

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 26-CV-20483-WILLIAMS**

DUZZLIE MCDONALD RIGBY,

Petitioner,

v.

CHARLES PARRA, Field Office Director  
Enforcement; PAMELA BONDI, Attorney  
General; KRISTI NOEM, Secretary of  
Department of Homeland Security,

Respondents.

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**RESPONDENTS' RETURN IN OPPOSITION  
TO THE PETITION FOR WRIT OF HABEAS CORPUS**

Respondents<sup>1</sup>, by and through the undersigned Assistant United States Attorney, submit the following return in opposition to the Petition for Writ of Habeas Corpus [DE 1] (Pet.). For the reasons set forth below, the Petition should be denied.

**BACKGROUND**

The Petitioner, Duzzlie Rigby (Petitioner), is a native and citizen of the Bahamas. *See* Exh. A, Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213) dated October 9, 2025; *see*

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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 the Krome North Service Processing Center in Miami, Florida. Therefore, the only proper respondent is the Warden of Krome, in his official capacity.

*also* Exh. B, Declaration of Deportation Officer Saul Garcia Perez, dated February 26, 2026. On September 9, 1986, Petitioner entered the United States through Miami, Florida as a nonimmigrant visitor and remained in the United States beyond his authorized period of stay which expired on March 8, 1987. *Id.*

On or about November 15, 1990, Petitioner was convicted of robbery and sentenced to two-and-a half years in prison as a youthful offender. *See* Exh. C, Criminal Records. On January 18, 1991, Petitioner was encountered by legacy INS while in Florida Department of Corrections custody, after being convicted of robbery. *See* Exh. D, Form I-213 dated December 2, 2015. On June 18, 1991, Petitioner was issued an Order to Show Cause by legacy INS charging him as deportable from the United States pursuant to INA §§ 241(a)(1)(B), in that after admission as a nonimmigrant under section 101(a)(15) of the Act, he has remained in the United States for a longer time than permitted; and 241(a)(2)(A)(i), in that he has been convicted of a crime involving moral turpitude within five years after entry and sentenced to confinement for a year or more. *See* Exh. E, Order to Show Cause.

On October 31, 1991, Petitioner was taken into the custody of immigration authorities. *See* Exh. F, Detention History. On December 11, 1991, Petitioner bonded out of immigration custody. *Id.*

On January 4, 1993, Petitioner failed to appear for his deportation hearing and was ordered deported to the Bahamas. *See* Exh. G, Immigration Judge order dated January 4, 1993. On January 31, 1996, the Board of Immigration Appeals dismissed Petitioner's appeal. *See* Exh. H, Decision of the Board of Immigration Appeals.

Thereafter, records show that Petitioner had additional criminal history. *See* Exh. D, Form I-213 dated December 2, 2015. According to records, on February 4, 1998, Petitioner was convicted of armed burglary, where he was sentenced to five years imprisonment. *Id.*

On July 28, 2003, Petitioner was taken into ICE custody. *See* Exh. F, Detention History. On July 8, 2004, Petitioner was placed on an order of supervision (OSUP) and released from custody. *See* Exh. I, Form I-220A, Order of Supervision dated July 8, 2004; *see also* Exh. F, Detention History.

Petitioner has further criminal history recorded after his release on an Order of Supervision. *See* Exh. D, Form I-213 dated December 2, 2015. According to records, Petitioner was convicted of theft and burglary on February 6, 2008, and September 21, 2011, respectively. *Id.* Petitioner was again released on an Order of Supervision, after completing his criminal conviction sentences and released from immigration detention on December 23, 2016. *See* Exh. J, Form I-220B, Order of Supervision dated December 23, 2016.

On July 30, 2018, Petitioner was adjudicated guilty of burglary, criminal mischief, and petty theft and sentenced to 10 years in prison. *See* Exh. K, Criminal Records. Petitioner sought a mitigated sentence and on September 11, 2018, Petitioner was re-sentenced to 21.75 months in prison. *See* Exh. L, Mitigated Sentence. On September 11, 2018, ICE ERO encountered Petitioner at DOC Hardee Correctional Institution following the conviction. *See* Exh. A, Form I-213 dated October 9, 2025. ICE ERO did not detain Petitioner at that time because it did not believe that there was a significant likelihood of removal in the reasonably foreseeable future. *Id.*

On October 9, 2025, Petitioner was encountered by Customs and Border Protection (CBP) and taken into custody in order to effectuate removal. *See* Exh. A, Form I-213 dated October 9, 2025; *see also* Exh. M, Form I-200, Warrant for Arrest of Alien dated October 9, 2025. DHS is in

the process of effecting Petitioner's removal to the Bahamas. *See* Exh. B, Declaration of Deportation Officer Saul Garcia Perez. On February 9, 2026, Petitioner had a consular phone call with the Bahamian Consulate. *Id.* After the interview, the Bahamian consular officer confirmed that Petitioner is a citizen of the Bahamas. *Id.* The consular officer stated that they will issue a birth certificate to be used to effectuate Petitioner's removal to the Bahamas. *Id.* Therefore, DHS intends to remove Petitioner to the Bahamas. *Id.*

Petitioner is currently detained at Krome North Service Processing Center in Miami, Florida. *See* Exh. F, Detention History.

### ARGUMENT

Petitioner challenges his post final removal order detention. In particular, Petitioner asserts that he has a removal order from January 31, 1996 that was issued "on the basis that he had been previously convicted of Robbery." *See* Pet. ¶ 4. He alleges that after issuance of the removal order, he was detained for 16 months and released on supervision. *Id.* at ¶ 5. Petitioner also maintains that he was detained at another time for 9 months. *Id.* at ¶ 11. Petitioner asserts that after 29 years of supervision release, he was arrested on October 9, 2025 at his home and placed in immigration detention, where he remains. *Id.* at ¶¶ 2, 6. Petitioner claims that the Bahamas, the United Kingdom, and the Turks & Caicos have repeatedly denied him entry and refused to issue travel documents. *Id.* at ¶ 8.

Section 1231 of Title 8 of the United States Code directs ICE to remove an alien subject to a final order of removal within the 90-day removal period prescribed therein. But in *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court recognized that the 90-day removal period was not an absolute deadline for removal: "we doubt that when Congress shortened the removal period to 90 days in 1996, it believed that all reasonably foreseeable removals could be accomplished in

that time.” *Zadvydas*, 533 U.S. at 701. The Supreme Court, therefore, constructed a presumptive six-month detention period “for the sake of uniform administration in the federal courts.” *Id.* The *Zadvydas* Court held that ICE may continue to detain an alien for an additional three months, creating a presumptively reasonable detention period of 180 days. *Id.* at 701.

*Zadvydas* and its progeny set forth a presumptively reasonable detention period of 180 days. *See Zadvydas*, 533 U.S. at 701. After the conclusion of this 180-day removal period, a noncitizen in ICE custody may challenge his or her continued detention via a petition for writ of habeas corpus on those grounds but must also establish that there is no significant likelihood that removal will occur in the reasonably foreseeable future. *Id.* Federal regulations now implement *Zadvydas*’s requirements. *See* 8 C.F.R. § 241.13 (setting out “special review procedures” when alien “subject to a final order of removal” and detained “after the expiration of the removal period . . . has provided good reason to believe there is no significant likelihood of removal . . . in the reasonably foreseeable future”).

In the instant case, Petitioner was not in post-order custody more than six months at the time he filed his Petition. Petitioner was detained by ICE on October 9, 2025, and the Petition was filed January 26, 2026, a period less than the presumptively reasonable detention period of 180 days established by *Zadvydas*.

Petitioner implicitly argues that his previous periods of detention serve as a basis for release. Courts have previously rejected this argument. A period of prior detention is not a “Get Out of Jail Free Card that may be redeemed at any time just because an alien was detained too long in the past.” *See Meskini v. Att’y Gen. of United States*, No. 4:14-CV-42-CDL, 2018 WL 1321576, at \*4 (M.D. Ga. Mar. 14, 2018) (internal quotation omitted); *see also Thai v. Hyde*, 2025 U.S. Dist.

LEXIS 111179, 2025 WL 1655489, at \*3 (D. Mass. 2025) (finding a petitioner's previous ICE detention did not count towards the detention period).

If Petitioner's argument concerning prior detention is accepted, and periods of immigration detention from over ten years ago and twenty years ago are considered in the aggregate to his current detention, his detention for even one day to enforce the order of exclusion would raise constitutional concerns. *See Barrios v. Ripa*, No. 25-cv-22644-GAYLES, 2025 WL 2280485, at \*8 (S.D. Fla. Aug. 8, 2025). Such a ruling would also "obstruct an area that is in the discretion of the Attorney General—effectuating removals." *Id.* (citing 8 U.S.C. § 1252(g)). As recently recognized in *Flores-Reyes v. Assistant Field Office Director*, Case No. 26-CV-20226-ALTMAN, 2026 WL 406708 (S.D. Fla. Feb. 13, 2026):

Given the executive branch's immigration-related expertise and statutory authority to effectuate removals, we don't think *Zadvydas* precludes the government from detaining a criminal alien for "even one day" just because he was detained for six months over twenty years ago. *See Zadvydas*, at 700 ("We recognize...that review must take appropriate account of the greater immigration-related expertise of the Executive Branch, of the serious administrative needs and concerns inherent in the necessarily extensive INS efforts to enforce this complex statute, and the Nation's need to 'speak with one voice' in immigration matters.").

Plus, the animating question in *Zadvydas* was the "likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. And what was reasonably foreseeable in 2002 may well be markedly different from what's reasonably foreseeable today. Suppose the government had detained a criminal alien in late 2019 to effectuate his removal. Imagine too that, despite the government's best efforts, no country would accept the alien because of COVID-related border closures. Suppose, finally, that after six months—and in the absence of any reasonably imminent removal—the government decided to release him. Fast forward to 2026, when countries have reopened their borders and resumed accepting repatriations. In these changed circumstances, we don't think the government's renewed detention of the same alien is necessarily problematic. And we think this kind of flexibility—particularly in cases like ours where multiple detentions are separated by two decades—reflects the kind of balance *Zadvydas* hoped to achieve: preserving the government's authority to effectuate removals while safeguarding the individual's liberty interests against indefinite detention.

*Id.* at \*2-\*3. Here, the Petitioner fails to explain how periods of immigration detention ten years ago and over twenty years ago weigh upon the question of the constitutionality of his present detention, or the ability of the government to remove the Petitioner.

Further, in *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002), the Eleventh Circuit held that in order to state a claim under *Zadvydas*, “the [alien] not only must show post removal order detention in excess of six months, but also must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” 287 F.3d at 1052. Where an alien cannot meet his burden with evidence establishing that there is not a substantial likelihood of removal in the reasonably foreseeable future, a petition for habeas corpus should be dismissed. *See, e.g., Oladokun v. U.S. Atty. Gen.*, 479 F. App’x 895, 897 (11th Cir. 2012); *Akinwale*, 287 F.3d at 1052.

Here, Petitioner has not carried his burden of showing that removal is not reasonably foreseeable. Under *Zadvydas*, Petitioner bears the initial burden to show that removal is not significantly likely in the foreseeable future. *Zadvydas*, 533 U.S. at 701. To do so, Petitioner cannot merely rest on conclusory assertions—actual proof or evidence is needed. *Akinwale*, 287 F.3d at 1052. (“[T]o state a claim under *Zadvydas* the alien . . . must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”).

Petitioner has failed to allege sufficient facts to show there is no significant likelihood of his removal. Petitioner principally relies on three letters. First, Petitioner attaches a letter from October 22, 2025 from the Registrar General’s Office, Ministry of Home Affairs in the Turks & Caicos, which states that no birth record was found for the Petitioner. (DE 1-1 at 5). Petitioner attaches a second letter from the Consulate General in the Bahamas from April 22, 2016 that states that they were unable to locate documents or evidence of proof of Petitioner’s claimed Bahamian

citizenship. (DE 1-1 at 6). A third letter from the British Vice-Consulate Orlando, dated February 17, 2004, states that a Turks & Caicos passport previously issued to Petitioner was issued in error and that Petitioner does not have a claim to British nationality. (DE 1-1 at 7). That letter also states that Petitioner was born in the Bahamas. *Id.*

As set forth in the Declaration of Deportation Officer Saul Garcia Perez, DHS is in the process of effecting Petitioner's removal to the Bahamas. *See* Exh. B, Declaration of Deportation Officer Saul Garcia Perez. On February 9, 2026, Petitioner had a consular phone call with the Bahamian Consulate. *Id.* After the interview, the Bahamian consular officer confirmed that Petitioner is a citizen of the Bahamas. *Id.* The consular officer stated that they will issue a birth certificate to be used to effectuate Petitioner's removal to the Bahamas. *Id.* Therefore, DHS intends to remove Petitioner to the Bahamas. *Id.*

Accordingly, Petitioner's detention to effectuate his removal is lawful and under the governing regulations and *Zadvydas* and its progeny, any challenge to the length of Petitioner's detention is premature.

### CONCLUSION

For the reasons set forth above, the Petition for Writ of Habeas Corpus should be denied.

Respectfully submitted,

**JASON REDING QUIÑONES**  
**UNITED STATES ATTORNEY**

BY:

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*Counsel for Respondents*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served electronically through CM/ECF on February 26, 2026, and on all parties of record on the Service List below by the manner specified below.

*/s/ Alicia H. Welch*  
Assistant U.S. Attorney

**SERVICE LIST**

**Duzzlie McDonald Rigby**

**A **

Krome Service Processing Center

Inmate Mail/Parcels

18201 SW 12<sup>th</sup> Street

Miami, Florida 33194

**Pro Se**

*Served via United States Mail*