

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

DANIEL EVASIO
BOZA-ALFONSO,



Civil Action No. 0:26-cv-60337-DMM

Petitioner.

v.

CARLOS R. NUNEZ, in his official capacity as
ASSISTANT FIELD OFFICER DIRECTOR
BROWARD TRANSITIONAL CENTER;
PAM BONDI, in her official capacity as
ATTORNEY GENERAL;
KRISTI NOEM, in her official capacity as
SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY;
CALEB VITELLO, in his official capacity as
DIRECTORS OF UNITED STATES
IMMIGRATION AND
CUSTOMS ENFORCEMENT

Respondents.

**PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO
ORDER TO SHOW CAUSE**

Petitioner Daniel Evasio Boza-Alfonso (Mr. Boza-Alfonso), a citizen of Cuba, hereby replies to Respondents' response to Order to Show Cause and, in support, states:

Mr. Boza-Alfonso restates all factual allegations and legal arguments within his Verified Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. *See* DE 1.

ARGUMENT

I. Respondents' Failed to Attach DHS' Motion to Recalendar and Petitioner's Reply to DHS' Motion to Recalendar filed on January 16, 2026 to their Response to Order to Show Cause.

In Respondents' response, they assert that:

On November 7, 2025, Petitioner filed a motion for administrative closure with the Immigration Court. See Exh. B, Declaration. On November 18, 2025, the Immigration Judge granted Petitioner's motion, and the case was administratively closed. See Hab. Pet., Document 1-5. On January 16, 2026, the DHS moved the Immigration Court to re-calendar proceedings. See Exh. B, Declaration. On the same date, Petitioner filed a reply opposing the DHS's motion. See Exh. B, Declaration. DHS's motion to re-calendar remains pending before the Immigration Judge. Exh. B, Declaration.

See Respondents' Response to Order to Show Cause, DE 7 at 2.

Respondents fail to actually attach DHS' Motion to Recalendar filed on January 16, 2026 and Petitioner's Reply to DHS' Motion to Recalendar also filed on January 16, 2026. Instead, Respondents rely on the declaration by Deportation Officer John Mansey. *See* DE 7-2.

Respondents' response and failure to actually attach the referenced motion and reply are either the byproduct of sloppy lawyering or lack of candor before this Court by willful omission.

Rosamilia v. Mina, No. 6:26-cv-209-PGB-LHP (M.D. Fla. 2026).

II. Respondents' Motion to Recalendar Petitioner's Immigration Proceedings is Defective under 8 C.F.R. § 1003.18(c)(3)(ii).

Petitioner attaches herein the actual immigration filings documents for this Court's review, specifically DHS' Motion to Recalendar and Petitioner's Reply to DHS' Motion to Recalendar. *See* DHS' Motion to Recalendar attached as Exhibit "A"; *See* Petitioner's Reply to DHS' Motion to Recalendar attached as Exhibit "B".

8 C.F.R. § 1003.18(c)(3)(ii) requires that the moving party filing a motion to recalendar immigration proceedings articulate:

(A) The reason recalendaring is sought; (B) The basis for any opposition to recalendaring; (C) The length of time elapsed since the case was administratively closed; (D) If the case was administratively closed to allow the noncitizen to file a petition, application, or other action outside of proceedings before the immigration judge, whether the noncitizen filed the petition, application, or other action and, if so, the length of time that elapsed between when the case was administratively closed and when the noncitizen filed the petition, application, or other action; (E) If a petition, application, or other action that was pending outside of proceedings before the immigration judge has been adjudicated, the result of that adjudication; (F) If a petition, application, or other action remains pending outside of proceedings before the immigration judge, the likelihood the noncitizen will succeed on that petition, application, or other action; (G) The ultimate anticipated outcome if the case is recalendared; and (H) The ICE detention status of the noncitizen.

8 C.F.R. § 1003.18(c)(3)(ii).

Despite the clear requirements under 8 C.F.R. § 1003.18(c)(3)(ii), DHS' Motion to Recalendar failed to articulate:

(A) they reason recalendaring is sought; (C) the length of time elapsed since the case was administratively closed; (D) whether the noncitizen filed the petition, application, or other action and, if so, the length of time that elapsed between when the case was administratively closed and when the noncitizen filed the petition, application, or other action; (E) if a petition, application, or other action that was pending outside of proceedings before the immigration judge has been adjudicated, the result of that adjudication; (F) if a petition, application, or other action remains pending outside of proceedings before the immigration judge, the likelihood the noncitizen will succeed on that petition, application, or other action; or (G) the ultimate anticipated outcome if the case is recalendared.

8 C.F.R. § 1003.18(c)(3)(ii).

By contrast, Petitioner's Reply to DHS' Motion to Recalendar explicitly stated that (1) there has been no change in circumstances; (2) DHS failed to meet the governing standard for

recalendaring immigration proceedings; (3) DHS's motion undermined reliance interests and judicial economy; and (4) detention alone did not justify recalendaring. *See* Petitioner's Reply to DHS' Motion to Recalendar attached as Exhibit "B".

Additionally, DHS failed to actually seek a change of venue from the Miami Immigration Court, which is *solely* a non-detained docket court, through an accompanying Motion to Change Venue. *See* DHS' Motion to Recalendar attached as Exhibit "A".

This omission is despite DHS attaching its Notice to EOIR: Alien Address (Form I-830) as an exhibit asserting Petitioner is now detained at Broward Transitional Center. *See* DHS' Motion to Recalendar at 8 attached as Exhibit "A". Even more egregious is the fact that the Form I-830 explicitly asks whether DHS attached a Motion to Change Venue and DHS affirmatively responds "No." *See* DHS' Motion to Recalendar at 8 attached as Exhibit "A".

Consequently, Respondents reliance on DHS' Motion to Recalendar to even suggest that Petitioner's immigration proceedings remain in somewhat active status utterly fails. This is because the motion is procedurally and substantively improperly filed by DHS. As of the date of this petition, Petitioner has no removal proceedings active in any immigration court throughout the United States.

CONCLUSION

Based on the foregoing points and authorities, Daniel Evasio Boza-Alfonso respectfully moves that this Court grant his petition and issue its writ of habeas corpus.

Date: February 25, 2026

Respectfully submitted:

/s/ Louize Fiore

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