

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

RODRIGO GERARD MARATUECH ARENAS,

Case No. 2:26-cv-00617-SPC-DNF

Petitioner,

v.

Kristi Noem, Secretary of the
Department of Homeland Security;
et al

Respondents

_____ /

**PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENT
MORDANT'S MOTION TO DISMISS**

RODRIGO GERARD MARATUECH ARENAS ("Petitioner"), by and through undersigned counsel, respectfully submits this Response in Opposition to Respondent Warden Matthew Mordant's Motion to Dismiss.

Respondent Warden Matthew Mordant moves to dismiss himself from this habeas action, arguing that he is not the proper respondent because Petitioner is detained pursuant to the authority of Immigration and Customs Enforcement ("ICE") and that only federal immigration officials have legal custody over Petitioner. Respondent therefore contends that the Warden should be dismissed from the case and that the Petition should proceed only against federal

immigration officials. The motion should be denied because the Warden is Petitioner's immediate physical custodian and is therefore a proper respondent under long-established habeas principles.

ARGUMENT

I. The Warden is a Proper Habeas Respondent

Respondent Warden argues that he is not the proper respondent in this habeas action because Petitioner's detention is authorized and administered by Immigration and Customs Enforcement ("ICE"). That argument is inconsistent with the governing rule for habeas proceedings.

The Supreme Court has long held that the proper respondent in a habeas action is generally the petitioner's immediate physical custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004). As the Court explained, "the default rule is that the proper respondent is the warden of the facility where the prisoner is being held." *Id.* at 435.

At the time the Petition was filed, Petitioner was detained at the Florida Soft Side South Detention Center in Ochopee, Florida, and he remains detained there. The Warden of that facility therefore exercises immediate physical custody over Petitioner and falls squarely within the traditional definition of the proper habeas respondent under *Padilla*. Because the writ of habeas corpus acts upon the person

who has custody of the detainee, the warden of the detention facility remains a proper respondent in such proceedings.

Moreover, courts routinely recognize that immigration habeas petitions may proceed against multiple officials who share responsibility for a petitioner's custody. While ICE officials may exercise legal authority over detention decisions, that authority does not negate the warden's role as the individual exercising day-to-day physical custody over the detainee.

Accordingly, Respondent Warden Mordant is a proper habeas respondent, and his dismissal from this action is unwarranted.

CONCLUSION

For the foregoing reasons, Respondent Warden Mordant's Motion to Dismiss should be denied.

Dated: March 16, 2026

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