

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DAVID SAINT REMY,
Petitioner,

V.

PAM BONDI, Attorney General of
the United States; KRISTI L. NOEM,
Secretary, Department of Homeland
Security; TODD LYONS, Acting Director,
U.S. Immigration and Customs
Enforcement; GARRETT J. RIPA,
Field Office Director - Miami ERO;
and RONNIE WOODALL, Warden -
Baker Correctional Institution.

Respondents.

Case No. 3:26-cv-00028-MMH-SJH

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

COMES NOW Petitioner, David Saint Remy (or "Mr. Saint Remy"), through undersigned counsel, and submits this Reply ("Reply") to Respondents' Response to Petitioner's Emergency Motion for Temporary Restraining Order ("Response").

Petitioner's Temporary Restraining Order ("TRO") should be converted into a preliminary injunction and a writ of habeas corpus granted in this case. This

matter is before the Court, like so many others, due to “the ill-conceived and incompetently-implemented government pursuit of daily deportation quotas,” not a concern for the public’s safety or the confines of the law. *See Arias v. Noem, et. al.*, Case No. SA-26-CV-415-FB, Doc. 9, Western District of Texas (January 31, 2026).

Petitioner asks for a preliminary injunction to secure his presence during the pendency of his Petition for Writ of Habeas Corpus. A preliminary injunction is necessary to ensure Petitioner’s Fifth Amendment due process rights.

I. Petitioner has met his burden of proving that he is entitled to a TRO and that the TRO should be converted into a preliminary injunction for the duration of these proceedings.

A. Substantial likelihood of success on the merits

Petitioner has been detained for over six months without any reasonable prospect of removal in the foreseeable future. Respondents claim they may be able to remove Petitioner to the Bahamas or Mexico, but provide no concrete evidence of arrangements with these countries or timelines for removal. Doc 13-14; Response, at 4. In late July 2025, Respondents made initial inquiries to remove Petitioner to the Bahamas and Mexico. The Bahamas denied Respondents’ request. *Id.* Now, over six months later, Respondents claim that the Bahamas has agreed to accept him; however, no documentation or correspondence with the Bahamas is provided to validate this contention. *Id.* Respondents do not present any evidence that Mexico has agreed to accept Petitioner, but submit a Notice of Removal to

Mexico from July 23, which Mr. Saint Remy refused to sign due to an expressed fear of removal to Mexico. *Id.* at Doc. 13-13. Notably, there is no evidence provided to suggest that Respondents took any subsequent lawful action, such as scheduling a credible/reasonable fear interview, to effectuate removal to Mexico.

The lack of evidence of any foreseeable removal, which surely would be before the Court if it existed, cannot rebut Petitioner's showing that removal is not reasonably foreseeable. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Therefore, Petitioner is likely to win on the merits.

B. Irreparable injury

Respondents argue that Petitioner has not asserted an irreparable injury absent this Court's intervention. Their arguments fail to address the abundant case law noting that a deprivation of liberty and due process constitutes irreparable harm. *See Gayle v. Meade*, 614 F. Supp. 3d 1175, 1205 (S.D. Fla. 2020) ("It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'") (internal citations omitted).

This District has considered a similar case and found likely irreparable injury should Respondents deport or transfer Petitioner during the pendency of his habeas petition. *See Gomez-Alcina v. Noem*, 2025 U.S. Dist. LEXIS 262743, at *5 (M.D. Fla. Dec. 19, 2025) ("Petitioner has likewise demonstrated irreparable injury . . .

Without interim relief to maintain the status quo, Petitioner could be deported or removed from this Court's jurisdiction, effectively foreclosing any recourse.”).¹ Should Respondent's transfer or remove Petitioner during these proceedings, his right to due process would be irreparably damaged.

C. Balance of harms and Public Interest

The final factors, a balance of harms and the public interest, likewise weigh in Petitioner's favor. *Gomez-Alcina* is again helpful here. In that case, the petitioner brought a habeas corpus action after being inexplicably detained while on an Order of Supervision. The court considered a temporary restraining order to ensure his presence for the adjudication of his habeas petition, and found that the harm to the respondents was “minimal,” and further, that because the detention was potentially unlawful, “neither equity nor the public's interest is furthered by holding him without due process.” *Gomez-Alcinam*, 2025 U.S. Dist. LEXIS 262743, at *5-6.

Respondents' claim that enforcing immigration laws gives them the high ground on the public interest issue is negated. The public interest is not served by detaining individuals indefinitely when removal is not reasonably foreseeable,

¹ Without a preliminary injunction, there is a high risk that Respondents will remove or transfer Petitioner while his Petition is pending. See *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (dissent, Sotomayor, J.) (recognizing that the government has repeatedly removed CAT withholding recipients to third-countries without due process); *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (habeas corpus jurisdiction lies only in the district of confinement); *Trump v. CASA, Inc.*, 606 U.S. 831, 844, 59 (2025) (injunctive relief can only be offered to the specific party before the court).

particularly when, as here, Petitioner has demonstrated rehabilitation and diligently complied with his immigration obligations for thirteen years. *See id.*

II. Petitioner's Detention is Indefinite, Arbitrary, and Unlawful.

While Respondents rely heavily on unsubstantiated statements that Petitioner's removal is imminent, they fail to address the underlying lawlessness of Petitioner's detention and the lack of any evidence showing that removal is foreseeable. They also fail to address the fact that Respondents have had ample time to effectuate Petitioner's removal, including the 13 years he was released on an Order of Supervision or the over six months of detention, with no end in sight.

Respondents place heavy emphasis on Petitioner's criminal history, but fail to acknowledge that his last serious conviction was in 1995—nearly 30 years ago. Petitioner has demonstrated substantial rehabilitation since that time, particularly during the 13 years he spent on supervised release from 2013 to 2025.

The purpose of immigration detention is not to punish past criminal conduct but to ensure appearance for removal proceedings and protect the community from danger. 8 USCS § 1231 (a)(6); *Zadvydas*, 533 U.S. at 690-91. Given Petitioner's demonstrated compliance with immigration requirements and lack of criminal activity for over thirteen years, his continued detention serves no legitimate administrative purpose and is therefore arbitrary and punitive in nature.

Further, and as set forth above, Respondents fail to provide any concrete evidence that Petitioner's removal is likely in the reasonably foreseeable future. Their vague assertions about potential removal to the Bahamas or Mexico are unsupported by any documentation of actual agreements, travel documents, or specific timelines.

A. Petitioner's Detention is Unlawful Because ICE Failed to Follow Its Own Statutory Obligations.

Respondents rely heavily on their right under the INA to detain individuals pending removal. Respondents justify Petitioner's unlawful detention because of his criminal history, noting "the United States has a public interest in enforcement of immigration laws against Petitioner, who has consistently demonstrated—via his lengthy criminal history—that he is a danger to the community." Doc. 13 at 12.

Yet, Respondents ignore that they themselves released Petitioner on an Order of Supervision 13 years ago, evidently finding he was not a danger to the community. During this time, Petitioner has proven Respondents correct. He has posed no danger to the community, avoided any and all criminal infractions, and complied diligently with all immigration requirements.

Respondents also fail to address their own violation of the INA by revoking Petitioner's Order of Supervision without providing due process:

Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. 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.

8 C.F.R. §§ 241.4(l)(1), 241.13(i)(2); *see also United States v. Chinchilla*, 987 F.3d 1303, 1310 (11th Cir. 2021) (“In order to remove an unlawful alien subject to an order of supervision, immigration officials must first revoke the order of supervision and must notify the alien of “the reasons for revocation,””(internal citations omitted). “ICE, like any agency, has the duty to follow its own federal regulations”” *Gomez-Alcina*, 2025 U.S. Dist. LEXIS 262743, at *4. Both the Response and corresponding exhibits are absent any evidence or attestation that this process was followed prior to Petitioner’s detention.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court convert the temporary restraining order into a preliminary injunction so that Petitioner can ensure his presence for the resolution of his Petition for Writ of Habeas Corpus.

Respectfully submitted this 5th day of February, 2026.

/s/ Katherine H. Blankenship
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Certificate of Service

I hereby certify that on February 5th, 2026, a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order was served via electronic ECF filing.

Respectfully submitted,

/s/ Katherine H. Blankenship
Katherine H. Blankenship