

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DOMENICO VITALE
ROSAMILIA,

Petitioner,

v.

Case No. 6:26-cv-209-PGB-LHP

JOHN MINA, LOUIS A.
QUINONES, UNITED
STATES DEPARTMENT
OF HOMELAND
SECURITY, IMMIGRATION
AND CUSTOMS ENFORCEMENT
and GARRETT RIPA,

Respondents.

Response to Petition for Writ of Habeas Corpus

Petitioner Domenico Vitale Rosamilia challenges the legality of his current detention by U.S. Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) that began on January 9, 2026, alleging that he is entitled to immediate release.

As noted in its recent Consented Emergency Motion for Clarification (Doc. 11), ICE informed the undersigned that it is prepared to release Petitioner and in doing so, this proceeding would become moot. Although Respondents were prepared to grant immediate release last week, Petitioner remains in detention due to the Court’s Temporary Restraining Order (Doc. 6) and Order on Consented Emergency

Motion for Clarification (Doc. 12). However, and in the event the Court believes this matter is nonetheless justiciable, Respondents explain below that their detention authority in the initial instance was and is supplied by of 8 U.S.C. § 1226.

Background

Petitioner Domenico Vitale Rosamilia is a citizen of Venezuela. Doc. 1, ¶ 17. Domenico Vitale Rosamilia was admitted to the United States in May 2014 as a nonimmigrant unknown manner with authorization not to exceed November 3, 2014. *See* Exhibit 1, Notice to Appear. U.S. Citizenship and Immigration Services (“USCIS”) received an Application for Asylum and for Withholding of Removal from Domenico Vitale Rosamilia on November 6, 2014. Doc. 1-3. Petitioner received notice to attend an asylum interview on May 22, 2025. *Id.* As of January 26, 2026, the date this Petition (Doc. 1) was filed, a decision from USCIS was still pending on his asylum application. Doc. 1-5.

On November 22, 2025, Domenico Vitale Rosamilia was issued a Notice to Appear, charged with removability under Section 237(a)(1)(B) of the Immigration and Nationality Act (“INA”), and taken into ICE custody under a warrant of arrest. Exhibit 1; Exhibit 2, Declaration of Christine Jaehne, ¶ 5. Domenico Vitale Rosamilia requested a custody redetermination pursuant to 8 C.F.R. § 1236. Doc. 1-2. On December 15, 2025, an Immigration Judge granted his request and ordered that he be released from custody under bond of \$10,000. *Id.*

On January 9, 2026, Domenico Vitale Rosamilia told an ICE officer or

contractor that he had been granted asylum and presented an Approval Notice purportedly issued to him by USCIS. Exhibit 2, ¶ 7; Doc. 1, ¶ 34. DHS systems and database searches revealed that Domenico Vitale Rosamilia's asylum application had not been granted by USCIS. Exhibit 2, ¶ 8; Doc. 1-5. Domenico Vitale Rosamilia was taken into ICE custody due to changed circumstances in his case, i.e. the misrepresentation of his asylee status. Exhibit 2, ¶ 11.

Certified Habeas Return

ICE is detaining Domenico Vitale Rosamilia under the detention provisions of 8 U.S.C. § 1226. *See* 28 U.S.C. § 2243 ("The person to whom the writ or order is directed shall make a return certifying the true cause of the detention."). Domenico Vitale Rosamilia bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021).

Discussion

In accordance with Domenico Vitale Rosamilia's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and Complaint for Injunctive and Declaratory Relief (Doc. 1), it appears Petitioner is only challenging his current detention at Orange County Jail which began on January 9, 2026. Petitioner is not challenging his previous detention in November 2025 when he was released on bond after a hearing with an Immigration Judge in December 2025.

Domenico Vitale Rosamilia was, and is, currently being detained under § 1226 based on changed circumstances after he was previously released on bond by an

Immigration Judge. According to Christine Jaehne, Acting Supervisory Detention and Deportation at ICE, Enforcement and Removal Operations, the changed circumstances that resulted in Domenico Vitale Rosamilia's current detention was the misrepresentation of his asylee status.¹ Exhibit 2, ¶ 11. On or about January 23, 2026, USCIS confirmed that a draft decision to approve Domenico Vitale Rosamilia's asylum application was created, but never officially issued, and further stated that his application remained pending. *Id.* Respondents determined that it appears reasonable Domenico Vitale Rosamilia believed his asylum application had been granted after discovering the existence of the USCIS draft decision. *Id.* at ¶ 12.

Subsequently, ICE intends to fully process Domenico Vitale Rosamilia for release, but the Orange County Jail is unable to release him currently due to the Court's Temporary Restraining Order. *Id.* at ¶ 13; Exhibit 3, Order to Release or Detain Aliens. Once Domenico Vitale Rosamilia is released, this matter will become moot. *See Lopez v. Scott*, No. 2:10-cv-226-FtM-29SPC, 2010 WL 1708468, at *1-2 ("[A] claim is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome.") (quoting *Honiq v. Doe*, 484 U.S. 305, 317, 108 S.Ct. 592, 98 L.Ed.2d 686 (1988)).

Conclusion

Domenico Vitale Rosamilia's Petition for Writ of Habeas Corpus should be

¹ 8 C.F.R. § 1236.1(c)(9).

denied as moot.

Date: February 1, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 1, 2026, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of the filing to the following CM/ECF participant:

Lorraine Margarita Marte, Esq.

/s/ Joy Warner
Assistant United States Attorney