UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Juan Carlos Maradiaga, Case No.: 8:25 CV 03443

Petitioner,

v.

Jail Warden Pinellas, ICE Detention Facility,
Todd M. Lyons, Acting Director, U.S. Immigration
and Customs Enforcement (ICE),
Kristi Noem, Secretary of the Department
of Homeland Security,
Pamela Bondi, Attorney General
Garrett J. Ripa Field Office Director
Enforcement and Removal Operations ICE

Respondents.
_____)

PETITIONER'S REPLY IN SUPPORT OF EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner Juan Carlos Maradiaga respectfully submits this Reply in Support of his Emergency Motion for Temporary Restraining Order ("TRO Motion," Doc.2). This Reply is narrowly focused on the legal deficiencies in Respondents' opposition (Doc.9) and the limited purpose of the requested relief: preserving this Court's jurisdiction and preventing irreparable harm pending resolution of the habeas petition.

Respondent's opposition rests on three incorrect premises: (1) that this Court lacks jurisdiction; (2) that Petitioner's detention is governed exclusively by 8 U.S.C. § 1231 and therefore insulated from review; and (3) that Petitioner has failed to demonstrate irreparable harm or entitlement to interim relief. Each premise is incorrect.

This case is not a challenge to a removal order. Rather, it is a narrow habeas action challenging ongoing civil detention under the wrong statutory framework and without constitutionally required process, after more than a decade of compliance under ICE supervision and while Petitioner's asylum case remains actively pending before the Immigration Court with a merits hearing scheduled for March 2027. Petitioner has met all four requirements for emergency injunctive relief.

I. THE COURT HAS JURISDICION OVER PETITIONER'S DETENTION CLAIM

A. 8 U.S.C. § 1252(g) Does Not Bar Review of Detention Authority

Respondents argue that 8 U.S.C. §§ 1252(g) and 1252(b)(9) strip this Court of jurisdiction. That argument misstates the statute's scope. Section 1252(g) applies only to claims arising from the government's decision to commence proceedings, adjudicate cases, or execute removal orders. Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482–83 (1999).

Petitioner does not challenge the validity of his prior removal order, DHS's decision to reinstate it, or any attempt to execute it. Instead, he challenges the statutory and constitutional authority for his present detention, including ICE's revocation of supervision and continued confinement without a custody determination. The Supreme Court has repeatedly recognized that habeas challenges to detention authority fall outside § 1252(g). Jennings v. Rodriguez, 583 U.S. 281, 294 (2018); Zadvydas v. Davis, 533 U.S. 678, 688 (2001).

Respondents' position would improperly convert § 1252(g) into a blanket bar on habeas review of immigration detention—an outcome expressly rejected by the Supreme Court.

B. 8 U.S.C. § 1252(b)(9) Does Not Apply to This Case

Respondents' reliance on the "zipper clause," 8 U.S.C. § 1252(b)(9), is equally misplaced. The Supreme Court has cautioned that § 1252(b)(9) should not be interpreted so broadly that it "swallows all claims that might somehow touch on removal." DHS v. Regents of the Univ. of Cal., 591 U.S. 1, 19 (2020).

Petitioner's claims do not arise from removal proceedings. It arises from ICE's post-arrest detention decision, long after removal proceedings commenced and wholly independent of the merits of Petitioner's asylum *and*

withholding claims. The Supreme Court has squarely held that detention challenges are not barred by § 1252(b)(9). Jennings, 583 U.S. at 293–95. Petitioner seeks only review of his detention authority—not review of a removal order— so this Court has jurisdiction.

II. RESPONDENTS MISAPPLY INA § 1231

A. Petitioner's Removal Is Not Reasonably Foreseeable

Respondents assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1231 based on a reinstated removal order. Even if § 1231 applies, that statute does not authorize detention without meaningful review where removal is not reasonably foreseeable. Petitioner is currently in active removal proceedings and has a pending application for asylum, withholding of removal, and protection under the Convention Against Torture, with a merit hearing scheduled for March 2027. DHS is legally prohibited from removing Petitioner to Honduras unless and until those proceedings conclude against him. See 8 U.S.C. § 1231(b)(3); 8 C.F.R. § 1208.16. The

Supreme Court has made clear that detention under § 1231 is lawful only for the period reasonably necessary to effect removal. Zadvydas, 533 U.S. at 689. Where removal is not reasonably foreseeable, continued detention violates both the statute and the Constitution. Id. at 699. Detaining

B. Johnson v. Guzman Chavez Does Not Authorize Indefinite Detention Without Process

Respondents' reliance on Johnson v. Guzman Chavez, 594 U.S. 523 (2021), is misplaced. That case addressed which statute governs detention for individuals with reinstated removal orders; it did not hold that detention under § 1231 is immune from constitutional scrutiny or procedural requirements.

Guzman Chavez did not involve a petitioner released on supervision for over a decade, revocation of supervision without individualized findings, or detention while removal proceedings are scheduled years into the future. Moreover, the Supreme Court subsequently reaffirmed in Johnson v. Arteaga-Martinez, 596 U.S. 573 (2022), that detention under § 1231(a)(6) remains subject to constitutional limitations recognized in Zadvydas. Detention must bear a rational relationship to the government's ability to effect removal. Respondents' position effectively reads Zadvydas out of the statute and would permit detention untethered to any realistic removal timeline, which is not the law.

III. REVOCATION OF SUPERVISION AND CONTINUED DETENTION VIOLATE DUE PROCESS

Even assuming § 1231 applies, ICE's actions violate due process. Petitioner complied with all conditions of supervision for over a decade. ICE revoked his supervision and detained him without alleging any violation,

danger, or flight risk, and without providing a meaningful opportunity to contest detention.

While the regulations permit revocation of supervision, they do not authorize arbitrary detention. See 8 C.F.R. § 241.4(l). Civil detention requires at least minimal procedural protection, including notice and an opportunity to be heard. Zadvydas, 533 U.S. at 690. Detention that serves no removal-related purpose and lacks procedural safeguards violates due process.

IV. PETITIONER HAS DEMONSTRATED IMMEDIATE AND IRREPARABLE HARM

The harm Petitioner faces is not speculative. ICE retains discretion to transfer him outside this Court's jurisdiction or remove him from the United States at any time. Either action would moot this case and irreparably deprive Petitioner of judicial review. Courts routinely recognize loss of jurisdiction and unlawful deprivation of liberty as irreparable harm justifying temporary injunctive relief. Unlawful civil detention constitutes irreparable harm. Elrod v. Burns, 427 U.S. 347, 373 (1976).

Unlawful civil detention also impairs Petitioner's ability to prepare his asylum case, communicate effectively with counsel, and gather evidence for a merits hearing scheduled years in the future. Respondents' assertion that

Petitioner must wait six months before seeking relief misstates the law. The six-month period recognized in Zadvydas is a presumption, not a safe harbor for detention that is unauthorized or procedurally defective from the outset.

V. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A TRO

Petitioner has lived in the community, complied with supervision, and pursued lawful relief through the immigration courts. ICE has articulated no individualized reason for detention and no imminent prospect of removal. The requested TRO is narrowly tailored; it does not order release or confer any immigration benefit. It merely preserves the status quo while this Court determines the proper detention authority. The government suffers no prejudice from a brief pause. By contrast, denial of relief risks irreversible consequences. The public interest is served when detention complies with governing law and constitutional principles. Zadvydas, 533 U.S. at 696. Detaining an asylum applicant years before his merits hearing undermines—not advances—the orderly administration of immigration law.

VI. PETITIONER HAS SUBSTANTIALLY COMPLIED WITH LOCAL RULE 6.01(a)

Finally, Local Rule 6.01(a), Middle District of Florida, requires a motion for a temporary restraining order to set forth specific facts demonstrating

entitlement to relief, describe precisely the conduct and persons sought to be enjoined, explain the amount and form of required security, and be accompanied by a supporting memorandum and proposed order. Petitioner has substantially complied: the Motion specifies the unlawful detention, identifies the responsible officials, provides legal support, and no security is required to enjoin constitutional violations.

Even if the Court were to identify a technical deficiency, denial of emergency relief would be unwarranted. Courts routinely permit supplementation where liberty interests are at stake, and Respondents have suffered no prejudice—they filed a comprehensive opposition and the Court is fully apprised of the issues. Respondents' Local Rule argument is a procedural sideshow that does not defeat this Court's authority—or obligation—to address an ongoing deprivation of liberty.

VII. CONCLUSION

Respondents conflate removal authority with detention authority and stretch jurisdiction-stripping provisions beyond their intended scope. Petitioner has shown a likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favor relief. For these reasons, and to preserve this Court's jurisdiction, Petitioner respectfully

requests that the Court grant the Motion for Temporary Restraining Order. Respondents' opposition confirms precisely why emergency relief is warranted: they assert authority to detain indefinitely, revoke supervision without process, and transfer Petitioner at will—all while arguing this Court lacks power to intervene. A TRO is necessary to preserve jurisdiction and ensure detention proceeds under the correct statutory and constitutional framework.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 18, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system which will serve a copy to all counsels of record.

Dated: December 18, 2025

Signed:

/s/*Gabriela Kvasna*
counsel for Petitioner