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FBI - JACKSONVILLE

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

MARCOS JOSE BARBOSA VALLENILLA,

Petitioner,

v. Case No. 3:26-cv-144-JEP-PDB

WARDEN, BAKER COUNTY DETENTION CENTER, et al.,

Respondents.

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

I. INTRODUCTION

Petitioner, Marcos Jose Barbosa Vallenilla, proceeding pro se, respectfully submits this Reply to Respondents' Response. Respondents argue Petitioner's detention is mandatory under 8 U.S.C. §1225(b) and therefore immune from habeas review. This argument ignores constitutional limits on immigration detention. Regardless of statutory authority, prolonged detention without a realistic prospect of removal violates the Due Process Clause of the Fifth Amendment.

II. HABEAS REVIEW REMAINS AVAILABLE

XI. REQUEST THAT THE COURT RETAIN JURISDICTION

**III. PROLONGED DETENTION WITHOUT FORESEEABLE REMOVAL VIOLATES
DUE PROCESS (see Exhibit B)**

Even assuming detention initially arose under §1225(b), the Constitution imposes limits once detention becomes prolonged. The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that immigration detention may continue only while removal is reasonably foreseeable. Courts recognize detention becomes constitutionally suspect when removal is uncertain, travel documents are unavailable, or removal efforts are speculative.

IV. RESPONDENTS PROVIDE NO EVIDENCE OF A REALISTIC REMOVAL PLAN

The Government's response contains legal argument but no concrete proof that removal is imminent. Respondents provide no evidence of confirmed travel documents, diplomatic acceptance by any receiving country, scheduled removal arrangements, or proof that any country has agreed to accept Petitioner. Without such evidence, continued detention becomes punitive rather than administrative.

**V. PETITIONER HAS BEEN GRANTED PROTECTION UNDER THE
CONVENTION AGAINST TORTURE (CAT) (see Exhibit A)**

Petitioner has been granted protection under the Convention Against Torture ("CAT") by an Immigration Judge. This protection legally prohibits removal to the country where Petitioner faces a likelihood of torture. Respondents must therefore identify and secure acceptance from a lawful third country before removal may occur. Respondents fail to demonstrate that any third country has agreed to accept Petitioner, that diplomatic arrangements exist permitting removal elsewhere, or that travel documents have been issued. Where CAT protection prevents removal and no alternate country has accepted the detainee, removal is not reasonably foreseeable and continued detention violates due process.

**VI. THE BURDEN SHIFTS TO RESPONDENTS TO SHOW FORESEEABLE
REMOVAL**

Once detention becomes prolonged, the burden shifts to the Government to demonstrate a

significant likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701. Respondents rely only on statutory authority rather than evidence of an actual removal plan. Without proof of travel documents, diplomatic acceptance, or scheduled removal, the Government cannot meet its burden, and continued detention becomes unconstitutional.

The Government's response contains no declaration, affidavit, or documentary evidence demonstrating an active or scheduled removal process.

VII. LENGTH OF DETENTION IS NOW CONSTITUTIONALLY SIGNIFICANT

Petitioner has remained in ICE custody for a prolonged period without meaningful progress toward removal. Civil immigration detention is permitted only for administrative purposes, not indefinite confinement. When detention no longer serves removal purposes, continued custody violates the Fifth Amendment.

VIII. HABEAS RELIEF IS APPROPRIATE

Because Respondents have failed to demonstrate that removal is reasonably foreseeable, continued detention violates due process. The Court should grant the Petition, order release under appropriate supervision, or require an individualized custody determination before a neutral decision-maker.

If the Court determines that immediate release is not warranted, Petitioner respectfully requests, in the alternative, an order of supervised release under reasonable conditions of supervision. Federal courts routinely grant conditional release where detention has become prolonged and removal is not reasonably foreseeable. Such relief preserves the Government's immigration interests while ensuring compliance with constitutional due process limitations on civil detention.

IX. ALTERNATIVE RELIEF (SUPERVISED RELEASE)

Since February 4, 2026, at approximately 4:00 a.m., Petitioner has been transferred multiple times between detention facilities by Immigration and Customs Enforcement (ICE). Petitioner is currently detained at Florence Detention Center, 3250 N. Pinal Parkway, Florence, Arizona. However, Petitioner does not appear in the public ICE Online Detainee Locator System, creating uncertainty regarding his custodial location. (see Exhibit C)

Due to these repeated transfers and the lack of stable access to legal mail and communication, Petitioner was unable to timely notify this Court of his change of address as required by the Court's Order. The delay was not intentional and resulted solely from circumstances outside Petitioner's control. Petitioner respectfully provides this notice at the earliest possible opportunity and requests that the Court accept this update as compliance with the obligation to maintain a current mailing address.

Frequent transfers during the pendency of habeas proceedings further demonstrate the instability of Petitioner's detention and significantly impair his ability to litigate this matter pro se. Courts recognize that such transfers may interfere with meaningful access to the courts and weigh in favor of prompt judicial review of continued detention.

X. MULTIPLE TRANSFERS AND DELAY IN REPORTING CHANGE OF ADDRESS

Since the filing of this habeas action, Petitioner has been transferred multiple times by Immigration and Customs Enforcement and is currently detained outside the Middle District of Florida. These transfers occurred after this Court properly obtained jurisdiction over Petitioner's habeas petition.

XI. REQUEST THAT THE COURT RETAIN JURISDICTION

Retention of jurisdiction is particularly appropriate where repeated transfers have complicated Petitioner's ability to litigate this action while proceeding pro se.

XII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant habeas relief and order release from continued unconstitutional detention. The existence of CAT protection further demonstrates that removal is not reasonably foreseeable, rendering continued detention unconstitutional.

Respectfully submitted,

Marcos Jose Barbosa Vallenilla

A-Number: 

Florence Detention Center

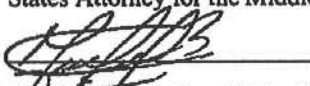
3250 N Pinal Pkwy Ave

Florence, AZ 85132

Petitioner, Pro Se

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Reply was mailed to the Office of the United States Attorney for the Middle District of Florida on this 02 day of March, 2026.



Marcos Jose Barbosa Vallenilla

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EXHIBITS

Petitioner submits the following exhibits in support of this Reply:

Exhibit A – Immigration Judge Order Granting Protection Under the Convention Against Torture (CAT).

Exhibit B – Detention Timeline Showing Length of ICE Custody.

Exhibit D – ICE Custody Records / Detainee Information Printout (if available).

Petitioner incorporates these exhibits as evidentiary support demonstrating that removal is *not reasonably foreseeable and continued detention violates due process* under *Zadvydas v. Davis*, 533 U.S. 678 (2001).