

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF FLORIDA

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Batuhan Celik,

Petitioner,

-against-

Garrett J. Ripa, Field Office Director  
Enforcement and Removal Operations' Miami  
Field Office; and Warden, Krome Service  
Processing Center, 18201 S.W. 12th Street,  
Miami, FL 33194,

Respondents.

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Civil Action No. **26-cv-20500-RKA**

**REPLY BRIEF OF PETITIONER**  
**FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

Petitioner’s Reply addresses two independent defects in the Government’s effort to justify continued detention and any purported removal plan.

First, the Government’s reliance on 8 U.S.C. § 1231 is misplaced because the statute’s removal-period framework is triggered only when an alien “is ordered removed,” and here Petitioner has cancellation of removal such that there is no executable removal order; even assuming arguendo that removal were contemplated, § 1231(b)(2) requires removal to proceed through a statutory hierarchy—beginning with a properly designated country or, failing that, the country of nationality (Turkey)—and permits any third-country removal only in narrow fallback circumstances and ultimately only where a third country affirmatively agrees to accept the noncitizen, which is speculative on this record and confirms that Petitioner cannot be removed.

Second, the record forecloses any attempt to premise continued custody on the criminal case: Exhibit A reflects that Petitioner was initially charged with felony offenses, but Exhibit B

demonstrates the charges were downgraded and resolved as a misdemeanor disposition, with a Judgment and Sentence crediting Petitioner with forty-one (41) days time served, confirming that he has completed the entirety of the custodial sentence imposed and that there is no remaining criminal-custody basis to justify continued detention.

### ARGUMENT

**I. SECTION 1231 DOES NOT AUTHORIZE REMOVAL ABSENT A FINAL ORDER; IN ANY EVENT, ANY THIRD-COUNTRY REMOVAL REQUIRES GOVERNMENTAL ACCEPTANCE, AND PETITIONER CANNOT BE REMOVED ON THIS RECORD.**

Section 1231's "removal period" and its country-of-removal framework are triggered only once "an alien is ordered removed." 8 U.S.C. § 1231(a)(1)(A). When the government does execute a removal order, Congress prescribed a sequential set of country-of-removal directives. For noncitizens outside the special categories in § 1231(b)(2)(A)–(B), the government must first remove the person to the country the noncitizen timely designates, unless a statutory limitation applies, including that the designated country fails to respond within thirty days or is unwilling to accept the individual. 8 U.S.C. § 1231(b)(2)(A)–(C). If removal cannot be effectuated to the designated country, removal "shall" proceed to a country of which the noncitizen is a subject, national, or citizen, again subject to the statutory constraint that the receiving government does not respond within thirty days or is unwilling to accept the person. 8 U.S.C. § 1231(b)(2)(D)(i)–(ii). Only when removal cannot be accomplished through those avenues does § 1231 authorize removal to a limited set of fallback countries, such as the place of admission, embarkation, prior residence, birth, or the sovereign over the birthplace, and, if those options are "impracticable, inadvisable, or impossible," then to "another country whose government will accept the alien." 8 U.S.C. § 1231(b)(2)(E)(i)–(vii).

Here, because Petitioner has cancellation of removal, there is no existing final order of removal to execute, and the statutory removal-period mechanisms in § 1231 are not operative. 8 U.S.C. § 1231(a)(1)(A). Even assuming arguendo that removal were contemplated, § 1231(b)(2) requires the government to proceed first to a properly designated country or, failing that, to the country of nationality—here, Turkey—and it expressly conditions removal on the receiving government’s willingness to accept the noncitizen (or at minimum a timely response within the statutory period). 8 U.S.C. § 1231(b)(2)(C)–(D). Petitioner is a citizen only of Turkey and there is no showing that he holds citizenship, nationality, or permanent status elsewhere; accordingly, any third-country removal would be permissible only if the government could satisfy one of the narrow fallback predicates in § 1231(b)(2)(E) and, at the final step, could secure the affirmative acceptance of a third country. 8 U.S.C. § 1231(b)(2)(E)(vii). On the present record, third-country acceptance is speculative, and thus third-country removal is not reasonably likely.

**II. PETITIONER’S CHARGES WERE REDUCED TO A MISDEMEANOR, AND HE HAS ALREADY SERVED HIS SENTENCE.**

The record reflects that Petitioner’s criminal case was resolved on a reduced, misdemeanor basis and that he has already completed the full term of custody imposed. The State’s initial charging paperwork reflects felony charges, including third-degree felony possession offenses. The subsequent Judgment and Sentence entered in the County Court for Duval County, Florida reflects that Petitioner entered a plea of nolo contendere to a misdemeanor count of possession of controlled substance paraphernalia, Fla. Stat. § 893.147(1), and that the court imposed a jail term of forty-one (41) days with forty-one (41) days credit for time served, confirming that Petitioner has served the entirety of the custodial sentence.

Exhibit A is the original felony charging document reflecting that Petitioner was initially charged with third-degree felony possession offenses, among other counts. Exhibit B is the subsequent misdemeanor disposition and Judgment and Sentence reflecting that the charges were downgraded and resolved by Petitioner's plea to misdemeanor possession

**CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus, and order Petitioner's immediate release, together with such other and further relief as the Court deems just and proper.

Dated: February 25, 2026  
Jersey City, New Jersey

Respectfully submitted,



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by: Guvenc Acarkan, Esq.  
Law Offices of Guvenc Acarkan  
185 Hudson St. Suite 2940,  
Jersey City, NJ 07311  
Tel: 201-904-1020  
Fax: 551-305-4123  
guvenc@acarkanlaw.com  
FL Bar No. 1064613  
Attorneys for Petitioner

**VERIFICATION OF COUNSEL**

I, Guvenc Acarkan, Esq., hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, reading "Guvenc Acarkan". The signature is written in a cursive style with a horizontal line underneath it.

Guvenc Acarkan, Esq.