

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

3:26-cv-148-MMH-MCR

I. THE GOVERNMENT'S DESCRIPTION OF A SEPTEMBER 10,
2025 REMOVAL ATTEMPT IS INCORRECT

The government claims Petitioner was taken to the Mexican border on September 10, 2025 and return after refusing paperwork. Petitioner respectfully states that this description is inaccurate.

Petitioner was transported toward the border on a bus with other detainees. No removal occurred. No travel documents were issued, and no country formally accepted Petitioner for removal.

Recent decisions from this District have rejected similar unsupported third-country removal claims. In *Martinez-Marino v. Warden*, Case No. 3:25-cv-854-JEP-MCR (M.D. Fla. Mar. 11, 2026), the Court found ICE's declaration insufficient where it failed to show communication with Mexico or another country, failed to produce travel documents, and failed to establish that the petitioner prevented removal.

Likewise, in *Sota Sosa v. Warden*, Case No. 3:26-cv-51-MMH-LLL (M.D. Fla. Mar. 3, 2026), the Court held that generalized statements about possible future removal to Mexico were insufficient to show removal was significantly likely in the reasonably foreseeable future.

II. THE GOVERNMENT HAS NOT SHOWN A SIGNIFICANT LIKELIHOOD OF REMOVAL

The government has produced no evidence showing:

1. A travel document issued by Cuba, Mexico, or any third country;
2. Formal acceptance from a receiving country;
3. A confirmed removal date; or
4. A concrete removal plan likely to occur soon.

Without this evidence, continued detention violates *Zadvydas v. Davis*, 533 U.S. 678 (2001).

III. PETITIONER HAS NOT AFFIRMATIVELY THWARTED REMOVAL

The Government may argue that Petitioner somehow prevented removal. However, courts require clear evidence that a detainee actually obstructed removal efforts.

In *Martinez-Marino*, the Court rejected ICE's claim of noncooperation where the record lacked specific evidence showing the petitioner prevented removal. The same reasoning applies here. Petitioner has not been provided completed travel documents and no country has accepted him for removal.

IV. RESPONSE TO CRIMINAL ALLEGATIONS

I respectfully clarify that I was not detained for 5 years for cocaine trafficking. The Court reduced my sentence to 16 months which I fully served. Furthermore, I was not charged as described, instead, I was charged with attempted escape, and that sentence was imposed to run concurrently within

the 16 months term.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court deny the Government's request for denial and grant the Petition for Writ of Habeas Corpus. In the alternative, Petitioner requests release under reasonable conditions of supervision.

Respectfully submitted,

A. Cervantes

Humberto Alejandro Cervantes Cancio

A# 

Case No.: 3:26-cv-148-MMH-MCR

Pro Se Petitioner

Baker County Detention Center

20706 U.S. Highway 90 West

Sanderson, Florida 32087

03/20/2026

Humberto Cervantes Cancio
A# [REDACTED]
North Florida Detention Facility
20706 US Highway 90 West
Sanderson, FL 32087

March 14, 2026

United States District Court
Middle District of Florida

Re: Case No. 3:26-cv-00148

Honorable Judge Marcia Morales Howard,

I respectfully submit this letter to inform the Court of serious concerns regarding the lawfulness and fairness of my post-order custody review process.

Although the review is referred to as a "90-day interview," I did not receive this interview until day 207 of my detention—well beyond the 90-day statutory removal period. This significant delay raises concerns regarding compliance with the procedural safeguards intended to ensure a timely and meaningful custody determination.

More concerning is the manner in which the interview was conducted. When ICE officers met with me, it appeared that they already had a written decision prepared before asking me any substantive questions. The interview did not feel individualized or genuinely evaluative. Instead, it appeared procedural in nature, as though the outcome had already been decided prior to speaking with me.

During the interview, I was asked whether I considered myself a flight risk. I clearly and respectfully stated that I am not a flight risk. I was also asked whether I pose a danger to society, and I stated that I am not a danger to society. Despite my responses—and without presenting any new or additional evidence during the interview—ICE issued a final determination concluding that I am both a flight risk and a danger to society.

It is also important to note that I have previously completed two periods of immigration detention in full compliance with ICE custody. The first was from November 8, 1991 to December 19, 1991 (41 days). The second was from June 24, 2008 to December 17, 2008 (176 days). In total, I have already completed 217 days in prior ICE detention. In both instances, I completed my detention period without incident. This history demonstrates compliance with custody requirements and undermines the assertion that I present a flight risk or danger to the community.

Additionally, ICE stated that I do not have a place to reside in the United States. This assertion is incorrect. I have stable residential options available to me, including 3631 SW 125 Court, Miami, FL 33175, and Calle Ficus #3, Santa Rosa 3ro, Guaynabo, PR 00971. These addresses represent legitimate and available housing arrangements. The claim that I lack a place to live is therefore not supported by the facts.

ICE further claimed that I do not have family ties in the United States. This is also inaccurate. I have strong and extensive family connections, including my brothers, my son, my three nephews, my partner, and extended family members. I also had my mother in the United States prior to her passing. My family relationships are genuine and ongoing, and I have letters from my family members affirming their support and relationship with me. These ties directly contradict the assertion that I lack community connections or stability.

This outcome appears inconsistent with the purpose of a post-order custody review, which is to provide an individualized and meaningful assessment of whether continued detention is justified. A review that is delayed beyond the statutory period and conducted with what appears to be a

pre-determined decision, combined with inaccurate factual findings regarding my residence and family ties, undermines the procedural protections guaranteed under due process principles.

I respectfully ask this Court to consider these circumstances when evaluating the legality of my continued detention. I submit that my custody review was not conducted in a meaningful or fair manner, and I respectfully request appropriate relief consistent with due process and governing law.

Thank you for your time and consideration.

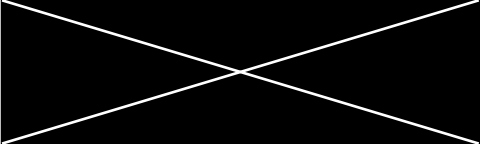
Respectfully submitted,



Humberto Cervantes Cancio

A# 

[Stenbano Aleiandro Cervantes Astudillo]



To Whom It May Concern, relating to, Humberto Cervantes Cancio A# 

I am writing this letter to express the essential role my father plays in my life and to explain how our separation has significantly impacted my emotional and physical well-being. My father has always been a steadfast source of love, guidance, and stability, and his presence is indispensable to my overall health and quality of life.

As someone living with Type 1 Diabetes, I require consistent medical attention, structure, and emotional balance. My father has always been an integral part of managing this condition. He ensures that I maintain a proper routine, have access to the necessary medical supplies and nutrition, and provides the emotional reassurance that allows me to face the daily challenges associated with this chronic illness.

During past medical emergencies and hospitalizations, my father has always been the first person to respond — transporting me to the emergency room or helping me obtain life-sustaining medication. The thought of encountering such situations without his immediate support causes me significant anxiety. His calm demeanor, reliability, and compassionate nature provide me with a sense of security that directly affects my physical stability and peace of mind.

Our separation has been deeply difficult for me on an emotional level. Without his presence, I often feel an overwhelming sense of emptiness and struggle to remain motivated or focused. His encouragement, wisdom, and steady presence have always grounded me and kept me moving forward. The emotional strain of our separation has also taken a physical toll — my blood sugar levels have become more difficult to manage, and I have experienced symptoms such as loss of appetite, nausea, and headaches. It is clear that my father's presence has a direct and positive influence on both my emotional and physical well-being.

Beyond his role in my health, my father also supports me financially whenever possible, easing the burdens that accompany managing a chronic condition while pursuing my career goals. As a musician, I have relied on his unwavering belief in me. He has helped promote my music, motivated me to persevere through challenges, and consistently reminded me of the importance of staying true to my passion. His support has been instrumental in both my artistic growth and personal development.

Over the past eight to nine years, my father has shared his life with his partner, and throughout that time I have witnessed only love, respect, and unwavering support from him toward her. He has helped her build their home from the ground up, contributed consistently to household responsibilities, and shown extraordinary patience and compassion in supporting her as she cares for her mother, who suffers from Alzheimer's disease. His actions demonstrate the selflessness, empathy, and integrity that define his character.

My father is not only my parent — he is my foundation, my support system, and my source of strength. His involvement in my life is vital to my emotional stability, physical health, and growth as a person and artist. He is a dedicated, honorable, and hardworking man who has always prioritized his family's well-being above all else.

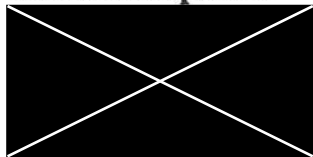
Given his age and current physical condition, my father himself faces a higher risk of medical emergencies. As his only son, I feel a deep responsibility to be present and able to support him in the same way he has always supported me throughout my life.

Thank you for taking the time to consider the importance of my father's presence in my life and the profound impact it has on my health and overall well-being.

With sincere respect and gratitude,

[Stephano Alejandro Cervantes Astudillo]

Herminia Alpendre



[October 23, 2025]

To Whom It May Concern, relating to, Humberto Cervantes Cancio A



My name is **Herminia Alpendre**, and I am writing this letter to express my most sincere and complete support for my husband, **Humberto Cervantes Cancio**. I am a citizen of the United States, and my relationship with Humberto began nine years ago. During this time, I have come to know him as a person of countless positive qualities, including great integrity, responsibility, kindness, honesty, and an unwavering work ethic.

Humberto is a man of good character who constantly strives to improve himself and to be a good husband, father, son, and friend. I would like to highlight a few examples that demonstrate his good heart and humility.

Humberto was deeply devoted to his late mother, caring for her in every possible way. Even when she became ill, he never left her side, attending to her needs with compassion and patience until her passing at the age of 94. His dedication during that time reflected his deep sense of love, duty, and family values.

I have also personally experienced his kindness and support in caring for my own mother, who suffers from dementia and Alzheimer's disease. Her daily care is very demanding, but Humberto's help makes an incredible difference. Even in her moments of clarity, she remembers him and asks about him, which is deeply moving for our family. His assistance in our home is both **vital and irreplaceable**, and his presence brings stability and comfort to us all.

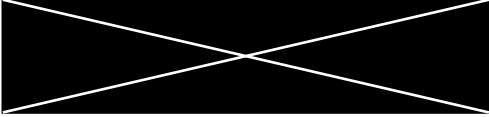
These are just a few examples of how Humberto has positively impacted my life and the lives of everyone in our family. My support for him is **complete and given with full responsibility, respect, and good faith**.

Please know that I am willing to provide any additional information or documentation that may be needed. You may contact me at any time using the information provided above.

Thank you very much for your time and consideration.

Sincerely,
Herminia Alpendre

Hugo E. Cervantes



To Whom It May Concern, regarding to, Humberto Cervantes Cancio, A# 

My name is **Hugo E. Cervantes**, and I am writing this letter to express my heartfelt support for my brother, **Mr. Humberto Alejandro Cervantes Cancio (A#** **)**. Humberto is not only my brother but also one of the most important people in my life and in the life of our entire family.

Throughout the years, Humberto has proven himself to be a man of integrity, compassion, and strong moral character. He has always been there for each of us—offering help, encouragement, and emotional strength whenever we've needed it. His kindness and generosity have touched everyone around him.

During the final year of our beloved mother's life, Humberto and I shared the responsibility of caring for her. It was a difficult and emotional time, but Humberto never once hesitated to do whatever was necessary. He stood by her side every day, making sure she was comfortable and cared for, showing endless patience and love until her very last moment. That experience brought us even closer as brothers and strengthened the deep bond we already shared.

Even after our mother's passing, Humberto has continued to be an extraordinary source of emotional support—not just for me, but for our entire family. His presence brings stability, comfort, and unity to everyone around him.

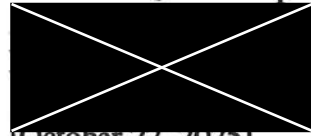
I can say with complete confidence that Humberto is a good man and a positive influence on all who know him. He is deeply loved by his family and respected by his community. Losing his presence has left a painful void in our lives, and we sincerely hope that the authorities will consider his good character and allow him the opportunity to return home to us.

Thank you very much for your time and consideration.

With respect and sincerity,

Sincerely,
Hugo E. Cervantes

Hortensia Josefa Alpendre



[October 22, 2025]

To Whom It May Concern, relating to, Humberto Cervantes Cancio A#



My name is **Hortensia Josefa Alpendre**, and I am a citizen of the United States. Through this letter, I wish to affirm my full support for **Mr. Humberto Alejandro Cervantes Cancio (A#**  **). Humberto is a close member of my family and has been the devoted partner of my sister, Herminia Teresita Alpendre, for the past nine years.**

During all these years, they have maintained a strong, loving, and respectful relationship. I have come to know Humberto as a man of excellent character—calm, respectful, hardworking, and always willing to help anyone in need. He has consistently demonstrated kindness, humility, and a deep sense of responsibility toward his family and community.

Humberto has also been an invaluable source of emotional and practical support for our 93-year-old mother, who suffers from **dementia and Alzheimer's disease**. He helps care for her with great patience and compassion, bringing comfort and stability to our household. His presence has been a true blessing in our family's life.

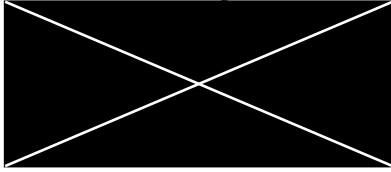
Based on everything I have witnessed over the years, I can affirm with confidence that **Mr. Humberto Alejandro Cervantes Cancio poses no threat to the public nor any risk of evading justice due to his legal status**. On the contrary, he is a man of integrity and a positive influence on everyone around him.

Our entire family wishes and hopes that he will be allowed to return home and continue being part of our lives.

Thank you very much for your time and consideration.

Sincerely,
Hortensia Josefa Alpendre

Armando S. Alpendre



To Whom It May Concern, relating to, Humberto Cervantes Cancio A#



My name is Armando S. Alpendre, and I am a citizen of the United States. I am writing this letter in support of Mr. Humberto Alejandro Cervantes Cancio (A# [REDACTED]). Humberto has been a part of our family for over nine years as the devoted partner of my sister, Herminia Teresita Alpendre.

Throughout this time, Humberto has conducted himself with great respect, humility, and integrity. He has become an important member of our household and a constant source of help and support. I have personally witnessed the care and patience he provides to our 93-year-old mother, who suffers from Alzheimer's disease and dementia. His assistance with her daily needs and his compassion toward her are remarkable and deeply appreciated by all of us.

Humberto is always willing to help anyone in need and has consistently demonstrated exemplary behavior. He has never represented any kind of problem or danger to those of us who live with him, nor to society in general. On the contrary, he is a good man who brings peace, stability, and kindness wherever he is.

With this letter, I respectfully ask the immigration authorities to please take into consideration the pain and hardship that our family is enduring due to his detention, and to grant him the opportunity to regain his freedom in this country that we all deeply love.

Thank you very much for your time and understanding.

**Sincerely,
Armando S. Alpendre**