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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

EDUARDO ALVARADO REYES,

Petitioner,

v.

Case No. 3:26-cv-128-JEP-PDB

WARDEN, BAKER COUNTY DETENTION CENTER, et al.,

Respondents.

_____ /

**AMENDED PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

I. INTRODUCTION

Petitioner, Eduardo Alvarado Reyes, proceeding pro se, respectfully submits this Reply to Respondents' Response. Respondents argue that Petitioner's detention is lawful because he has allegedly been detained for only approximately 125 days and removal is reasonably foreseeable. This characterization is incomplete and fails to account for

Petitioner's documented prior immigration detention and the Government's longstanding inability to effectuate removal.

Pursuant to the Court's Order requiring parties to properly identify documentary exhibits, Petitioner submits clarified exhibit identification supporting the factual record.

II. IDENTIFICATION OF EXHIBIT

Consistent with the Court's directive that documentary evidence be properly marked and indexed, Petitioner submits:

Exhibit A – Prior Immigration Detention Records (2003–2004).

This exhibit consists of official immigration custody records documenting Petitioner's prior post order immigration detention and subsequent release after removal could not be accomplished. The exhibit is submitted to clarify and properly identify documentary evidence referenced in the Petition and directly responds to arguments raised in Respondents' Response.

III. PRIOR IMMIGRATION DETENTION AND RELEASE FOLLOWING FINAL REMOVAL ORDER

The Immigration Judge entered a final order of removal on September 12, 2003. Following that final removal order, Petitioner entered post order ICE detention. While in such custody, Petitioner formally invoked the protections recognized in *Zadvydas v. Davis*, asserting that removal could not be effectuated due to the absence of travel

documents and the inability of the United States to secure acceptance from a receiving country.

The record demonstrates that after remaining in immigration detention for an extended period following the final removal order, ICE released Petitioner from custody on or about January 23, 2004, after determining that removal could not be accomplished in the reasonably foreseeable future. This sequence establishes that the Government previously completed a full post order detention review cycle and released Petitioner because removal was not practicable.

The prior release occurred after several months of post-order of immigration detention, demonstrating that the same removal barriers present today existed at that time and prevented execution of the removal order.

IV. RESPONDENTS MISCHARACTERIZE THE LENGTH AND REASONABLENESS OF DETENTION

Respondents rely on the assertion that Petitioner has been detained only approximately 125 days during the current custody period. However, courts evaluating detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001), examine whether removal is realistically foreseeable in light of actual removal history. Petitioner's documented prior detention and release demonstrate that removal difficulties are not temporary but longstanding and structural. The Government's past inability to remove Petitioner strongly undermines any claim that removal is now reasonably foreseeable.

V. ZADVYDAS ANALYSIS — BURDEN SHIFTS TO THE GOVERNMENT

Under *Zadvydas*, once a detainee provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the Government to rebut that showing with concrete evidence.

Here, Petitioner satisfies that burden because:

1. He is a citizen of Cuba;
2. The Government previously detained him following a final removal order and ultimately released him on January 23, 2004 after removal efforts failed; and
3. Respondents provide no travel documents, acceptance confirmation, or diplomatic authorization demonstrating that removal will occur now.

A unilateral Notice of Removal or statement of intent does not establish a significant likelihood of removal where historical evidence shows removal has previously proven impossible.

VI. REMOVAL TO A THIRD COUNTRY REMAINS SPECULATIVE

Respondents reference intended removal to Mexico. However, no evidence has been presented demonstrating that Mexico has agreed to accept Petitioner or that lawful travel documentation exists. Absent acceptance by a receiving country, removal remains speculative and insufficient under *Zadvydas*.

VII. CONCLUSION

Because Petitioner has demonstrated a documented history of prolonged immigration detention followed by release due to the Government's inability to accomplish removal, and because Respondents have failed to present evidence establishing a significant

likelihood of removal in the reasonably foreseeable future, continued detention violates due process.

The factual record before the Court demonstrates that Petitioner has previously undergone post-order immigration detention under the same removal order and was released after the Government determined removal could not be effectuated. Because Respondents have identified no material change in circumstances since that prior determination, the existing record is sufficient for adjudication of the Petition.

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus; or
2. Order Petitioner released under appropriate conditions of supervision.

Respectfully submitted,



Eduardo Alvarado Reyes

Petitioner, Pro Se

Baker County Detention Center

20706 U.S. Highway 90 West

Sanderson, FL 32087

Date: 03/04/26

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Reply was placed in the institutional mail system addressed to counsel for Respondents on this ____ day of _____, 2026.

A handwritten signature in black ink, appearing to be 'Eduardo Alvarado Reyes', written over a horizontal line.

Eduardo Alvarado Reyes