

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.

AMENDED MOTION FOR RECONSIDERATION  
AND OPPORTUNITY TO RESPOND TO ORDER OF REPIMAND

United States Attorney Gregory W. Kehoe and Assistant United States Attorney Joy Warner respectfully request reconsideration of the reprimand imposed on AUSA Warner, *see* Doc. 14 at 4, and ask for the opportunity to respond to the Court's order of reprimand.<sup>1</sup> We believe that this Court's reprimand of AUSA Warner is based on a misunderstanding that resulted, in part, from the speed with which AUSA Warner and the entire Civil Division of the United States Attorney's

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<sup>1</sup> The United States respectfully requests a hearing and oral argument on this motion. Pursuant to Local Rule 3.01(i), we will be filing a motion for that relief contemporaneously with our filing of this response.

Office have endeavored to respond to the civil habeas docket. We also respectfully ask the Court to take notice of and consider the extremely high volume and expedited timelines in the current Orlando habeas corpus docket.

## **I. FACTUAL BACKGROUND**

The petition for habeas corpus in this matter was filed on January 26, 2026. Doc. 1. The Petitioner moved the Court to, among other things, “[e]nter a TRO [temporary restraining order]/preliminary injunction prohibiting Respondents from transferring Petitioner to ICE custody absent a judicial warrant or other lawful authority.” *Id.* at 12.

On January 27, 2026, the Court granted a TRO as requested by the Petitioner on pages 11 and 12 of his petition. Doc. 4. The Court ordered that Respondents respond to the petition within five days, inclusive of weekends. *Id.* The Court entered a further order regarding the TRO that same day that “Respondents and those in privity with them are hereby TEMPORARILY ENJOINED from transferring Domenico Vitale Rosamilia from the Orange County Jail until further order of the Court.” Doc. 6 at 7.

On January 30, 2026, AUSA Warner, on behalf of the Respondents, filed a Consented Emergency Motion for Clarification “respectfully request[ing] clarification that the Court’s Order [Doc. 6 at 7] authorizes release of the Petitioner from custody and the Orange County Jail.” Doc. 11 at 1. The motion continued, “The undersigned is authorized to state that Petitioner consents to this motion.

Respondents request a ruling by February 1, 2026.” *Id.* Later that same day, the Court granted the Consented Emergency Motion for Clarification stating,

As the [6] Court Order states, the Respondents are temporarily enjoined from transferring Petitioner from the Orange County Jail to another location until further order of the Court. The [6] Court Order requires Respondents to maintain the status quo until the evidentiary hearing before the Court that is currently set for February 4, 2026 at 10:00 AM.

Doc. 12.

Respondents timely filed their response to the Petition on February 1, 2026.

Doc. 13. AUSA Warner, on behalf of the Respondents, stated

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).

Doc. 13 at 1–2.

On February 2, 2026, the Court ordered the Petitioner’s immediate release from custody. Doc. 14. Additionally, the Court found that the Response “incorrectly state[d]” that the Consented Emergency Motion for Clarification had informed the Court of ICE’s intention to release the Petitioner and that the motion “says nothing about ICE having informed Assistant United States Attorney Joy Warner that it is prepared to release the Petitioner.” *Id.* at 3. The Court found instead that the Response was “the first time” the Court was informed “that ICE was ‘prepared to grant immediate release last week.’” *Id.* The Court further stated,

If the Government had informed the Court that ICE was prepared to release the Petitioner, who has been illegally detained since at least January 9, 2026, the Court would have granted the Petition. For the Government to now claim that the Petitioner remained unlawfully detained because of the Court's TRO is either the byproduct of incredibly sloppy lawyering by Ms. Warner or a fraud upon the Court.

*Id.* at 4. The Court ordered that “Assistant United States Attorney Joy Warner is OFFICIALLY REPRIMANDED for her lack of candor to the tribunal” and that she “provide a copy of this Order and the Order to Show Cause entered by Judge Dalton<sup>2</sup> to the State Bar Association<sup>3</sup> where she is licensed to practice law.” *Id.* at 4–5.

The United States now respectfully requests that this Court reconsider its reprimand of AUSA Warner and asks for an opportunity to respond under the Local Rules.

## II. LEGAL BACKGROUND

“Reconsideration is an extraordinary remedy which will be granted only upon a showing of one of the following: (1) an intervening change in law, (2) the discovery of new evidence which was not available at the time the Court rendered its decision, or (3) the need to correct clear error or manifest injustice.” *United States v. Denizard*, No. 6:20-cr-135-PGB-EJK, 2021 U.S. Dist. LEXIS 35137, at \*3 (M.D. Fla. Feb. 23,

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<sup>2</sup> This Court referenced Judge Dalton’s recent Order to Show Cause to AUSA Warner and US Attorney Kehoe in its Order. Doc. 14 at 4 and 5; *see also Gimenez Rivero v. Quinones et al.*, Case No. 6:26-cv-66-RBD-NWH (M.D. Fla.), Doc. 15. The United States recently responded to that Order to Show Cause. *See* Case No. 6:26-cv-66, Doc. 21. The Order to Show Cause is not yet resolved.

<sup>3</sup> AUSA Warner has complied with this Directive.

2021) (citing *Fla. Coll. of Osteopathic Med., Inc. v. Dean Witter Reynolds, Inc.*, 12 F. Supp. 2d 1306, 1308 (M.D. Fla. 1998)). The United States asks this Court to consider this motion under the second and third prongs of this test as set forth in greater detail in the next section.

Middle District of Florida Local Rule 2.04(a) states, “In addition to a judge’s sanction or use of another grievance mechanism, the court can—after a hearing and for good cause—disbar, suspend, reprimand, or otherwise discipline a member of the Middle District bar or a lawyer appearing by special admission.” A Court’s imposition of sanctions, including a reprimand, “to be proper[,] ... must comply with the mandates of due process.” *United States v. Shaygan*, 652 F.3d 1297, 1318 (11th Cir. 2011) (citations and quotation omitted). “Due process requires that the attorney (or party) be given fair notice that his conduct may warrant sanctions and the reasons why.” *Id.* (citation and quotation omitted). Such notice must include “the precise rule, standard, or law that [the attorney] is alleged to have violated and how he or she allegedly violated it.” *Id.* at 1319. And the attorney “must be given an opportunity to respond, orally or in writing, to the invocation of such sanctions and to justify his actions.” *Id.* at 1318 (citation omitted).

### III. ARGUMENT

The United States respectfully requests reconsideration of this matter and an opportunity to respond, both orally and in writing, to the Court’s reprimand. Respectfully, the United States asks this Court to determine that a reprimand is not

warranted here.

When the instant petition was filed, AUSA Warner almost immediately began working to determine the relevant facts. As part of that work, she learned from the client agency on January 29, 2026, that they were prepared to release the Petitioner from custody rather than challenging the habeas motion. After discussion with Civil Division management in the U.S. Attorney's Office, AUSA Warner informed ICE that the Petitioner could be released, as that was part of the relief requested in the petition. On the afternoon of Friday, January 30<sup>th</sup>, the client agency informed AUSA Warner that the Orange County Jail was concerned about violating the Court's TRO and asked if clarification could be requested from the Court.

On the same day, AUSA Warner prepared a brief emergency filing that was intended to seek clarification from the Court about whether the Petitioner could be released from custody at the Orange County Jail. Civil Division management in the U.S. Attorney's Office reviewed the filing, and AUSA Warner obtained the consent of opposing counsel for the relief sought. She then filed the motion, which the Court granted, and that the Respondents maintain the status quo until the evidentiary hearing on February 4, 2026. Doc. 12.

AUSA Warner's Motion for Clarification was made in good faith; she intended to seek this Court's guidance on release of the Petitioner as quickly as possible prior to the weekend and the Sunday, February 1<sup>st</sup> response deadline. In no way did AUSA Warner intend to mislead the Court. In reviewing the pertinent documents, there is a

potential disconnect between the Motion for Clarification and Court's Order, in that the motion (filed quickly due to the urgency of the situation) referred to "release" while the Order restricted "transfer." The United States Attorney's Office apologizes for the potential disconnect in not providing a more fulsome explanation of the respective positions of ICE and the Orange County Jail; this occurred in part because of the speed with which the Orlando habeas docket has been evolving. We did not seek further clarification because we thought the Motion's use of the word "release"<sup>4</sup> adequately conveyed what ICE was prepared to do. ICE was detaining the Petitioner, and release would end the detention.

Had we more fully appreciated the disconnect between the Motion for Clarification and the Order, we would have immediately provided further information to the Court and sought further clarification. Ms. Warner discussed the Order with Civil Division management, though it was unclear what the hearing would involve in light of ICE's willingness to release the detainee. Per the Court's Order, we moved forward with the response to the petition and prepared for the hearing.

Additionally, the portions of AUSA Warner's response that referenced the Motion for Clarification were also made in good faith and were reviewed by Civil Division Management in the U.S. Attorney's Office. AUSA Warner's references to

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<sup>4</sup> Merriam-Webster Dictionary defines release as "to set free from restrain, confinement, or servitude." <https://www.merriam-webster.com/dictionary/release>.



the Motion for Clarification in the response were made neither to misstate the record nor to fault the Court for the continued detention of the Petitioner. Instead, at the time of the filing of the response, she believed that the Court understood ICE's intention to immediately release the Petitioner upon Court approval.

The United States also asks that the Court understand the challenging context in which this particular case and filings arose. The Middle District of Florida is currently experiencing an unprecedented onslaught of habeas corpus petitions. In a typical year, this District sees 150 to 180 civil immigration cases of all kinds. This year we are on track to receive perhaps ten times that number. Many of these habeas petitions are placed on expedited response schedules, and many also have expedited hearings scheduled. The Civil Division of the United States Attorney's Office has endeavored to timely and fully respond to these filings. By way of explanation and not excuse, we are short staffed in the Orlando Civil Division, which exacerbates our ability to confront this challenging docket. While not the Court's concern, we offer it neither as a defense nor justification.<sup>5</sup> On the other hand, it is certainly a factor to consider as the Court considers sanctions, insofar as it paints a picture of an extremely challenging (indeed, unprecedented) environment for civil AUSAs to operate in.

We wish to assure the Court that we continue to have a high degree of confidence in AUSA Warner, who has been with our office as a civil AUSA since December 2024 and has been an attorney on behalf of the United States since 2019.

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<sup>5</sup> Also, we are addressing the staffing issues.



She has been an excellent and reliable public servant. We continue to believe AUSA Warner to be a diligent and responsible lawyer. While she has no expertise in immigration law (few civil AUSAs in our district do), she has shown an admirable willingness to assist with this difficult docket and defend it to the best of her ability. The attached Declaration of Civil Division Management attached as Exhibit A describes the views of Civil Chief and Deputy Civil Chief of AUSA Warner's professionalism and legal talent.

#### IV. CONCLUSION

WHEREFORE, the U.S. Attorney's Office respectfully requests reconsideration of and the opportunity respond to the sanctions imposed in this matter.

#### **Local Rule 3.01(g) Certificate**

Pursuant to Local Rule 3.01(g), the undersigned conferred with Petitioner's counsel who takes no position on the relief requested in this motion.

Date: February 17, 2026

Respectfully submitted,

/s/ Gregory W. Kehoe

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 17, 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