

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

ISABELLA MARYANOVSKY,

Petitioner,

v.

Case No. 3:25-cv-01599-MMH-SJH

GARRETT RIPA, in his official capacity as Field Office Director, Miami Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**; in her official capacity as Secretary of the U.S. Department of Homeland Security, **PAMELA BONDI**, in her official capacity as Attorney General of the United States, et al.

Respondents.

**RESPONSE TO PETITIONER'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

Respondents, Garrett Ripa, Kristi Noem, Pamela Bondi (all in their official capacities), the United States Department of Homeland Security, and the Executive Office for Immigration Review, through undersigned counsel, hereby respond to Petitioner Isabella Maryanovsky's ("Petitioner") Emergency Motion for Temporary Restraining Order ("Motion") (Doc. 3). The Court should deny Petitioner's Motion because Petitioner has not articulated

sufficient facts to warrant the grant of such an extraordinary measure. In support thereof, Respondents state as follows.

INTRODUCTION

Petitioner is a 60-year-old female, native of the former Soviet Union, and subject to a order of removal which became final on September 29, 2009, when her appeal to the Board of Immigration Appeals (“BIA”) was denied. On January 2, 2026, Petitioner filed the instant Motion asserting that Respondents revoked her order of supervision (“OSUP”) contrary to the applicable U.S. Department of Homeland Security (“DHS”) regulations and in violation of the Fifth Amendment to the United States Constitution. Doc. 3 at pgs. 1-2.

However, contrary to Petitioner’s assertions, Petitioner is subject to detention under the statutory framework set forth in 8 U.S.C. § 1321 because she has a valid final order of removal issued against her. On December 15, 2025, Petitioner’s OSUP was revoked, and she was detained for the purpose of executing her final order of removal, in full compliance with statute and regulation. Petitioner’s detention is lawful and her request for injunctive relief should be denied. As of today, Petitioner has been detained for 31 days.

STATUTORY & REGULATORY FRAMEWORK

An alien with a final order of removal is subject to the detention and removal standards set forth at 8 U.S.C. § 1231. The statute directs that an alien

ordered removed be removed within 90 days of their order becoming final and that they remain detained during that timeframe. 8 U.S.C. § 1231 (a)(1)(A); (a)(2)(A). Where the removal period elapses without the alien's departure, the INA and regulations give DHS the authority to grant an order of supervision pending their removal. 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.5(a). Important here, is that continued detention of an alien ordered removed under Section 237 of the INA, codified at 8 U.S.C. § 1227, is governed by the regulations set forth at 8 C.F.R. § 241.4. *See* 8 C.F.R. § 241.4(a)(3).

An order of supervision is not indefinite, rather the regulations permit the government to revoke the order for a variety of reasons. 8 C.F.R. § 241.4(l). Among the reasons for which supervision may be revoked are violation of the conditions of release—in which the alien must be notified of those reasons and given the opportunity to respond—and at DHS's discretion when: “(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.” 8 C.F.R. § 241.4(l)(1)-(2).

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native of the former Soviet Union in what is now Ukraine. Exh. 1: Form I-213, Record of Deportable/Inadmissible Alien, at pg. 3. Petitioner entered the United States on June 19, 1977, in Cleveland, OH, where she was admitted and inspected by an immigration officer and given an adjusted status of a legal permanent resident. *Id.* On November 14, 1989, Petitioner was convicted in the state court of Ohio for the offense of aggravated arson and sentenced to a term of imprisonment of five to twenty-five years. *Id.* at pg. 1. Petitioner was paroled on September 19, 1994, and given a final release on November 8, 1995. Exh. 2: Written Decision and Order of the Immigration Judge, at pg. 2. As a result of Petitioner's criminal conviction, she was charged removable pursuant to INA § 237(a)(2)(A)(iii), as amended 8 U.S.C. § 1227(a)(2)(A)(iii), on August 17, 2006. *Id.*

Petitioner was initially detained by the U.S. Immigration and Customs Enforcement ("ICE") while her removal proceeding was pending on September 20, 2006. Petitioner was later released on a \$5,000 bond on October 16, 2006. Exh. 3: Immigration Custody Order. Petitioner was re-detained by ICE on April 27, 2010. Exh. 1 at pg. 3. Thereafter, ICE released Petitioner under an OSUP on June 3, 2010. Exh. 4: 2010 Order of Supervision. Petitioner was issued a new OSUP on March 20, 2012. Exh. 5: 2012 Order of Supervision. On or about

December 16, 2025, Petitioner's OSUP was revoked and she was detained by ICE.

LEGAL STANDARD

Preliminary injunctive relief—whether through a temporary restraining order or a preliminary injunction—is “an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997). The standard for obtaining either form relief is the same. *See Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001) (per curiam); *Windsor v. United States*, 379 F. App'x 912, 916-17 (11th Cir. 2010) (per curiam). A movant seeking a preliminary injunction or a TRO must show: (1) substantial likelihood of success on the merits; (2) irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest. *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998) (citations omitted); *see also Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995) (per curiam).

Further, “[a] preliminary injunction is an extraordinary remedy never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). Importantly, the party seeking injunctive relief bears the

burden of persuasion as to each of the required elements. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000); *Bongiovanni v. Austin*, No. 3:22-cv-237-MMH-MCR, 2022 WL 1642158, at *5 (M.D. Fla. May 24, 2022).

Finally, Local Rule 6.01(a), Middle District of Florida, requires that a motion for a temporary restraining order set forth specific facts demonstrating entitlement to relief, describe precisely the conduct and persons sought to be enjoined, explain precisely the amount and form of required security, and be accompanied by a supporting legal memorandum and proposed order. Local Rule 6.01(a).

ARGUMENT

I. Petitioner Cannot Establish a Likelihood of Success on the Merits.

Petitioner is unlikely to succeed on the merits of her claims for two reasons. First, the Court is barred from considering Petitioner's claims under two separate jurisdiction-stripping sections of the Immigration and Nationality Act ("INA"). Second, Petitioner's detention is indeed lawful. Petitioner is being detained under 8 U.S.C. § 1231, applicable to aliens subject to a final order of removal, and her claims that ICE has revoked his order of supervision contrary to regulation and in violation of her due process rights are incorrect.

A. 8 U.S.C. § 1252(g) Precludes Review of Petitioner’s Claims

There is no jurisdiction to review “any cause or claim . . . arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders.” 8 U.S.C. § 1252(g); *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013). This provision bars habeas review in federal courts when the claim arises from “discrete acts of commencing proceedings, adjudicating cases, and executing removal orders.” *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483 (1999) (“*AADC*”) (cleaned up). These activities “represent the initiation or prosecution of various stages in the deportation process” that Congress had “good reason” to withhold from judicial review. *Id.*

However, this bar is subject to limitations and should only be applied “to just those three specific actions” listed. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). Thus, in doing so, “courts must focus on the action being challenged.” *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1258 (11th Cir. 2020). Here, Petitioner is subject to a final order of removal¹—and she challenges

¹ That Petitioner seeks reopening of her immigration proceedings does not invalidate Respondents’ ability to execute that order. See 8 U.S.C. § 1229a(b)(5)(C) (providing the only scenario in which the filing of a Motion to Reopen automatically stays execution of a removal order, namely where the order is issued based upon failure to appear either due to exceptional circumstances or lack of notice). Furthermore, motions to reopen are time and numerically limited and Petitioner has already sought—unsuccessfully—reopening of her immigration proceedings. See Doc. 3 at ¶ 18; see also 8 C.F.R. § 1003.23(b)(1) (a party is permitted one

ICE's detention for the purpose of executing that order. Doc. 3 at ¶ 25. This matter thus falls squarely within the specific actions *Jennings* contemplated, namely the discrete action of executing a removal order, and this Court lacks jurisdiction to hear Petitioner's claims. *See e.g., Rivera-Amador v. Rhoden*, No. 3:25-CV-1460-WWB-SJH, 2025 WL 3687452, at *2 (M.D. Fla. Dec. 19, 2025); *see also Barrios v. Ripa*, No. 1:25-CV-22644, 2025 WL 2280485, at *4 (S.D. Fla. Aug. 8, 2025) (finding 8 U.S.C. § 1252(g) to bar habeas petitioner's claims that OSUP had been improperly revoked).

B. 8 U.S.C. § 1252(b)(9) Also Bars This Court's Review

The Court also lacks jurisdiction on separate grounds. The INA precludes the Court's review of "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States" except when brought pursuant to judicial review of a final order of removal. 8 U.S.C. § 1252(b)(9). This is known as the "zipper clause" and applies where a petitioner seeks "review of an order of removal [or] the decision to seek removal." *Canal A*, 964 F.3d at; *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 19 (2020) (cleaned up). In reading this subsection alongside 8 U.S.C. § 1252(a)(5)—the subsection that provides the single, proper path for judicial

motion to reopen and as a general rule, a motion to reopen must be filed within 90 days of an Immigration Judge's final order.).

review of removal orders—courts have concluded that petitioners must funnel all aspects of challenges to removal proceedings through the avenue set forth in Section 1252(a)(5), which takes place after a final order of removal has issued. *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’s restrictions are broad, but not without limitation. *See, e.g., Canal A*, 964 F.3d at 1257. However, a claim that arises from actions or proceedings brought to remove an alien clearly falls within its parameters. *See Regents of Cal.*, 591 U.S. at 19 (finding the bar inapplicable where parties did not challenge removal proceedings).

While holding that it was unnecessary to comprehensively address the scope of § 1252(b)(9), the Supreme Court in *Jennings* provided guidance on the types of challenges that may fall within the scope of § 1252(b)(9). *See Jennings*, 583 U.S. at 293-94. The Court found that “§1252(b)(9) [did] not present a jurisdictional bar” in situations where “respondents . . . [were] not challenging the decision to detain them in the first place.” *Id.* at 294-95. In this case, notwithstanding Petitioner’s creative framing of the issues, she does indeed

challenge the government's decision to detain her for the purpose of removal. Even still, the fact that the Petitioner is challenging the basis upon which she is detained is enough to trigger § 1252(b)(9) because "detention is an 'action taken . . . to remove' an alien." *See Jennings*, 583 U.S. at 319 (Thomas, J., concurring); 8 U.S.C. § 1252(b)(9). The Court should dismiss the Petitioner's claims for lack of jurisdiction under 8 U.S.C. § 1252(b)(9).

C. Petitioner's Detention is Lawful

1. Petitioner's Order of Supervision Has Been Properly Revoked.

Should the Court determine that it retains jurisdiction over Petitioner's habeas claims—and it should not—she still cannot establish eligibility for habeas relief because her detention is lawful because, contrary to Petitioner's argument, revocation of her order of supervision followed the applicable statutes and regulations. While she was released on an order of supervision, that order remained revocable. *See* 8 C.F.R. § 241.4(l). On December 16, 2025, ICE lawfully exercised its discretion to revoke Petitioner's supervision under 8 C.F.R. § 241.4(l)(2)(iii) for the purpose of executing her final order of removal. Petitioner argues that she was not afforded notice of the reasons underlying ICE's decision to revoke her order of supervision nor provided the opportunity to respond, *see* Doc. 1 at ¶ 30, but the a simple reading of the regulations belie her argument.

The discretionary revocation of an alien's order of supervision under 8 C.F.R. § 241.4(d)(2) does not require that the individual be afforded an interview or opportunity to respond to the agency's revocation. Compare 8 C.F.R. § 241.4(d)(1) ("The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.") with 8 C.F.R. § 241.4(d)(2) (no such language). Petitioner's order of supervision was revoked for the purpose of executing her final order of removal, not due to an allegation of violation of the terms of release. Compare 8 C.F.R. § 241.4(d)(1) (requiring notice and an opportunity to respond where an order of supervision is revoked on account of violation of the terms of release) to 8 C.F.R. § 241.4(d)(2) (no such requirement).

In addition to arguing that her revocation was improperly revoked under 8 C.F.R. § 241.4, Petitioner has also asserted that revocation was violative of 8 C.F.R. § 241.13. See Doc. 1 at ¶ 43. This claim fails for two reasons. First, Respondents assert that they are still within the presumptively reasonable detention period. However, should the Court disagree, Petitioner has failed to demonstrate how 8 C.F.R. § 241.13 is applicable here where she has not yet requested, much less received, a headquarters-level decision concerning the likelihood of her removal in the reasonably foreseeable future. After *Zadvyd*

was decided in February 2001, discussed at greater length *infra*, regulations were promulgated to govern administrative review of alien detention determinations made beyond the removal period. See 8 C.F.R. § 241.13 (enacted in November 2001); see also *Zadvvydas v. Davis*, 533 U.S. 678 (2001). Under this regulatory scheme, an alien who believes their detention falls within its parameters may submit a request for release to the Headquarters Post-Order Detention Unit (“HQPDU”) stating the basis for which they believe there is no significant likelihood of removal in the reasonably foreseeable future. See 8 C.F.R. § 241.13(c) (“The HQPDU shall conduct a review under this section, *in response to a request from a detained alien*, in order to determine whether there is no significant likelihood that the alien will be removed in the reasonably foreseeable future) (emphasis added); see also 8 C.F.R. § 241.13(d)(1).

A written request must include sufficient information to establish their compliance with their obligation to cooperate in the process of obtaining necessary travel documents necessary to effect removal. 8 C.F.R. § 241.13(d)(2). The HQPDU must respond to the alien’s request in writing to acknowledge receipt of the request for a review of his continued detention and immigration officials may continue to detain the alien until the HQPDU has made a determination as to whether there is a significant likelihood that the alien can be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(e)(1).

Petitioner has not demonstrated a violation of this regulatory framework. There is no indication whatsoever that Petitioner has requested release from HQPDU. *See* 8 C.F.R. § 241.13(c) (indicating that HQPDU *must* conduct a review upon an alien's request), (d)(1) (providing the criteria for written requests for review). Even reading this regulation in a manner most favorable to Petitioner—whereby 8 C.F.R. § 241.13 automatically transfers jurisdiction over custody determinations for individuals in this procedural posture to HDPDU even absent formal request for HQPDU review—Petitioner's claim fails because she cannot demonstrate that she has exhausted 8 C.F.R. § 241.13's HQPDU review process before turning to this Court for habeas intervention. *See Abdelghani v. Lynch*, No. 3:16-CV-1594-J-39JRK, 2017 WL 11696739, at *2 (M.D. Fla. Jan. 3, 2017) (dismissing habeas petition as premature where petitioner had not yet received a decision from HQPDU concerning his significant likelihood of removal in the reasonably foreseeable future); *see also Royer v. Holder*, No. 3:12-CV-1319-J-12MCR, 2012 WL 6553114, at *3 (M.D. Fla. Dec. 14, 2012) (same).

2. Petitioner's Period of Detention is Presumptively Reasonable

As discussed *supra* the INA requires that an alien ordered removed be detained for the 90-day removal period after his order of removal becomes final. 8 U.S.C. § 1231 (a)(1)(A); (a)(2)(A). But even where removal is not effected on that schedule, the government is permitted to continue to detain an alien—or to

detain them again in the future for the purpose of executing the order—and there is no statutory limit on how long that post-removal detention period may last. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). However, 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.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021); *see also Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (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 that considers 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*, 287 F.3d at 1051-52; *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).

Here, Respondents urge the Court to find that the presumptively reasonable detention period has not elapsed, and Petitioner’s habeas petition is premature. Petitioner has only been detained for 31 days. *See Doc. 3 at ¶ 23.*

Furthermore, though *Akinwale* counsels that the initial removal period should be included in 180-day the presumptively reasonable period, there are important factual distinctions there from the case at hand that warrant consideration of a different application here. In *Akinwale*, the habeas petitioner had been detained pursuant to his removal order immediately following his incarceration for a criminal offense and his immigration detention spanned a *continuous* four-month period of time at the time the habeas petition was filed. *Akinwale*, 287 F.3d at 1051. It was during that four-month time period that the government continued to make efforts to effect removal and during that period of time that the Court determined that the 90-day removal period making up the front end of that four months should properly be included into the presumptively reasonable calculation. *Id.* at 1052. Here, however, a staggering 15 years has elapsed between Petitioner's initial detention period and her most recent detention for the purpose of attempting to effect removal once more.

The very spirit of *Zadvydas* is to prevent prolonged ongoing detention. *Zadvydas*, 533 U.S. at 679. And the purpose of the removal period is to allow the government a reasonable amount of time to make travel and documentation arrangements necessary to remove an individual. *Diouf v. Mukasey*, 542 F.3d 1222, 1231 (9th Cir. 2008). With both considerations in mind, it would thus make little sense to read *Akinwale* so strictly as foreclose any presumptively

reasonable period here in 2025 based on a period of detention that occurred over a decade and a half ago. *See e.g., Meskini v. Att'y Gen. of United States*, No. 4:14-CV-42 (CDL), 2018 WL 1321576, at *3 (M.D. Ga. Mar. 14, 2018) (rejecting strict adherence to 180-day time period and urging analysis based upon removal efforts at present).

Petitioner was detained once prior for the purpose of attempting removal—over 15 years ago—and Respondents should be afforded a reasonable period of time to arrange for her removal once more given the passage of time. Finally, Petitioner's removal is not as improbable as she suggests—though prior efforts to deport to Ukraine may have not been fruitful, Respondents are now pursuing an alternate country of removal.

3. Equitable Principles Do Not Invalidate Petitioner's Removal Order

Petitioner does not proffer an argument as to how the balance of equities and public interest favor her request. Petitioner merely reiterates her conclusory allegations that her detention is illegal and that ICE's decision to re-detain her are invalid. Petitioner seemingly quotes from *Nken v. Holder*, 556 U.S. 418, 436 (2009), to suggest were she to be removed from the United States, such removal would be wrong. Doc. 3 at pg. 19. However, this ignores the fact that Petitioner remains subject to a final order directing her removal from the United States

and Respondents should not be prohibited from making reasonable efforts to execute that order simply on account of the passage of time.

That Petitioner has continued to live and work in the United States notwithstanding her final order of removal does not impact the enforceability of that order. In fact, Petitioner's failure to voluntarily depart notwithstanding her final order only demonstrates a continued disregard for United States immigration law. Petitioner has cited no case or law that demonstrates that her approach is appropriate.

In fact, there is no support for the contention that equitable principles should automatically unwind a valid order of removal. Understandably, Petitioner wants to remain here in the United States. However, she remains subject to a final order of removal. Respondents cannot be restrained from executing that valid order simply because Petitioner has chosen to remain in the United States contrary to the court order issued against her.

II. Petitioner Has Not Demonstrated Irreparable Harm.

Petitioner does not directly state what irreparable injury she fears. Doc. 3 at pgs. 17-18. Rather, she asserts that absent injunctive relief she faces imminent removal from this jurisdiction which would render her writ moot, which she argues would impede her due process rights. *Id.* However, this legal conclusion is incorrect as once jurisdiction is properly acquired, a petitioner's

removal to another judicial district does not destroy a court's jurisdiction. *Ex parte Endo*, 323 U.S. 283, 306 (1944); *Major v. Warden, FCC Coleman - Low*, No. 5:18-CV-269-OC-02PRL, 2019 WL 4194673, at *1 (M.D. Fla. Sept. 4, 2019).

Indeed, “[j]urisdiction attaches upon the initial filing of the § 2241 petition and will not be destroyed by a petitioner’s subsequent Government-effectuated transfer and accompanying change in physical custodian.” *Major*, 2019 WL 4194673 at *1. Here, Petitioner filed her habeas petition in the Middle District of Florida while she was detained within the district. Doc. 1 at ¶¶ 7-10. Further, Petitioner has presented no facts to suggest she would even be relocated to another detention facility outside the Middle District of Florida pending the execution of her removal order. And even if she were, jurisdiction was proper at the time of filing; thus, she does not in fact risk destruction of this Court’s jurisdiction over her Petition as she so asserts. Moreover, the Court lacks jurisdiction over this claim because 8 U.S.C. § 1252(a)(2)(B)(ii) bars review over determinations as to where to house a detainee. *See Barrios*, 2025 WL 2280485 at *6.

Aside from the above-stated purported irreparable harm, Petitioner asserts no other harm. Petitioner bears the burden of persuasion and she has failed to carry that burden on the allegations put forth in the instant motion alone. *See Siegel*, 234 F.3d at 1176; *Bongiovanni*, 2022 WL 1642158, at *5. To

the extent Petitioner suggests that detention impairs her access to counsel or hampers meaningful review, TRO Mtn. at ¶ 7, again Petitioner has failed to meet his burden of persuasion where he has offered no discernible factual or legal support for this conclusion. Importantly, Petitioner is indeed represented by counsel at this time notwithstanding his detention and has been able to avail himself of the assistance of that counsel as evidenced by the instant proceedings.

Finally, to the extent that Petitioner asserts that ongoing detention has resulted in physical and psychological harm—Doc. 3 at pgs. 10-11—again, Petitioner has failed to provide any precedential or factual support beyond the mere statement and cannot meet her burden on that basis alone. Still, under the Fifth Amendment Due Process Clause, “a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law.” *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). For conditions of confinement to constitute “punishment,” a petitioner must show either “an expressed intent to punish on the part of detention facility officials,” or an implied intent to punish through a condition or restriction that a “is not reasonably related to a legitimate goal—if it is arbitrary or purposeless[.]” *Id.* at 538-39. “Thus, if a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to ‘punishment.’” *Id.* at 539.

Petitioner fails to show that her detention is not proportionately related to the government's non-punitive responsibilities and administrative purposes. While civil detainees retain greater liberty protections than individuals convicted of crimes, *see, e.g., Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982), immigration detention cannot be described as punitive or excessive in relation to the legitimate government purpose of protecting the public, ensuring attendance at removal proceedings, and ensuring that aliens appear for removal. *See, e.g., Demore*, 538 U.S. at 523 (“[T]his Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process.”); *Matos v. Lopez Vega*, No. 20-CIV-60784-RAR, 2020 WL 2298775, at *10 (S.D. Fla. May 6, 2020) (“it is a fallacy to think that Respondents do not have a legitimate government purpose in ‘preventing detained aliens from absconding and ensuring that they appear for removal.’”).

Petitioner's bare assertion that she would suffer irreparable harm does not negate Respondents' legitimate interest in her detention while arrangements for removal are made. And, as discussed *supra*, Petitioner's detention for this purpose is indeed lawful. For these reasons, Petitioner has not met her burden to establish irreparable harm and the instant motion should be denied.

III. The Balance of Equities and Public Interest Favor Respondents

Granting Petitioner's request and ordering her release would result in the extension of "ongoing violation of U.S. law" through delay and fragmentation of the enforcement of immigration law. *AADC*, 525 U.S. at 491. Congress, however, specifically amended the INA with precisely such concerns in mind. *Id.* at 487 ("[8 U.S.C. § 1252(g)] is specifically directed at the deconstruction, fragmentation, and hence prolongation of removal proceedings."). The public has a strong interest in enforcement of these laws, and "[t]he contention that a violation must be allowed to continue because it is improperly selected is not powerfully appealing." *Id.* As the Supreme Court observed in *Nken*, "[t]here is always public interest in the prompt execution of removal orders[.]" *Nken v. Holder*, 556 U.S. 418, 436 (2009) (internal quotation omitted). Furthermore, though petitioner asserts that he unequivocally poses no threat to the community—citing to a lack of current criminal history—Respondents would be remiss not to remind the Court that Petitioner indeed has a history of a serious criminal offense.

Because Petitioner has not met her burden and because the balance of equities and public interest favor the government, Petitioner's motion for injunctive relief should be denied.

CONCLUSION

The court should deny Petitioner's motion seeking injunctive relief. Petitioner has not met her burden in showing such relief is warranted as the likelihood of success on the merits of his habeas petition is poor, he has failed to demonstrate irreparable harm, and the balance of equities and public interest favor Respondents. All relief should be denied.

Dated: January 15, 2026

Respectfully submitted,

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