

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

EDUARDO ALVARDO REYES,

Petitioner,

v.

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

Warden of Florida Baker Detention
Center, U.S. Immigration and Customs
Enforcement; and, U.S. Department of
Homeland Security,

Respondents.

FEDERAL RESPONDENT'S SUPPLEMENTAL BRIEF

Federal Respondents hereby submit their supplemental response to Petitioner Eduardo Alvarado Reyes's Writ for Habeas Corpus pursuant to the Court's April 9, 2026, order.

Petitioner alleges that the Immigration and Customs Enforcement ("ICE") revoked his order of supervision ("OSUP") without any changed circumstances of explanation in violation of his Fifth Amendment due process rights.

I. ICE did not violate Petitioner's due process rights in revoking his OSUP

While Petitioner was previously released under an OSUP, that order remained revocable. An order of supervision is not indefinite, rather the regulations permit the government to revoke the order for a variety of reasons. 8 C.F.R. § 241.4(l). Among the reasons for which supervision may be revoked are violation of the conditions of

release—in which the alien must be notified of those reasons and given the opportunity to respond—and at DHS’s discretion when: “(i) the purposes of release have been served; (ii) the alien violates any condition of release; (iii) it is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R. § 241.4(l)(1)-(2).

For those—such as Petitioner—released on supervision, authorities have broad powers to revoke their status. *Id.* § 241.4(l). This regulation permits the Government extraordinarily broad discretion to revoke an OSUP. *Tran v. Baker*, No. 1:25-cv-01598-JRR, 2025 WL 2085020, at *4 (D. Md. July 24, 2025). In fact,

the regulation does not compel the Government to demonstrate what facts or factors, if any, it considered in deciding to revoke; nor does the regulation (or any other authority of which the court has been made aware) require the Government to demonstrate what, if any, steps it took to effect or secure removal prior to OSUP revocation.

Id.; see also *Grigorian*, 2025 WL 1895479, at *6. In any event, ICE did have reason to believe circumstances had changed to remove Petitioner. Exhibit 1: Revocation of OSUP Form at pg. 1.

Further, Petitioner’s detention is governed by 8 U.S.C. § 1231(a), which authorizes detention without a pre-detention hearing, and detention under U.S.C. § 1231(a) during both the 90-day removal period and during the post-removal period is constitutionally permissible without any pre-deprivation process. *Zadvydas v. Davis*, 533 U.S. 678, 688-89 (2001). Due process does not require the extra-regulatory, pre-detention procedures that Petitioner is asking this Court to engraft upon 8 U.S.C.

§ 1231(a) and its regulatory framework.

Federal Respondents would also add that the discretionary decision by ICE to revoke a noncitizen's OSUP cannot be reviewed by a district court. 8 U.S.C. § 1252(g); *Alerxi Rondon Reyes v. J.L. Jamison*, No. 26-1324, 2026 WL 970231, at * (E.D. Penn. Apr. 9, 2026). "8 U.S.C. § 1252(g) provides that 'no court shall have 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 under this chapter.'" *J.L. Jamison* at *3. As such, "the decision to revoke a noncitizen's OSUP in order to re-detain him for the purpose of executing his removal order 'clearly falls under the purview of § 1252(g)'" *Id. citing Barrios v. Ripa*, No. 1:25-cv-22644, 2025 WL 2280485, at *4 (S.D. Fla. Aug. 8, 2025).

Accordingly, based on the foregoing, the Court should deny Petitioner's Petition for Writ of Habeas Corpus.

Date: April 16, 2026

Respectfully submitted,

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/s/ Kyesha Mapp

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 16, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system. I further certify that a copy of the foregoing document will be sent to the below non-CM/ECF participant via U.S. Mail.

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/s/ Kyesha Mapp
KYESHA MAPP
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