

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

MARCOS JOSE BARBOZA-VALLENILLA,

Petitioner, PRO SE

v.

WARDEN, BAKER COUNTY DETENTION CENTER, et al.,

Respondents.

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

PETITIONER'S REPLY TO RESPONDENTS' SUPPLEMENTAL RESPONSE

Petitioner, proceeding pro se, respectfully submits this Reply to Respondents' Supplemental Response.

I. RESPONDENTS ADMIT THERE IS NO FINAL ORDER OF REMOVAL

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Respondents state that "Petitioner is not subject to a current final order of removal." Without a final order, Respondents lack statutory authority to execute removal.

II. RESPONDENTS' POSITION IS INTERNALLY INCONSISTENT

Respondents claim detention under 8 U.S.C. § 1225 while acknowledging ongoing proceedings and a pending BIA appeal. These positions are inconsistent with any claim of lawful removal authority.

III. PETITIONER REMAINS IN ACTIVE PROCEEDINGS

Petitioner's appeal remains pending before the Board of Immigration Appeals. No final administrative decision has been issued.

IV. CAT DEFERRAL REMAINS IN EFFECT

Petitioner was granted protection under the Convention Against Torture. Removal to Venezuela is prohibited and has not been lawfully terminated.



V. NO LAWFUL REMOVAL PATHWAY

Respondents fail to identify any country, travel documents, or realistic plan for removal.

Removal is not reasonably foreseeable.

VI. CONTINUED DETENTION IS UNLAWFUL

Without a final order or foreseeable removal, continued detention violates due process and lacks lawful authority.

VII. CONTRADICTORY ICE STATEMENTS

Petitioner has been informed by ICE officers of possible removal to Venezuela, contradicting Respondents' position.

IX. LACK OF IDENTIFIED REMOVAL AUTHORITY

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Respondents have not identified any lawful mechanism by which Petitioner could presently be removed, particularly in light of the pending appeal and existing CAT deferral. This absence further underscores the lack of a valid basis for continued detention.

VIII. CONCLUSION

Respondents' own admissions show no final order, no removal pathway, and ongoing proceedings. Continued detention is unlawful.

WHEREFORE, Petitioner respectfully requests:

- A. Grant the Petition for Writ of Habeas Corpus;
- B. Order Petitioner's immediate release;
- C. Grant any further relief the Court deems just.

Respectfully submitted,

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Marcos Jose Barboza-Vallenilla

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Petitioner, Pro Se

Baker County Detention Center

20706 US Highway 90

Sanderson, FL 32087

CERTIFICATE OF SERVICE

I certify that on 04-07-2026, I served a copy of this Reply via U.S. Mail

Signed,



Marcos Jose Barboza-Vallenilla

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