

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.: 26-CV-20708-Williams**

**MAURICIO LOPEZ CARDONA,**

Petitioner,

v.

**CHARLES PARRA**, Assistant Field Office  
Director, Krome Service Processing Center,  
U.S. Immigration and Customs Enforcement

**GARRETT RIPA**, Field Office Director,  
U.S. Immigration and Customs Enforcement  
Miami Field Office

**TODD M. LYONS**, Acting Director,  
U.S. Immigration and Customs Enforcement

**KRISTI NOEM**, Secretary,  
Department of Homeland Security,

Respondents.

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**REPLY TO RESPONDENTS' RESPONSE**

COMES NOW the petitioner, Mauricio Lopez Cardona ("Petitioner" or "Cardona"), and files his Reply to the Respondents' Response to Order to Show Cause and Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241, filed on February 9, 2026 [DE 11]. In support thereof, the respondent states as follows:

Respondents first argue that the Court lacks jurisdiction over the habeas claims. They assert that "[p]etitioner is, in essence, asking this Court to prevent ICE from executing his removal order," and argue that 8 U.S.C. § 1252(g) strips courts of jurisdiction to hear any cause or claim arising from ICE's decision to execute removal orders. Almost every court that has considered

the issue has concluded that the Court does, indeed, have jurisdiction over claims like the petitioner raises. The petitioner does not seek habeas corpus relief to prevent ICE from executing his removal order; the petitioner seeks habeas corpus relief because the respondents did not comply with the statutory or regulatory requirements to revoke his order of supervision and after they unlawfully detained him, they subjected him to prolonged and indefinite detention.

The Supreme Court specifically concluded that “§ 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period-detention.” *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). *Zadvydas* involved two challenges to prolonged detention after the removal orders were final, just like the claim raised here. Just like the courts who reviewed the habeas corpus petitions in *Zadvydas*, this Honorable Court has jurisdiction over petitioner’s habeas corpus petition challenging his prolonged and continued detention in this case.

The Court also has jurisdiction over the petitioner’s claim challenging the respondents’ failure to comply with the statutory and regulatory requirements to revoke supervision. The respondents argue that the Eleventh Circuit interpretation of 8 U.S.C. § 1252(g) deprives the Court of jurisdiction to consider the claim. Again, the petitioner does not challenge the respondents’ authority to execute the removal order, the petitioner challenges the respondents’ failure to follow the law when they decided to revoke his order of supervision.

The Eleventh Circuit discussed the jurisdiction-stripping provision at 8 U.S.C. § 1252(g), which bars federal courts from hearing any cause or claim arising from the decision or action to commence proceedings adjudicate cases or execute removal orders. *See Camarena v. Dir., Immigr. & Customs Enf’t*, 988 F.3d 1268 (11th Cir. 2021). The Court noted that 8 U.S.C. § 1252(g) lists three “discrete actions,” and does not cover “the universe of [removal] claims. *Id.* at 1272. “Only claims that arise from one of the covered actions are excluded from [the Court’s] review.

*Id.* The term “arising from” should not be interpreted so broadly as to “sweep in any claim that can technically be said to ‘arise from’ the three listed actions. *Id. citing Jennings v. Rodriguez*, 583 U.S. 281 (2018). Courts must focus on the action being challenged. Unlike the plaintiffs in *Camarena*, the petitioner challenges his prolonged detention and the failure to provide him with procedural due process by following the statute and regulations governing revocation of supervision. Both claims are properly before the Court, and the Court has jurisdiction to consider them.

The Due Process Clause of the United States Constitution is clear—the government cannot deprive a person of liberty without due process of law. The Due Process Clause protects people in the United States from government custody, detention, or other forms of physical restraint. *Zadvydas*, 533 at 690. When a person at liberty under an order of supervision is taken into custody and detained, that detention violates the Due Process Clause of the U.S. Constitution and he may challenge his deprivation of liberty in court. When deciding to detain a person, thereby affecting that individual’s rights, “it is incumbent on agencies to follow their own procedures.” *See Morton v. Ruiz*, 415 U.S. 199, 235 (1974).

The petitioner argued in his opening brief that the respondents violated the procedures outlined in 8 C.F.R. § 241.4(l) when they revoked his release and re-detained him. The respondents argued that the petitioner cannot rely on “technical violations of internal policies.” [ECF 11 at 9]. Congress and administrative agencies created laws and regulations to govern agency actions. Just like individuals must obey the law, the respondents must obey the law.

Under 8 C.F.R. § 241.4(l), supervised release may be revoked under limited circumstances, including a noncitizen’s violation of the conditions of release or a decision to revoke release by the Executive Associate Commissioner or a district director. Under either circumstance, there are

procedures that must be followed, as outlined in 8 C.F.R. § 241.4(*l*). In arguing that they followed procedures, the respondents refer to both 8 C.F.R. § 241.4(*l*) and 8 C.F.R. § 241.13. Although the petitioner argued that the respondents unlawfully revoked his order of supervision under § 241.4(*l*), the respondents have responded that they revoked the petitioner's supervision under 8 C.F.R. § 241.13. That regulation establishes special review procedures for noncitizens who are subject to a final order of removal and are detained under the custody review procedures provided at § 241.4 after the expiration of the removal period. It did not apply to the petitioner when he was taken into custody more than seven months ago on June 25, 2025.

The petitioner was at liberty under an order of supervision and complying with all of the conditions imposed upon him. His release was not revoked upon violation of the conditions of release, because he did not violate any condition of release. Respondent Todd Lyons is the Executive Associate Commissioner of DHS/ICE, and he did not provide any document to show that he had any part in—let alone made a decision to—revoke the petitioner's release. Nor did the respondents provide any document to show that Respondent Field Office Director Garrett Ripa decided to revoke the petitioner's supervision. Even when a revoking official makes the decision to revoke supervision, he must show that 1) the purposes of release have been served, 2) the noncitizen violated a condition of release, 3) it is appropriate to enforce a removal order, or 4) the noncitizen's conduct or any other circumstance indicates that release is no longer appropriate. None of the aforementioned applies.

The petitioner did not violate any condition of release; nor did he conduct himself in any manner to make his release no longer appropriate. He was released because an immigration judge granted his application for deferral of removal under the Convention Against Torture. He still faces harm and the respondents' responses to petitioner's previous inquiries and their response to

the order to show cause demonstrates that they have been unable to find a country that will allow petitioner to enter it. Thus, a revoking official, if there were one, could not reasonably decide that re-detaining the petitioner was appropriate to enforce his removal order. Finally, there are no circumstances that have been identified to indicate that the petitioner's release is no longer appropriate. As stated in the opening brief, it appears that the petitioner was re-detained for a photo-op. Using the petitioner for a press release is not a circumstance indicating that his release is no longer appropriate. The petitioner has a job and a family who rely on him and he has abided by every condition imposed on him. The respondents did not demonstrate a reason to revoke his supervision in June 2025.

Moreover, the respondents did not follow any of the procedures for review when the petitioner's release was revoked. Deportation Officer Karina Jurdi declares under penalty of perjury that they did not even revoke the order of supervision until February 6, 2026—more than seven months after they took him back into custody. They now argue more than seven months after they detained the petitioner that he is being detained pursuant to 8 C.F.R. § 241.13. That section established special review procedures for noncitizens subject to a final order of removal who are detained under the custody review procedures provided at 8 C.F.R. § 241.4 after the expiration of the removal period.

As an initial matter, the decision to finally revoke the petitioner's supervision seven months after detaining him underscores the petitioner's argument that the respondents violated his constitutional rights. They have essentially conceded that they had no reason to revoke his supervision in June of 2025. They have detained him without cause for more than seven months. Additionally, even if the revocation of supervision were pursuant to 8 C.F.R. § 241.13(i), the respondents still violated the regulations. Revocation under 8 C.F.R. § 241.13(i) only applies to

noncitizens released under § 241.13(g) after there is a written decision regarding the likelihood of removal and whether there is a significant likelihood that the noncitizen will be removed in the reasonably foreseeable future. In that case, if there are no special circumstances justifying continued detention, ICE shall promptly make arrangements for the release of the noncitizen subject to the appropriate conditions. Once released, release may be revoked upon violation of the conditions of release or “if, on account of changed circumstances, [ICE] determines that there is a significant likelihood that the [noncitizen] will be removed in the reasonably foreseeable future.”

If there is a decision to revoke release under § 241.13, the respondents must follow the same procedures outlined in 8 C.F.R. § 241.4(l). The respondent must notify the respondent of the reasons for revocation and promptly conduct an initial informal interview affording the noncitizen an opportunity to respond to the reasons for revocation and to submit any evidence or information to show that there is no significant likelihood of removal. Again, that did not happen when the respondents detained the petitioner on June 25, 2025.

Finally, the record is clear that the respondents are still unable to remove the petitioner. He cannot be removed to Colombia. The Dominican Republic will not allow him to enter there. Mexico will not accept him. No other country has been identified.

The respondents are detaining the petitioner in violation of his constitutional, statutory and procedural rights. They unlawfully revoked his supervision without reason and did not afford him an opportunity to contest the revocation. Their recent efforts on February 6, 2026, to cure their unconstitutional actions do not overcome the illegality of his detention. The petitioner is not likely to be removed in the reasonably foreseeable future, and the respondents cannot detain him indefinitely. The respondents have unlawfully and constitutionally continued detention of the

petitioner for well beyond the 90-day removal period and the presumptively reasonable six-month period discussed in *Zadvydas, supra*.

Wherefore the petitioner respectfully requests that this Honorable Court issue a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, and order the respondents to immediately release him from custody.

Dated: February 12, 2026

Respectfully submitted,

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