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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

RENE RODRIGUEZ-ALES,
Petitioner,

v. Case No. 2:26-CV-00612

WARDEN
Florida Soft Side South
Alligator Alcatraz
Respondent.

PETITIONER'S REPLY TO GOVERNMENT RESPONSE

Petitioner Rene Rodriguez-Ales respectfully submits this reply to the Government's response to his Petition for Writ of Habeas Corpus.

The Government appears to argue that Petitioner's detention is lawful because the six-month presumptively reasonable detention period described in *Zadvydas v. Davis* has not yet elapsed since Petitioner's re-detention in 2026.

This argument misinterprets both the statutory framework governing post-order detention and the constitutional limitations established by the Supreme Court.

Three critical facts demonstrate why Petitioner's continued detention is unlawful.

I. THE REMOVAL PERIOD WAS COMPLETED YEARS AGO

Petitioner was ordered removed on **April 8, 2010**. Following that order, Petitioner remained in ICE custody for **more than 180 days**. During that time, ICE attempted to effectuate removal but was unable to do so because Cuba refused to accept him.

Because removal could not be accomplished, ICE released Petitioner under an Order of Supervision, acknowledging that removal was not feasible.

Thus, the statutory removal period and the six-month presumptively reasonable detention period recognized in *Zadvydas* were already satisfied years ago.

II. RE-DETENTION DOES NOT RESTART THE SIX-MONTH ZADYDAS PERIOD

The Government's argument assumes that each time ICE detains an individual the six-month Zadvydas period begins again.

Neither the Immigration and Nationality Act nor Zadvydas v. Davis supports that interpretation.

Allowing the Government to restart the six-month detention clock every time a person is re-detained would allow immigration authorities to circumvent constitutional limits on detention simply by releasing and re-detaining individuals repeatedly.

Courts have rejected such interpretations because they would effectively permit indefinite detention, which the Supreme Court expressly prohibited.

The relevant question is not how long Petitioner has been detained since January 2026, but whether removal is significantly likely in the reasonably foreseeable future.

III. THE GOVERNMENT HAS NOT SHOWN THAT REMOVAL IS NOW FORESEEABLE

Under *Zadvydas*, once a detainee provides good reason to believe that removal is not reasonably foreseeable, the burden shifts to the Government to demonstrate that removal is significantly likely.

Petitioner has shown that removal is not reasonably foreseeable because:

- Cuba previously refused to accept him.
- Petitioner lacks travel documents.
- ICE previously released him under supervision due to the inability to remove him.
- No evidence has been presented that circumstances have materially changed.

The Government has not identified any new diplomatic agreement, travel documents, or removal arrangements demonstrating that removal is now possible.

Absent such evidence, detention no longer serves the statutory purpose of facilitating removal.

IV. PETITIONER'S LONG COMPLIANCE WITH SUPERVISION DEMONSTRATES DETENTION IS UNNECESSARY

Petitioner complied with ICE supervision requirements for many years without violation.

He did not abscond, violate supervision, or obstruct removal efforts.

His re-detention in 2026 occurred despite years of compliance. This history demonstrates that less restrictive alternatives to detention are available, including release under supervision.

V. CONTINUED DETENTION VIOLATES THE FIFTH AMENDMENT

Civil immigration detention must remain regulatory rather than punitive.

Where removal is not reasonably foreseeable and detention is not necessary to ensure removal, continued confinement becomes arbitrary and unconstitutional.

Because ICE has previously been unable to remove Petitioner and has not shown that removal is now possible, continued detention violates the Due Process Clause of the Fifth Amendment.

VI. CONCLUSION

Petitioner completed the statutory removal period and the six-month presumptively reasonable detention period many years ago. The Government has not demonstrated any material change in circumstances showing that removal is now significantly likely.

Allowing ICE to restart detention periods each time it re-detains a person would permit indefinite detention contrary to the Supreme Court's decision in *Zadvydas v. Davis*.

For these reasons, Petitioner respectfully requests that the Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from ICE custody under appropriate supervision conditions; and
3. Grant such further relief as the Court deems just and proper.

Name: Rene Rodriguez - Ales (ProSe)

Date: 03/15/2026

A-Number: A-



(Signature of Petitioner)