice regarding the basis for his revocation of supervised release is therefore without merit.

IV. ICE has complied with its regulations regarding revocation of an order of supervision.

ICE has revoked Lageyre-Ravelo's Order of Supervision (OSUP) under 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13. (Composite Exhibit, Ex. A at 15.)

A. Title 8 C.F.R. § 241.4

Title 8 C.F.R. § 241.4(l)(2) provides,

> Release may be revoked in the exercise of discretion when, in the opinion of the revoking official:
>
> (i) The purposes of release have been served;
>
> (ii) The alien violates any condition of release;
>
> (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or
>
> (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.

Id. § 241.4(l)(2).

Section 241.4(l)(2) does not require notice, explanation, or an interview for the alien to respond. *Compare id.*, *with id.* § 241.4(l)(1); *Tanha v. Warden, Balt. Detention Facility*, No. 1:25-cv-02121-JRR, 2025 WL 2062181, at *6 n.10 (D. Md. July 22, 2025). This "regulation permits the Government extraordinarily broad discretion to revoke an OSUP." *Tran*, 2025 WL 2085020, at *4. In fact,

> the regulation does not compel the Government to demonstrate what facts or factors, if any, it considered in deciding to revoke; nor does the regulation (or any other authority of which the court has been made aware) require the Government to demonstrate what, if any, steps it took to effect or secure removal prior to OSUP revocation.

Id.; *see also Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 1895479, at *6 (S.D. Fla. July 8, 2025) (noting differences between both subsections).

While some courts disagree, *see Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 163 (W.D.N.Y. 2025), those decisions ignore the plain language of § 241.4(l)(2). Courts cannot find ICE violated its own regulations for failing to follow notice and hearing requirements that do not exist. The provisions exclude such demands from § 241.4(l)(2). "When a deliberative body includes particular language in one section of a [regulation] but omits it in another, it is generally presumed that it acts intentionally and purposely in the disparate inclusion or exclusion." *SEC v. Levin*, 849 F.3d 995, 1004 (11th Cir. 2017) (cleaned up). The Court must read those regulations as they are written without engrafting notice and hearing provisions where they were not otherwise provided.

Lageyre-Ravelo's only possible challenge to the lawfulness of detention is based on ICE's technical compliance with § 241.4(l)(2)(iii). But the provision permits revocation based on a discretionary "opinion" that "[i]t is appropriate to enforce a removal order or to commence removal proceedings." *Id.* ICE made that determination and revoked Lageyre-Ravelo's supervised release. *See* Composite Exhibit, Ex. A at 15. Courts "will not further scrutinize ICE's discretionary decision"

in that regard. *Roe v. Oddo*, No. 3:25-CV-128, 2025 WL 1892445, at *8 (W.D. Pa. July 9, 2025); *Yi Mei Zhen v. ICE*, No. 3:25-cv-01507-PAB, 2025 WL 2258586, at *10 (N.D. Ohio Aug. 7, 2025).

B. Title 8 C.F.R. § 241.13

Title 8 C.F.R. § 241.13(i)(2) provides,

> The Service may revoke an alien's release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future. Thereafter, if the alien is not released from custody following the informal interview provided for in paragraph (h)(3) of this section, the provisions of § 241.4 shall govern the alien's continued detention pending removal.

Here, agency records show that on October 31, 2025, Lageyre-Ravelo was provided a notice of revocation of release informing him ICE determined there is a significant likelihood of removal in reasonable foresee future. (Composite Exhibit, Ex. A at 15.) On December 18, 2025, ICE provided Lageyre-Ravelo notice that it intends to remove him to Mexico. *Id.* at 14. That same day Lageyre-Ravelo was provided an informal interview and opportunity to respond to the reasons for revocation of his order of supervision. *Id.* at 13. Because revocation of Lageyre-Ravelo's supervision follows the procedure set forth in § 241.13(i)(2), his detention is lawful.

V. Lageyre-Ravelo's Administrative Procedure Act claims are not properly before the Court.

Because habeas corpus actions and non-habeas corpus actions have different

filing fee requirements, different pleading standards, and different substantive standards, it is generally inappropriate to bring a hybrid action asserting both habeas and non-habeas claims in one case. *Burnam v. Marberry*, 313 F. App'x 455, 456 n.2 (3d Cir. 2009) (noting that the district court should not have considered habeas claims and claims under the Privacy Act and Administrative Procedures Act in a single case); *accord Malcom v. Starr*, No. 20-cv-2503 (MJD/LIB), 2021 U.S. Dist. LEXIS 45387, 2021 WL 931213, at *2 (D. Minn. Mar. 11, 2021) ("As many other cases from this District have noted, habeas petitions and civil complaints have different and incompatible rules regarding service of process, discovery, and even filing fees.").

For example, Lageyre-Ravelo did not pay the required filing fee for any non-habeas claims. The statute governing filing fees in district court states, "The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of $350, except that on application for a writ of habeas corpus the filing fee shall be $5." 28 U.S.C. § 1914(a). "The payment of the $5 habeas filing fee relegates this action to habeas relief only. One cannot pay the minimal habeas fee and pursue non-habeas relief." *Ndudzi v. Castro*, No. SA-20-CV-0492-JKP, 2020 WL 3317107, at *2 (W.D. Tex. June 18, 2020); *King v. Carlton*, No. 21-cv-21634, 2021 U.S. Dist. LEXIS 83778, at *4 (S.D. Fla. Apr. 30, 2021) (Bloom, J.) (finding that petitioner could not circumvent filing fee requirements by filing a "joint or hybrid" habeas action).

CONCLUSION

Lageyre-Ravelo's Petition for Writ of Habeas Corpus should be denied.

DATED this 6th day of January, 2025.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: */s/ Chad C. Spraker*

CHAD C. SPRAKER
Assistant United States Attorney
USA No. 198
2110 First Street, Ste. 3-137
Fort Myers, Florida 33901
Telephone: 239-461-2200
Fax: 239-461-2219
Email: chad.spraker@usdoj.gov
Lead Counsel for Respondents