UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-20204-CV-SMITH

CARLOS ALBERTO PEDROZO ECHEVARRIA,

Petitioner,

v.

KROME SERVICE PROCESSING CENTER,

Respondent.
_____/

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

This matter is before this Court on Petitioner, Carlos Alberto Pedrozo Echevarria's ("Petitioner") *pro se* Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 (the "Petition") [DE 1]. Petitioner argues that his current detention pursuant to his final order of removal is unconstitutional, arbitrary, excessive, and serves no legitimate governmental purpose, (Pet. 6), and that his continued detention causes irreparable harm due to his preexisting medical conditions (Pet. 7). Upon review of the Petition, the Court issued an Order to Show Cause [DE 5] on January 16, 2026, to which the Government responded on January 30, 2026 [DE 8]. After careful consideration of the Petition, the Response, and the record, the Petition is **DENIED** for the reasons stated below.

I. Background

Petitioner is a native of Cuba who was paroled into the United States at Key West, Florida, on or about May 25, 1980. (Notice to Appear [DE 8-1] 3.) Ten years later, on October 11, 1990,

Petitioner was arrested in New York and charged with possession of a controlled substance. (Dec. of Off. Pedersen [DE 8-14] 2.) He was convicted of that offense on Mary 19, 1991. (2017 Record of Deportable Alien [DE 8-3] 2.) Then, in 2004, Petitioner was again arrested in New York and was charged with the possession and promotion of a sexual performance by a child less than 16 years of age. (Decl. of Off. Pedersen 3; 2017 Record of Deportable Alien 2.) He was convicted on December 6, 2004, and sentenced to 10 years' probation. (Notice to Appear 3; Judgment and Sentence [DE 8-6] 2.) A condition of Petitioner's probation was registration as a sex offender. (Conditions of Probation [DE 8-7] 1.)

Petitioner was served with a Notice to Appear for removal proceedings on August 24, 2006. (Notice to Appear 1.) Because Petitioner was convicted of a crime of moral turpitude (Notice to Appear 3), a final order of removal was entered against him on September 25, 2007 (2017 Record of Deportable Alien 2). Petitioner did not appeal this final order. (Decl. of Off. Pedersen 3.) However, Petitioner was released from ICE Custody on an Order of Supervision on January 12, 2008. (Decl. of Off. Pedersen 3.)

On June 15, 2017, Petitioner was arrested in Palm Beach County and charged with a sex offender violation when he failed to register. (2017 Record of Deportable Alien 2.) However, the charges were nolle prossed by the State Attorney's Office. (2017 Record of Deportable Alien 2.) Petitioner was again released on supervision on January 18, 2018. (Release Notification [DE 8-9] 1; Order of Supervision [DE 8-10] 1.)

On October 24, 2025, the Immigration and Customs Enforcement ("ICE") Enforcement Removal Operations ("ERO") Fugitive Operations Team located in Stuart, Florida, received a referral from ICE Headquarters indicating that Petitioner was identified as an alien in violation of

immigration law. (2025 Record of Deportable Alien [DE 8-3] 2.) On October 30, 2025, Palm Beach County Sheriff's Office and ICE conducted surveillance and a "sex offender check" at Petitioner's last known address. (2025 Record of Deportable Alien 2.) Petitioner was arrested without incident. (2025 Record of Deportable Alien 2.) An informal interview was then conducted following Petitioner's arrest, after which he had no questions. (2025 Record of Deportable Alien 3.) He was also provided with a Notice of Revocation of Release (Notice of Revocation of Release [DE 8-12] 1–2), and informed that ICE intended to remove him to Mexico (Notice of Removal [DE 8-13] 1).

On December 30, 2025, Petitioner filed the instant Petition, alleging that his detention pursuant to his order of removal is unconstitutional, arbitrary, excessive, and serves no legitimate governmental purpose. (Pet. 6.) He also alleges that his continued detention causes irreparable harm due to his preexisting medical conditions. (Pet. 7.) Respondent argues that (1) this Court lacks jurisdiction to consider Petitioner's challenge to his detention, (2) that Petitioner's "irreparable harm" claim raises the conditions of his confinement and is therefore inappropriate under habeas; and (3) Petitioner's claims fail on the merits.

II. Legal Standard

Section 2241 authorizes a district court to grant a writ of habeas corpus whenever a petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Under the savings clause of 28 U.S.C. § 2255(e), a federal prisoner may bring a habeas petition under § 2241 if "the remedy by [§ 2255] motion is inadequate or ineffective to test the legality of his detention." 28 U.S.C. § 2255(e). Therefore, a petition brought under § 2241 is the proper vehicle through which to challenge the constitutionality of a noncitizen's

immigration detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003). However, it "is the petitioner's burden to establish his right to habeas relief[,] and he must prove all facts necessary to show a constitutional violation." *Blankenship v. Hall*, 542 F.3d 1253, 1270 (11th Cir. 2008) (citations omitted).

III. Discussion

While the Petition lists four total grounds for relief, the Court liberally construes the Petition as raising two distinct claims. *See Haines v. Kerner*, 404 U.S. 519, 520–21 (1972) (per curiam) (holding that courts must hold *pro se* pleadings "to less stringent standards than formal pleadings drafted by lawyers," "however inartfully pleaded"); *see also United States v. Ogiekpolor*, 122 F.4th 1296, 1304 (11th Cir. 2024) (recognizing that courts "liberally construe *pro se* filings"). First, Petitioner's first three grounds for relief allege that his detention violates his due process rights, is arbitrary and excessive, and "serves no legitimate governmental purpose," despite the fact that he is subject to an immigration detainer ("Claim 1"). (Pet. 6.) Second, Petitioner's final ground for relief alleges that his continued detention causes irreparable injury by exacerbating his preexisting medical conditions ("Claim 2"). (Pet. 7.) However, Petitioner is not entitled to relief on either of these claims.

A. Because Petitioner is Subject to a Final Order of Removal, the Court Lacks Jurisdiction to Consider Claim 1.

Petitioner's first three grounds for relief, construed as a single claim, challenge his arrest and current detention at Krome. (Pet. 6.) Specifically, Petitioner admits that he is subject to a final order of removal but alleges that his removal is not "reasonably foreseeable." (Pet. 6.) He argues that he was "re-detained on October 30, 2025, after years of compliance under an order of supervision[;]" he allegedly "never missed a check-in, never absconded," "has no new criminal

incidents or supervision violations," and "poses no flight risk or danger to the community." (Pet. 6.)

Federal courts are "courts of limited jurisdiction" that "possess only that power authorized by Constitution and statute." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A federal court is therefore prohibited from extending its "hand to seize topics Congress has put beyond [its] reach." *Bourdon v. U.S. Dep't of Homeland Sec.*, 940 F.3d 537, 546 (11th Cir. 2019). One such example of Congress limiting the federal courts' jurisdiction to hear cases is 8 U.S.C. § 1252(g). Specifically, the statute deprives federal courts of jurisdiction "to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien." 8 U.S.C. § 1252(g).

The Supreme Court has narrowly read § 1252(g), emphasizing that it does not apply to "all claims arising from deportation proceedings" or otherwise impose "a general jurisdictional limitation." *Reno v. Am.-Arab Anti-Discrimination Comm'n*, 525 U.S. 471, 482 (1999). Instead, its language is "directed against a particular evil: attempts to impose judicial constraints upon prosecutorial discretion." *Id.* at 485 n.9. Courts have thus analyzed jurisdiction under § 1252(g) by considering whether the claim and allegations therein "arise from" one of the statute's "three 'discrete actions': actions to '*commence* proceedings, *adjudicate* cases, or *execute* removal orders.'" *See Camarena v. Dir. Immig. & Customs Enf't*, 988 F.3d 1268, 1272 (11th Cir. 2021) (quoting *Reno*, 525 U.S. at 482) (emphasis in original).

Additionally, the statute's "arising from" language has been interpreted narrowly. In *Jennings*, a plurality of the Supreme Court cautioned that § 1252(g) does not "sweep in any claim

that can technically be said to 'arise from' the three listed actions of the Attorney General." 583 U.S. 281, 294 (2018). Thus, to determine whether a claim "arise[s] from" one of the statutorily covered actions, courts in the Eleventh Circuit have "focus[ed] on" whether any of the "discrete actions" listed in the statute form the "basis of the claim." *Camarena*, 988 F.3d at 1272; *Canal A Media Holding, LLC v. U.S. Citizenship & Immigr. Servs.*, 964 F.3d 1250, 1257–58 (11th Cir. 2020); *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013).

The decision to detain an alien and order their removal arises from the execution of a final order of removal. *See Camarena*, 988 F.3d at 1272–73; *Rivera-Amador v. Rhoden*, No. 25-cv-1460, 2025 WL 3687452, at *1–3 (M.D. Fla. Dec. 19, 2025). The Eleventh Circuit has made clear that § 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*, 988 F.3d at 1273 (citations omitted). Courts have held that the detention of an alien pursuant to the execution of a final order of removal constitutes a "decision or action" taken to "execute" a removal order. *See, e.g.*, *Rivera-Amador*, 2025 WL 3687452 at *1–3 (ruling that an alien's challenge to his detention because "he is not a flight risk or a danger to the community, and his liberty interest outweighs Respondents' interest in effectuating his removal" "stem[med] from the ICE's 'decision or action' to 'execute' a removal order"); *see also Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013) (holding that a decision to secure "an alien while awaiting a removal determination constitutes an action taken to commence proceedings").

Petitioner's first three claims, construed as a single claim, allege that Petitioner's "re-detention" by ICE violates "due process," is "arbitrary," "serves no legitimate governmental

purpose," and "is excessive in relation to its civil objective." (Pet. 6.) However, these allegations fundamentally challenge ICE's discretionary decision to revoke Petitioner's order of supervision and re-detain him pursuant to his final order of removal. (*See* Pet. 6.) These actions constitute "decision[s] or action[s]" taken to "execute" Petitioner's removal order. *See, e.g.*, *Rivera-Amador*, 2025 WL 3687452 at *1–3; *Petlechkov v. United States*, No. 24-cv-88, 2025 WL 3254978, at *2–3 (M.D. Ga. Feb. 11, 2025) (holding that "§ 1252(g) 'unambiguous[ly]' bars a court from reaching the merits of an alien's claim 'that federal agents illegally'" arrested or detained him). Therefore, § 1252(g) deprives this Court of jurisdiction.

B. Petitioner's "Irreparable Harm" Claim Invokes the Conditions of his Confinement and is Not Cognizable in Habeas.

Petitioner also indicates that he "suffers from end-stage glaucoma, diabetes, hypertension, and a hernia that limits" his mobility, all of which require "regular medical monitoring and specialist care." (Pet. 7.) Additionally, Petitioner argues that his "health has deteriorated during detention," and his "continued detention places [him] at risk of serious and irreparable harm." (Pet. 7.)

An immigration detainee is permitted to seek federal relief through two primary avenues: a petition for writ of habeas corpus or a civil rights complaint. *See Hutcherson v. Riley*, 468 F.3d 750, 754 (11th Cir. 2006) (citation omitted). The Eleventh Circuit has made it clear that such claims are mutually exclusive; in other words, "if a claim can be raised in a federal habeas petition, that same claim cannot be raised in a separate . . . civil rights action." *Id.* (citing *Nelson v. Campbell*, 541 U.S. 637, 643 (2004)).

The line between a civil rights action and a habeas claim "is based on the effect of the claim" on Petitioner's detention. *Hutcherson*, 468 F.3d at 754. When an immigration detainee

challenges the "circumstances of his confinement," the claim should be raised as "a civil rights action." *Id.* (quoting *Hill v. McDonough*, 547 U.S. 573, 579 (2006)). Alternatively, when a detainee challenges "the validity of" or "lawfulness of" his confinement, or the "particulars affecting its duration," "his claim falls solely within 'the province of habeas corpus.'" *Hutcherson*, 468 F.3d at 754 (citing *Hill*, 547 U.S. at 579); *see also Muhammad v. Close*, 540 U.S. 749, 750 (2004) ("Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus . . . requests for relief turning on circumstances of confinement may be presented in a § 1983 action." (internal citation omitted)); *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). Accordingly, a habeas petition brought under § 2241 is not the appropriate vehicle to target the conditions of a petitioner's confinement. Instead, a habeas petition is limited to challenge the "fact or duration of," or "the validity of" or "lawfulness of," his confinement. *Hutcherson*, 468 F.3d at 754; *Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015) (affirming district court's ruling that a habeas petitioner's claim of inadequate medical care "did not entitle him to habeas relief" because a "§ 2241 petition is not the appropriate vehicle for raising an inadequate medical care claim" (citing *Nelson*, 541 U.S. at 644)).

Petitioner alleges that his "health has deteriorated" while detained at Krome and "continued detention places [him] at risk of serious and irreparable harm." (Pet. 7.) But these allegations do not challenge Petitioner's confinement; instead, they allege that the conditions under which Petitioner is confined are further exacerbating his pre-existing health conditions. (*See generally* Pet. 7.) Such a claim must be brought in a civil rights action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), not a petition for writ of habeas corpus. *See Vaz*, 634 F. App'x at 781.

IV. Conclusion

Having considered the Petition, the record, and being fully advised, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Petition for Writ of Habeas Corpus [DE 1] is **DENIED.**

2. A Certificate of Appealability **shall not** issue because jurists of reason would not find this Court's procedural rulings "debatable." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

3. The Clerk is directed to **CLOSE** this case.

DONE AND ORDERED in Fort Lauderdale, Florida, on this 13th day of February, 2026.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: counsel of record

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