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2026-0300-FLMO-ETM

UNITED STATES DISTRICT COURT

**MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

FLORENTINO JOSE ALONSO GARCIA,
Petitioner,

v.

GARRETT RIPA, Field Office Director,
ERO Miami, Florida,
Respondent.

Case No. 2:26-cv-111-SPC-NPM

**PETITIONER'S MOTION FOR IMMEDIATE RELEASE PENDING DECISION ON PETITION
FOR WRIT OF HABEAS CORPUS**

Petitioner, through his next friend, respectfully moves this Court for an order directing his **immediate release pending final disposition** of his Petition for Writ of Habeas Corpus. In support, Petitioner states as follows:

I. INTRODUCTION

Petitioner has now been detained for months with **no significant likelihood of removal in the reasonably foreseeable future**, as Respondent has already acknowledged that Cuba refused repatriation and that ICE has no confirmation that Mexico—or any other country—will accept him. Continued detention serves no legitimate governmental purpose and inflicts ongoing harm, including restricted access to legal materials, medical care, and basic necessities.

Immediate release pending the Court's ruling is warranted to prevent further constitutional injury.

II. LEGAL STANDARD

Federal courts possess inherent authority to order temporary release of habeas petitioners where “special circumstances” or “extraordinary reasons” justify such relief. Courts routinely grant temporary release where:

- the petitioner has shown a strong likelihood of success on the merits,
- continued detention causes irreparable harm, and
- the government cannot demonstrate a legitimate justification for continued confinement.

See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

III. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

Respondent concedes that:

- “ICE advises Petitioner was denied repatriation to Cuba.” (Opp. at 2).
- ICE is “awaiting documents” and has no evidence that Mexico will accept him. (Opp. at 2 n.1).

These admissions demonstrate that removal is **not** reasonably foreseeable. Under *Zadvydas*, detention becomes unconstitutional when removal is not significantly likely in the reasonably foreseeable future.

Petitioner has therefore shown a strong likelihood of success.

B. Continued Detention Causes Irreparable Harm

Petitioner has been deprived of:

- meaningful access to legal materials,
- adequate medical care,
- proper nutrition, exercise, and visitation.

Respondent does not dispute these conditions. Prolonged detention under such circumstances constitutes irreparable harm, particularly where the detention itself is likely unlawful.

C. The Government Has No Legitimate Interest in Continued Detention

Petitioner:

- lived under supervision for years,
- complied with all reporting requirements,
- voluntarily appeared for his OSUP appointment, and
- has no history of absconding or dangerous conduct.

Respondent identifies no public-safety or flight-risk justification for continued detention.

D. Immediate Release Is Necessary to Prevent Ongoing Constitutional Injury

Where a petitioner faces ongoing unlawful detention and the government cannot show a realistic prospect of removal, courts routinely grant temporary release pending final adjudication.

Petitioner's circumstances meet and exceed that standard.

IV. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. **Order his immediate release** pending final resolution of the Petition for Writ of Habeas Corpus;
2. Release him under **reasonable conditions of supervision** pursuant to 8 U.S.C. § 1231(a)(3); and
3. Grant any further relief the Court deems just and proper.

Respectfully submitted,

This ____ day of _____, 2026.

A handwritten signature in black ink, appearing to read "Juanita M. Brunson-Alonso". The signature is fluid and cursive, with the last name "Alonso" being more prominent and stylized.

Juanita M. Brunson-Alonso

Next Friend for Petitioner

(Pro Se)