

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 25-cv-62690-ALTMAN**

**MERLIN YAMILETH  
TURCIOS-PINEDA,**

*Petitioner,*

v.

**PAM BONDI, UNITED STATES  
ATTORNEY GENERAL, et al.,**

*Respondents.*

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**RESPONDENTS RESPONSE TO THE COURT'S ORDER DATED MARCH 2, 2026**

Respondents, by and through the undersigned Assistant United States Attorney, submit the following response to the Court's Order Dated March 2, 2026. For the reasons set forth below, the Petitioner's claim that her pre-removal detention violates her due process rights is now moot.

**FACTUAL AND PROCEDURAL BACKGROUND**

At a hearing on January 14, 2026, the immigration judge entered an order finding Petitioner inadmissible as charged in the NTA, denying her applications for relief, and ordering her removed to Guatemala. Petitioner reserved her right to appeal the decision; the deadline to file an appeal with the Board of Immigration Appeals was February 13, 2026. However, Petitioner did not appeal the decision, thus the removal order has become final.

**ARGUMENT**

**A. Petitioner's Claim that Her Pre-Removal Detention Violates Due Process is Moot**

“[A] case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Powell v. McCormack*, 395 U.S. 486, 496 (1969). “Put another way, ‘[a] case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.’” *Fla. Ass’n of Rehab. Facilities, Inc. v. Fla. Dep’t of Health & Rehab. Servs.*, 225 F.3d 1208, 1216-17 (11th Cir. 2000) (quoting *Ethredge v. Hail*, 996 F.2d 1173, 1175 (11th Cir.1993)).

Here, Petitioner was lawfully detained under 8 U.S.C. § 1225(b). When Petitioner failed to appeal her final order of removal to the Board of Immigration Appeals that order became final. Since the order is now final, Petitioner is detained under 8 U.S.C. § 1231(a), which controls the detention and removal of an alien subject to a final order of removal. Petitioners’ claim that her pre-removal order detention violates her due process rights are now moot because she is currently under post-removal order detention.

The Supreme Court in *Zadvydas* held that an alien subject to a final removal order may be detained for “a period reasonably necessary to secure removal.” 533 U.S. at 699. Such detention is “presumptively reasonable” for six months. *Id.* at 701. However, “[t]his 6–month presumption . . . does not mean that every alien not removed must be released after six months.” *Id.* Rather, an alien, such as Petitioner, “may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.*

Here, the court cannot provide the relief that is being requested since the Petitioner is currently under post-removal detention pursuant to U.S.C. § 1231(a) and the six-month period has not expired.

### **CONCLUSION**

For the reasons set forth above, Petitioner’s claim that her pre-removal detention violates her due process rights is moot and the Petition for Writ of Habeas Corpus should be denied.

Dated: March 11, 2026.

Respectfully submitted,

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