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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

Jose A. FRANCO,

Petitioner,

v.

Case No.: 3:26-cv-00015

WARDEN, BAKER COUNTY DETENTION CENTER;
ICE FIELD OFFICE DIRECTOR, MIAMI;
SECRETARY, DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

**PETITIONER'S SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
AND MOTION FOR IMMEDIATE RELEASE**

I. INTRODUCTION

Petitioner respectfully submits this Supplemental Memorandum in support of the pending Petition for Writ of Habeas Corpus and Motion for Immediate Release to provide additional legal authority and supporting documentation relevant to the Court's initial review. This supplement addresses the reasoning set forth in *Beltrán v. Ripa* and demonstrates its direct applicability to Petitioner's continued detention, particularly where repatriation to Cuba is not reasonably foreseeable.

Petitioner also submits, for the Court's consideration, the attached exhibits documenting prior release from ICE custody, full compliance with supervision, and the government's prior acknowledgment of its inability to effectuate removal. These

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materials are submitted in support of the Petition and Motion for Immediate Release and are intended to assist the Court in its initial review.

II. THE BELTRÁN DECISION AND THE IMPOSSIBILITY OF REPATRIATION TO CUBA

In *Beltrán*, the court examined prolonged immigration detention where repatriation to Cuba was not practicable due to the absence of a reliable repatriation process. The court recognized that because Cuba does not routinely accept removals, the government could not establish a realistic or foreseeable likelihood of removal. Continued detention under those circumstances was no longer reasonably related to the civil purpose of removal and raised serious due process concerns. The Eleventh Circuit has similarly recognized that the Supreme Court's rationale in *Zadvydas* supports measuring detention prospectively from the outset of the removal period. As the court explained, "*The Supreme Court's stated rationale for establishing a presumptively reasonable '6-month period' for detention pending removal supports our conclusion that this period commences at the beginning of the removal period.*" *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 n.3 (11th Cir. 2002). This framework underscores that prolonged detention cannot be justified by speculative future removal where no realistic prospect exists.

The *Beltrán* court reaffirmed that immigration detention must remain tethered to its regulatory purpose. Where removal is speculative or unlikely, detention becomes constitutionally suspect. This principle is consistent with *Zadvydas v. Davis*, 533 U.S. 678 (2001), which holds that civil immigration detention may not be indefinite absent a legitimate and continuing governmental interest. As the court emphasized in *Beltrán*, the *Zadvydas* inquiry is forward-looking, not backward-looking. "*The Zadvydas framework is prospective, not retrospective. If the government can establish a significant likelihood of removal in the reasonably foreseeable future, detention is lawful. Otherwise, the government can keep tabs on the noncitizen through reasonable conditions of supervision while it continues removal efforts. If removal becomes likely, the*

government can detain the noncitizen while it irons out the details." *Beltrán v. Ripa*, No. 2:25-cv-01174-SPC-NPM, slip op. at 6 (M.D. Fla.)

III. BELTRÁN APPLIES DIRECTLY TO PETITIONER'S DETENTION

The circumstances in *Beltrán* closely mirror those present here. Petitioner is a national of Cuba, and repatriation is not reasonably foreseeable due to the lack of a functional and reliable repatriation mechanism. The government has not demonstrated that removal is meaningfully imminent or that continued detention is likely to result in repatriation.

Petitioner was ordered removed on November 8, 2018. ICE was unable to effectuate removal during the statutory removal period and, on November 29, 2018, released Petitioner from custody pursuant to an Administrative Stay of Removal and Order of Supervision. **Exhibit A.** These documents reflect the government's acknowledgment that removal could not be carried out and that release under supervision was warranted.

Following release, Petitioner complied with all supervision requirements, including regular reporting to ICE, as reflected in supervision records and check-in confirmations. **Exhibit B.** Petitioner was also issued employment authorization, which required continued compliance with ICE supervision. **Exhibit C.** There is no indication of noncompliance or changed circumstances that would justify renewed and prolonged detention.

Absent a realistic prospect of repatriation, Petitioner's continued detention—like the detention at issue in *Beltrán*—is no longer reasonably related to the purpose of removal and instead constitutes prolonged detention without adequate justification or individualized findings.

As in *Beltrán*, the government's inability to effectuate repatriation to Cuba renders continued detention constitutionally suspect and inconsistent with its

purported civil purpose. Applying *Zadvydas*, the *Beltrán* court concluded that continued detention was unlawful where removal was not reasonably foreseeable: "*The Court finds no significant likelihood Beltran will be removed in the reasonably foreseeable future. He is entitled to release from detention under Zadvydas, but he remains subject to the terms of the Order of Supervision. Beltran's claims regarding the process used to revoke release are moot.*" *Beltrán v. Ripa*, No. 2:25-cv-01174-SPC-NPM, slip op. at 7 (M.D. Fla.)

IV. SUPPORTING EXHIBITS

Petitioner submits the following exhibits in support of the Petition and Motion for Immediate Release:

- **Exhibit A** – Administrative Stay of Removal and Order of Supervision
- **Exhibit B** – ICE Check-In Confirmation Records
- **Exhibit C** – Employment Authorization Documents
- **Exhibit D** – Detention and Supervision Timeline

V. CONCLUSION

For the foregoing reasons, and in light of the additional authority and evidence provided herein, Petitioner respectfully submits that continued detention raises substantial constitutional concerns. Petitioner requests that the Court consider this supplemental memorandum in its review of the pending Petition for Writ of Habeas Corpus and Motion for Immediate Release and grant such relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

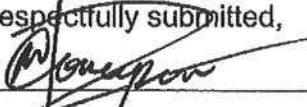
I hereby certify that on January 16, 2026 a true and correct copy of the Supplemental Memorandum and attached exhibits was served by U.S. Mail upon the following:

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Respectfully submitted,



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