

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 26-CV-20204-SMITH

CARLOS ALBERTO PEDROZO  
ECHEVARRIA,

Petitioner,

v.

WARDEN, KROME SERVICE  
PROCESSING CENTER,

Respondent.

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**RESPONSE TO ORDER TO SHOW CAUSE AND PETITION FOR A  
WRIT OF HABEAS CORUPS UNDER 28 U.S.C. § 2241**

Respondent,<sup>1</sup> through the undersigned Assistant United States Attorney, respectfully submits this Response to this Court's Order to Show Cause (ECF No. 5) and Petitioner Carlos Pedrozo Echevarria's *Pro Se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (ECF No. 1) ("Petitioner" and the "Petition"). For the reasons set for below, this Court should dismiss the petition for lack of jurisdiction, or in the alternative deny the Petition on the merits.

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<sup>1</sup> A writ of habeas corpus must "be directed to the person having custody of the person detained." 28 USC § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004). Petitioner is currently detained at Krome Service Processing Center. See Exhibit D. Therefore, the proper respondent is Charles Parra, in his official capacity as the Assistant Field Office Director in charge of the Krome Service Processing Center. Respondent must all be dismissed as improper parties.

## BACKGROUND

### **I. Petitioner's Arrival in the United States and Numerous Arrests and Convictions.**

Petitioner Carlos Pedrozo Echevarria is a native and citizen of Cuba who was paroled into the United States on May 25, 1980, after arriving at or near Key West, Florida as a Cuban Refugee on the Marial Boatlift. Exhibit B, Form I-213, Record of Deportable/Inadmissible Alien, dated July 6, 2017. Later that same year, on December 23, 1980, Petitioner was arrested by the Naples Police Department for the offense of Shoplifting. He was found guilty and sentenced to three months of probation. Exhibit N, Declaration of Supervisory Detention and Deportation Officer, dated January 29, 2026.

A decade later, on October 11, 1990, Petitioner was arrested by the New York City Police Department for the offense of Criminal Possession of Controlled Substance in the Third Degree. Exhibit H, Certificate of Disposition, dated May 23, 2007. On March 19, 1991, Petitioner was convicted upon plea of guilty. *Id.*

On March 24, 2004, Petitioner was again arrested in New York City, this time for Promoting a Sexual Performance by a Child Less than 16 Years of Age. Exhibit F, Guilty Plea, dated November 23, 2004. On October 13, 2004, Petitioner was convicted after pleading guilty and was sentenced to ten months of probation. *Id.* As a condition of his probation, Petitioner was required to register as a sex offender. **Exhibit G**, Conditions of Probation, dated December 6, 2004; **Exhibit K**, Florida Department of Law Enforcement - Sexual Offenders and Predators Search, dated January 28, 2026.

### **II. Petitioner's Arrest by Immigration and Customs Enforcement**

On May 2, 2007, Petitioner was encountered and arrested by Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO). Exhibit N. ERO

determined that Petitioner had no legal status in the United States and issued a Notice to Appear (NTA). **Exhibit A**, Form I-862, Notice to Appear, (NTA) dated August 24, 2006.

The NTA charged Petitioner with inadmissibility in violation of INA § 212(a)(2)(A)(i)(I) as amended, as an alien who has been convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude or an attempt or conspiracy to commit such a crime and in violation of INA § 212(a)(7)(A)(i)(I), as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act (INA), and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act. *Id.*

On September 25, 2007, Immigration Judge Alan Page pretermitted all relief filed by Petitioner and ordered Petitioner removed from the United States. **Exhibit E**, Immigration Judge Order, dated September 25, 2007. Petitioner did not appeal this order. **Exhibit N**. On January 12, 2008, Petitioner was released on an Order of Supervision (OSUP). *Id.*; **Exhibit D**, Detention History.

### **III. Petitioner's Subsequent Arrest and Revocation of OSUP**

On June 15, 2017, Petitioner was arrested by Palm Beach County Sheriffs for the offense of Sex Offender Violation - Fail to Register as Required. *See* **Exhibit C**, Form I-213. On June 16, 2017, ERO revoked Petitioner's OSUP and assumed custody of Petitioner. *See* **Exhibit D**; **Exhibit N**. Petitioner was transferred from the Palm Beach County Jail to Krome Service Processing Center. *See* **Exhibit D**. On June 22, 2017, the criminal charge against

Petitioner was dropped. *See* Exhibit N. Petitioner was released on an OSUP. *See* Exhibit J, Order of Supervision, dated January 16, 2018.

On October 30, 2025, ERO revoked OSUP. Petitioner was encountered by ERO, along with the Palm Beach County Sheriff's Office (PBSO) Sex Offender Unit, as part of a sex offender check at Petitioner's last known residence, and he was taken into ICE custody. *See* Exhibit L, Revocation of Release; Exhibit C, Form I-213, Record of Deportable/Inadmissible Alien, dated October 30, 2025. Also on October 30, 2025, Petitioner was given an informal interview where he was informed that his OSUP had been revoked to affect his removal from the United States. Petitioner was given an opportunity to ask questions regarding the OSUP revocation but stated that he did not have any questions at the time. *See* Exhibit C; Exhibit N.

On December 19, 2025, Petitioner was served with a Notice of Removal to Third Country, specifically Mexico, which he refused to sign. *See* Exhibit M, Notice of Removal; Exhibit N. To date, Petitioner remains in ICE custody at Krome North Service Processing Center. *See* Exhibit D. Petitioner is detained pursuant to section 241 of the INA.

### **ARGUMENT**

In his *pro se* Petitioner, Petitioner raises two claims. First, he alleges that, while he is subject to a final order of removal, "removal is not reasonably foreseeable" and that his continued detention violates his Constitutional rights (ECF No. 5 (this Court's summary of ECF No. 1)). Second, Petitioner alleges that the revocation of his OSUP was "arbitrary" and that his "continued detention" does not serve any "legitimate government purposes" (*id.*). This Court lacks jurisdiction as to both claims and should, therefore, dismiss for lack of jurisdiction. In the alternative, this Court should deny the Petition on the merits.

**I. This Court Lacks Jurisdiction.**

“Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citation omitted); *see also Johansen v. Combustion Eng'g, Inc.*, 170 F.3d 1320, 1328 n.4 (11th Cir. 1999) (“A federal court not only has the power but also the obligation at any time to inquire into jurisdiction whenever the possibility that jurisdiction does not exist arises.”). For these reasons, before this Court can proceed, it must determine whether it has jurisdiction over this action. *See Resnick v. AvMed, Inc.*, 693 F.3d 1317, 1323 (11th Cir. 2012) (“Prior to making an adjudication on the merits, we must assure ourselves that we have jurisdiction to hear the case before us.”).

**A. Congress Stripped this Court of Jurisdiction to Prevent the Execution of Removal Orders.**

In his *pro se* Petition, Petitioner is, in essence, asking this Court to prevent ICE from executing Petitioner’s removal order by ordering the immediate release of Petitioner (ECF No. 1 at 7 (“Order Petitioner’s immediate release...”). This Court, however, lacks jurisdiction to grant such relief.<sup>2</sup>

Federal law precludes a district court from interfering with the government’s decision or action to execute orders of removal. 8 U.S.C. § 1252(g). Section 1252(g) specifically states that “no court shall have jurisdiction to hear any cause or claim by ... any alien arising from the decision or action by [ICE] to ... execute removal orders against any alien.” 8 USC §

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<sup>2</sup> This Court’s Order to Show Cause (ECF No. 5) did not address Petitioner’s claim that his detention “places [him] at risk of serious and irreparable harm,” (ECF No. 1 at 7). This Court lacks jurisdiction because challenges to the conditions of confinement are not properly brought in habeas proceedings. *See Cureno Hernandez v. Mora*, 467 F.Supp.3d 454, 460 (N.D. Tex., June 15, 2020) (“A demand for release does not convert a conditions-of-confinement claim into a proper habeas request.”).

1252(g). This provision applies “notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision.” *Id.*

As the Eleventh Circuit explained, “Section 1252(g) bars review over ‘any’ challenge to the execution of a removal order – and makes no exception for those claiming to challenge the government’s ‘authority’ to execute their removal orders.” *Camarena v. Dir., Immigr. & Customs Enft.*, 988 F.3d 1268, 1273 (11th Cir. 2021) (holding that where there is challenge to the validity of a removal order, district courts lack jurisdiction to hear any “cause or claim brought by an alien arising from the government’s decision to execute a removal order”). The petitioners in *Camarana* were in virtually identical situations as the one Petitioner finds himself in, in that (a) they did not challenge their orders of removal, (b) remained in the United States via an order of supervision, and (c) filed habeas petitions after DHS attempted to execute orders of removals. Under these circumstances, the Eleventh Circuit found that the district court lacked jurisdiction to grant relief because Section 1252(g) strips courts of jurisdiction to prevent the execution of removal orders. *Id.* at 1272-73.

Here, like the petitioners in *Camarana*, Petitioner does not challenge the validity or existence of the order of removal. Instead, he argues that Petitioner’s re-detention was arbitrary, and he requests immediate release from detention (ECF No 1 at 6). Section 1252(g), as interpreted by the Eleventh Circuit in *Camarana*, deprives this Court of jurisdiction to grant such relief. *See also Rivera-Amador v. Rhoden*, Case No. 3:25-CV-1460-WWB-SJH, 2025 WL 3687452, at \*3 (M.D. Fla. Dec. 19. 2025) (holding that Section 1252(g) “divests the Court of jurisdiction” from enjoining respondents from detaining and deporting petitioner subject to a removal order); *Mapoy v. Carroll*, 185 F.3d 224, 230 (4th Cir. 1999) (holding that district court lacked jurisdiction to hear a challenge to execution of order of deportation pursuant to §

1252(g)); *Barrios v. Ripa*, No. 1:25-CV-22644, 2025 WL 2280485, at \*3 (S.D. Fla. Aug. 8, 2025) (“The Court finds that § 1252(g) deprives it of subject-matter jurisdiction over Respondent’s decision to revoke the OSUP...”).

In summary, Congress divested this Court of jurisdiction to prevent the execution of removal orders, meaning it should dismiss the Petition for lack of jurisdiction.

**B. The Habeas Statute Does Not Provide Jurisdiction Over OSUP Claims.**

As to Petitioner’s OSUP claim, Petitioner invokes this Court’s jurisdiction *only* pursuant to 28 U.S.C. § 2241, a statute that, by its plain language, permits courts to rule on claims related to an “applicant’s commitment or detention.” 28 U.S.C. § 2241. The clear language of the statute and “the common-law history of the writ” showed that “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody.” *Alawieh v. Tweedie*, Case No. 25-10614-LTS, 2025 WL 3171170, at \*3 (D. Mass. 2025), *appeal docketed*, No. 25-2238 (1st Cir. Dec. 31, 2025) (quoting *Preiser v. Rodriguez*, 411 U.S. 475 (1973)) (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). If a “petitioner seeks relief that ‘falls outside the scope of the writ as it was understood when the Constitution was adopted,’ [those] claims are beyond the reach of a federal court’s habeas jurisdiction.” *Id.* (quoting *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 119 (2020)). Thus, to prevail, Petitioner must show that the alleged violations that he claims, based on the factual predicate that he alleges, fall within the reach of this Court’s ability to grant habeas relief. *See, generally, Mayers v. U.S. Dept. of I.N.S.*, 175 F.3d 1289, 1300 (11th Cir. 1999) (describing how in *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265, 268, (1954), the Supreme Court explained that the “crucial

question is whether the alleged conduct . . . deprived petitioner of any of the rights guaranteed [to] him by the statute or by the regulation issued pursuant thereto.”).

In this case, Petitioner cannot do so. As a district court recently observed, “While some procedural violations may, in some circumstances, rise to the level of a due process violation,” not all alleged violations “rise to the level of a due process violation and/or would independently entitle [a petitioner] to a grant of habeas relief in the form of release from detention.” *Van v. Oddo*, Case No. 3:25-CV-00322, 2025 WL 3492736, at \*4 (W.D. Pa., Dec. 5, 2025) (finding no habeas relief for alleged failures to provide notice for reasons of revocation and lack of “informal review”). This is particularly true in this case where Petitioner alleges technical violations that can easily be cured. Specifically, Petitioner claims that Respondent failed to give Petitioner proper notice and an opportunity to contest the revocation. That claim, too, could be readily resolved,<sup>3</sup> meaning the alleged violation does not rise to a level of a constitutional claim. *See, e.g., Van v. Oddo*, 2025 WL 3492736 at \*4 (finding no violation). For these reasons, Petitioner’s reliance on technical violations of internal policies do not relate to Petitioner’s “commitment or detention” and do not rise to a Constitutional or statutory violation warranting habeas relief. *Id.*<sup>4</sup>

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<sup>3</sup> Of note, Petitioner does not even try to allege what facts he would have raised at such an interview. To the contrary, as discussed *supra*, Petitioner has numerous criminal convictions, demonstrating that Petitioner would be unable to establish relief if provided an opportunity to contest his detention, meaning his claims do not fall within the core of this Court’s habeas relief.

<sup>4</sup> Some opinions from this District found that this Court has jurisdiction, rejecting arguments related only to the jurisdiction-stripping provision in 8 U.S.C. § 1252. *See, e.g., Espinoza-Sorto v. Aguedlo et al.*, Case No. 25-CV-23201-DLG (DE 26); *Grigorian v. Bondi*, Case No. 25-CV-22914-RAR, 2025 WL 1895479, at \*3 (S.D. Fla., July 8, 2025).

**II. Petitioner's Claims Fail on the Merits Because ICE is Authorized to Detain and Deport Him and There Has Been No Constitutional Violation.**

If this Court finds that it has jurisdiction, it should nonetheless deny the Petition on the merits because Petitioner's claim that his detention violates his Constitutional rights lacks merit. To the contrary, Petitioner – who is subject to a final order of removal – is being lawfully detained, pursuant to 8 U.S.C. § 1231(a)(6), and his allegations that his removal is not reasonably foreseeable lacks merit. For these reasons, this Court should deny the Petition.

**A. ICE Lawfully Detained Petitioner Pursuant to 8 U.S.C. § 1231.**

Section 241 of the Immigration and Nationality Act (8 U.S.C. § 1231) states, “when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days.” 8 U.S.C. § 1231 (a)(1)(A). That period is called the “removal period,” and the Attorney General must detain the alien during the “removal period”. 8 U.S.C. § 1231(a)(2)(A). The removal period is “extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal.” 8 U.S.C. § 1231(a)(1)(C).

**B. Petitioner Has Not Yet Been Detained for Six Months.**

Under 8 U.S.C. § 1231(a)(6), an alien like Petitioner, who was ordered removed and who is inadmissible under 8 U.S.C. § 1182, may be detained beyond the removal period for a period reasonably necessary to remove the alien. That said, the Supreme Court ruled that the statute “does not permit indefinite detention.” *Zadvydas v. Davis*, 533 US 678, 682 (2001). To help guide lower court determinations, and to limit the occasions when courts will need to make them, the Supreme Court in *Zadvydas* held that six months of post-removal-order

detention is presumptively reasonable. *Id.* at 700–01. In cases where detention lasts longer than the presumptively reasonable period of six months, “an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

Thus, to establish a valid claim for unlawful indefinite detention under *Zadvydas*, a detained alien must show (1) “post-removal order detention in excess of six months” and (2) “a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). Petitioner here has not made such a showing.

As of this writing, Petitioner has been detained in ICE’s custody fewer than 100 days, far shorter than the 180-day period that the Supreme Court held presumptively reasonable in *Zadvydas*. For this reason, Petitioner’s challenge to his detention is premature. *See Farah v. U.S. Att’y Gen.*, 12 F.4th 1312, 1332-33 (11th Cir. 2021) (“If after six months he is still in custody and has not been removed from the United States, then he can challenge his detention under section 1231(a). But until then, his detention is presumptively reasonable under *Zadvydas*.”), *overruled on other grounds by Santos-Zacaria v. Garland*, 598 U.S. 411, 419-23 & n.2 (2023); *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (holding that the “six-month period ... must have expired at the time [the petitioner’s] § 2241 petition was filed in order to state a claim under *Zadvydas*”); *Gozo v. Napolitano*, 309 F. App’x 344, 346 (11th Cir. 2009) (“[B]ecause only 53 days elapsed between the final removal order and the filing of the petition, Gozo’s *Zadvydas* claim is premature.”); *Gonzalez v. Barr*, Case No. 20-10130-CV-KING, 2020 WL 7294570 (S.D.Fla. Dec. 10, 2020) (King, J.) (“[T]he 180 days in post-order custody must have expired before an individual can challenge custody under 8 U.S.C. § 1231”); *Salpagarova*

*v. Immigration and Naturalization Service*, Case No. 20-61739-CVSINGHAL, 2020 WL 13550204 (S.D.Fla. Oct. 20, 2020) (Sighal, J.) (“Petitioner is not entitled to relief because she has not been detained for more than six months after being subject to a final order of removal”); *Espinoza-Sorto v. Agudelo*, 2025 WL 3012786, \*7 (S.D. Fla. Oct. 28, 2025) (holding that a noncitizen’s habeas challenge to his detention under 8 U.S.C. § 1231 “is premature” where “Petitioner has only been detained for four months”); *Barrios v. Ripa*, 2025 WL 2280485, \*8 (S.D. Fla. Aug. 8, 2025) (holding that that a noncitizen’s habeas challenge to his detention under 8 U.S.C. § 1231 “is premature” where the noncitizen filed his petition significantly before the 6-month period set by the Supreme Court in *Zadvydas*).

**C. Petitioner Cannot Establish That Removal Is Not Likely to Occur.**

Moreover, this Court can deny Petitioner’s Constitutional challenge because Petitioner cannot meet his burden of proving that his removal is not reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (“After this 6–month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.”); *Callender v. Shanahan*, 281 F. Supp. 3d 428, 434 (S.D.N.Y. 2017) (describing how *Zadvydas* “places an initial burden on the detainee” to establish that the “no significant likelihood” standard has been met). The Petition failed to include nonspeculative assertions that his removal is not reasonably foreseeable, meaning Petitioner has not met his burden. *Callender*, 281 F. Supp. 3d at 434–35 (holding that petitioner must present more than “mere assertions that removal is unforeseeable”); *See also* Exhibit N (Declaration (Deportation Officer stating lack of awareness of “current conditions that would prevent the removal of Petitioner according to the streamlined procedures currently in place”).

### III. The Revocation of Petitioner's OSUP Comports with Applicable Regulations and the Constitution.

Finally, Petitioner argues that his detention is unlawful because, “after years of compliance under an order of supervision,” the revocation of his OSUP was “arbitrary.” (ECF No. 1 at 6). This claim lacks merit because DHS complied with the statutory and regulatory requirements in revoking Petitioner's order of supervision in that DHS provided Petitioner notice, an informal interview, and an opportunity to address the reasons for the revocation.

Although the applicable statute, 8 U.S.C. § 1231(a)(3), is silent as to revocation procedures for an individual released pursuant to an Order of Supervision, ICE issued Post-Order Custody Regulations (“POCR”), located in 8 C.F.R. § 241.4, describing the mechanisms for custody reviews, release from ICE custody, and revocation of release for individuals with final orders of removal. The specific regulatory provisions concerning revocation of release are contained at 8 C.F.R. § 241.4(l) and provide significant discretion to ICE to revoke release. *See Leybinsky v. U.S. Immigr. & Customs Enft*, 553 F. App'x 108, 110 (2d Cir. 2014) (noting the “broad discretionary authority the regulation grants ICE” to revoke release); *Rodriguez v. Hayes*, 591 F.3d 1105, 1117 (9th Cir. 2010) (explaining that while the revocation regulation “provides the detainee some opportunity to respond to the reasons for revocation, it provides no other procedural and no meaningful substantive limit on this exercise of discretion ....”). For example, the regulations authorize revocation when ICE's Field Office determines that “[t]he purposes of release have been served,” or when “[i]t is appropriate to enforce a removal order . . . against an alien,” or when “[t]he conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(2)(i)-(iv) (emphasis added).

The regulations require that, when ICE revokes release of an individual, pursuant to 8 C.F.R. § 241.4(l), ICE must conduct an “informal interview” to advise the individual of the basis for revocation and must also serve the individual with a written notice of revocation. *Id.* If ICE determines revocation remains appropriate after conducting the informal interview, then ICE will provide notice to the individual of a further custody review that “will ordinarily be expected to occur within approximately three months after release is revoked.” 8 C.F.R. § 241.4(l)(3). However, ICE is not required to “conduct a custody review under these procedures when [ICE] notifies the alien that it is ready to execute an order of removal.” 8 C.F.R. § 241.4(g)(4); *Rodriguez-Guardado*, 271 F. Supp. 3d at 335. Furthermore, if ICE determines in its “judgment [that] travel documents can be obtained, or such document is forthcoming, the alien will not be released unless immediate removal is not practicable or in the public interest.” 8 C.F.R. § 241.4(g)(3).

**A. ICE complied with the POCR Regulations to Arrest Petitioner.**

Here, the Assistant Field Office Director (“AFOD”) issued Petitioner a written revocation notice on October 30, 2025, explaining that ICE was revoking his release pursuant to its discretion under 8 C.F.R. §§ 241.4(l)(2)(i)-(iv). **Exhibit L**, Notice of Revocation of Release, dated October 25, 2025. Per the revocation notice, Petitioner was notified that he “will promptly be afforded an informal interview and the opportunity to respond to the reasons for the revocation and to provide evidence to demonstrate that your removal is unlikely.” *Id.* Moreover, Petitioner was given notice of the reasons for revocation, was provided an interview and had opportunity to respond to the revocation. In revoking Petitioner’s supervised release, ICE complied with the regulation that allows revocation when

ICE determines that it “is appropriate to enforce a removal order . . . against an alien” and when ICE finds that the “purposes of release have been served.” 8 C.F.R. § 241.4(l)(2).

When ICE “determined that revocation was necessary to initiate [] removal . . . [n]o further justification was required.” *Doe v. Smith*, No. 18-cv-11363-FDS, 2018 WL 4696748, at \*11 (D. Mass. Oct. 1, 2018). The regulation does not require the AFOD “to make a formal determination that his revocation was in the public interest[;]” instead, the AFOD has “discretion to determine when revocation is appropriate.” *Id.* The regulation provides a “short and straight path for immigrants whom the government is ready and able to remove.” *Alam v. Nielsen*, 312 F. Supp. 3d 574, 582 (S.D. Tex. 2018). As such, ICE has ample justification per its regulation to revoke release. *See Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 2604573, at \*5 (S.D. Fla. Sept. 9, 2025) (holding that § 241.4(l) provides government has “extraordinarily broad discretion to revoke an OSUP” under similar circumstances); *Barrios*, 2025 WL 2280485, at \*4 (noting the broad discretion afforded to revoke an OSUP when effectuating an order of removal and that such a decision is not subject to judicial review under §1252(g)). Courts routinely conclude that compliance with the POCR regulations protect an individual’s constitutional rights while detained while executing a removal order. *See, e.g., Moses v. Lynch*, No. 15-cv-4168, 2016 WL 2636352, at \*4 (D. Minn. Apr. 12, 2016) (“When immigration officials reach continued-custody decisions for aliens who have been ordered removed according to the custody-review procedures established in the Code of Federal Regulations, such aliens receive the process that is constitutionally required.”); *Portillo v. Decker*, No. 21-cv-9506 (PAE), 2022 WL 826941, at \*6 (S.D.N.Y. Mar. 18, 2022) (collecting cases supporting the conclusion that the POCR framework has routinely been deemed

constitutional and noting that petitioner had not “cite[d] legal authority in support of his generalized laments about the administrative process”).

Because Petitioner cannot establish that ICE acted arbitrarily in revoking his OSUP, his argument fails, and this Court should deny the Petition. *See, e.g., Perez v. Berg*, No. 24-cv-3251 (PAM/SGE), 2025 WL 566884, at \*7 (D. Minn. Jan. 6, 2025), *report and recommendation adopted*, No. 24-cv-3251 (PAM/ECW), 2025 WL 566321 (D. Minn. Feb. 20, 2025) (finding no due process violation “[a]bsent an indication that ICE failed to comply with its regulatory obligations in some more specific way”); *Doe*, 2018 WL 4696748, at \*7 (dismissing habeas claim where “there was no regulatory violation” in connection with custody reviews).

## CONCLUSION

For all these reasons, this Court lacks jurisdiction to grant relief and should dismiss the Petition for lack of jurisdiction. In the alternative, this Court should deny the Petition because Petitioner cannot establish violations of the regulations governing the revocation of his OSUP; dismiss the Petition as premature because Petitioner cannot establish that he has been in custody for more than *Zadvydas's* presumptively reasonable six months; and deny the Petition because Petitioner failed to meet his burden of establishing that there is no significant likelihood of his removal in the reasonably foreseeable future.

Dated: January 28, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on January 30, 2026, I uploaded the attached document to the Court's PACER system. Moreover, I certify that a copy with exhibits was mailed to:

**Carlos Alberto Pedrozo Echevarria, *pro se***

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By: */s/ H. Ron Davidson*  
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