

**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 TO
ENFORCE TEMPORARY RESTRAINING ORDER AND FOR ORDER TO
SHOW CAUSE**

Petitioner Juan Carlos Maradiaga (“Petitioner”) respectfully replies to Respondents’ Opposition (ECF No. 14) and states as follows:

I. RESPONDENTS DO NOT DISPUTE THAT PETITIONER WAS TRANSFERRED OUTSIDE THE MIDDLE DISTRICT AFTER THE COURT ORDERED THE STATUS QUO PRESERVED

1. Respondents concede that Petitioner is currently detained at Krome North Service Processing Center, which lies outside the Middle District of Florida. The sole basis for Respondents’ claim of compliance is that a “book-out” entry

reflects a timestamp of 2:08 p.m., approximately ninety minutes before the Court issued its Temporary Restraining Order at approximately 3:30 p.m. This argument fails as a matter of law and fact.

II. A TRANSFER IS CONTINUING ACT SUBJECT TO A COURT'S ORDER

2. A transfer is not a single clerical event. It is a continuing act involving transportation, custody, intake, and detention decisions, each of which remains under ICE's control until the detainee is fully delivered and housed. Once the TRO issued, Respondents were obligated to:

- halt the transfer between Tampa to Miami,
- redirect transportation, or
- restore the status quo ante.

3. Respondents instead allowed the transfer to continue to completion after the Court's Order was issued. A party may not avoid compliance with a court order by initiating prohibited conduct shortly before the order is entered and then allowing it to proceed unabated. Courts have long rejected that tactic. McComb v. Jacksonville Paper Co., 336 U.S. 187, 191 (1949) (a party may not continue conduct prohibited by an order merely because it began earlier).

III. RESPONDENTS' JURISDICTION ARGUMENT MISAPPREHENDS THE COURT'S ORDER

4. Respondents rely on *Ex parte Endo*, 323 U.S. 283 (1944), and *Major v. Warden*, 2019 WL 4194673 (M.D. Fla. Sept. 4, 2019), to argue that jurisdiction survives transfer. That proposition is beside the point. The Court did not issue the TRO merely to preserve abstract jurisdiction. It expressly restored the status quo and restrained transfer pending further order. Whether jurisdiction might technically persist notwithstanding violation of the TRO does not excuse noncompliance. A party violates a court order when it does what the order forbids—even if the party believes the order unnecessary or incorrect. *Howard Johnson Co. v. Khimani*, 892 F.2d 1512, 1516 (11th Cir. 1990).

IV. NOTICE IS UNDISPUTED AND SERVICE TECHNICALITIES DO NOT EXCUSE NONCOMPLIANCE

5. Respondents acknowledge they received notice of the proceedings and the TRO through the Court and CM/ECF. Actual notice is sufficient to trigger compliance. Fed. R. Civ. P. 65(d)(2). A party with notice must **comply first and litigate later**.

V. ENFORCEMENT AND RESTORATION OF THE STATUS QUO ARE REQUIRED

6. Permitting Respondents' conduct to stand would render status-quo TROs meaningless. The proper remedy for violation of such an order is affirmative remedial relief restoring the pre-violation condition. The Eleventh Circuit

expressly authorizes coercive and remedial measures to enforce compliance with
court orders.

F.T.C. v. Leshin, 618 F.3d 1221, 1232 (11th Cir. 2010).

VI. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

1. Enforce the Temporary Restraining Order;
2. Order Respondents to immediately restore the status quo ante, including returning Petitioner to the Middle District of Florida;
3. Issue the requested Order to Show Cause;
4. Require a sworn compliance affidavit identifying responsible officials; and
5. Grant such further relief as the Court deems just and proper.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 22, 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 22, 2025

Signed:



GABRIELA KVASNA, ESQ.
Attorney for Petitioner