

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

DENNIS GUTIERREZ,

Petitioner,

v.

Case No. 2:26-CV-628-SPC-NPM

Case No. 2:26-cv-664-KCD-NPM²

WARDEN, SOUTH FLORIDA SOFT-
SIDED FACILITY SOUTH, et al.,¹

Respondents.

**SUPPLEMENTAL FILING IN SUPPORT OF FEDERAL
RESPONDENT'S OPPOSITION TO HABEAS PETITION**

The federal Respondents hereby file additional materials the undersigned received after filing its response that support federal Respondent's arguments that this Court should deny Gutierrez's Petition. These materials include a notice of revocation, notice of informal interview, and the declaration of Deportation Officer M. Calabrese that addresses the significant likelihood of Gutierrez's removal in the foreseeable future.

¹ The U.S. Attorney General is designated on Pacer as a Respondent. This response is filed on behalf of federal respondents.

² As stated in the notice of related cases filed on this same date, it appears that petitioner filed the same case in the SDFL which were transferred to the MDL by two different SDFL judges resulting in two MDL case numbers for the same habeas petition filed by Dennis Gutierrez. In Case No. 2:26-cv-628-SPC-NPM, the response is due March 13, 2026. The response is due March 27, 2026 in Case No. 2:26-cv-664-KCD-NPM, with two different response dates.

Date: March 13, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Kelley C. Howard-Allen
KELLEY C. HOWARD-ALLEN
Assistant United States Attorney
Florida Bar No. 085464
400 North Tampa Street, Suite 3200
Tampa, FL 33602
Tel: (813) 274-6000
Email: kelly.howard@usdoj.gov
Lead Counsel for Federal Respondents

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
Miami Field Office
18201 SW 12th St, Miami FL 33194



U.S. Immigration
and Customs
Enforcement

Alien Name: Gutierrez, Dennis

Alien Number: [REDACTED]-491

Notice of Revocation of Release

Your release on the order of supervision (OSUP) issued to you on or about 12/19/2026 is hereby revoked. You will remain detained in U.S. Immigration and Customs Enforcement (ICE) custody at this time.

☒ Your release has been revoked pursuant to 8 C.F.R. § 241.4(l), for the following reason(s):

- ☐ The purposes of release have been served.
- ☐ You violated the condition of your release. Specifically, you
- ☒ It is appropriate to enforce the removal order entered against you as ICE has the ability and means to effectuate your removal.
- ☐ ICE has obtained a travel document and scheduled your removal to take place no later than
- ☐ ICE is seeking a travel document to effect your expeditious removal to
- ☐ On you were ordered removed to but you were granted withholding of removal to . Your case is under review for removal to an alternate country.

☐ Your conduct, or other circumstance, indicates that release is no longer appropriate.

OR

☒ Your release has been revoked pursuant to 8 C.F.R. § 241.13(i), for the following reason(s):

- ☐ You violated a condition of your release.
- ☒ Circumstances have changed such that there is a significant likelihood of removal in the reasonably foreseeable future.

Notice to Alien of Revocation of Release
Alien Gutierrez, Dennis, A [REDACTED] 491
Page 2 of 3

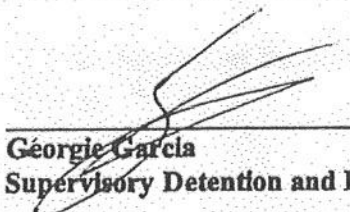
- ☐ ICE has obtained a travel document and scheduled your removal to take place no later than
- ☐ ICE is seeking a travel document to effect your expeditious removal to
- ☐ On [REDACTED] you were ordered removed to, [REDACTED] but you were granted withholding of removal to [REDACTED] Your case is under review for removal to an alternate country.

Notice of Informal Interview

On [insert date], you will be afforded an informal interview at which you will be given an opportunity to respond to the reasons for this revocation. You may submit any evidence or information you wish to be reviewed in support of your release.

Penalties for Failure to Comply with Order of Removal

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a) and civil penalties under 8 U.S.C. § 1324d.


Georgie Garcia

Supervisory Detention and Deportation Officer

03/13/26
Date

(Note: 8 C.F.R. § 241.4 revocation must be EAD or FOD where there is a public interest to do so and referral to EAD not reasonable; 241.13 may be by RMD)

Notice to Alien of Revocation of Release
Alien Gutierrez, Dennis, [REDACTED]-491
Page 3 of 3

PROOF OF SERVICE

(1) Personal Service

(a) I M. Calabrese Deportation Officer
Name of ICE Officer Title

certify that I served Gutierrez, Dennis with a copy of
this document at Florida Soft Side Facility South on 03/13/26 at 1600
Institution Date Time

Detainee Signature: Refused to sign Date: 03/13/26

() cc: Attorney of Record or Designated Representative
(x) cc: A-File

declaration to the best of my knowledge, information, belief, and reasonable inquiry for the above captioned case.

3. Petitioner is the subject of a final order dated 09/20/2016. He was arrested by ICE ERO on 12/06/2025.
4. Petitioner is currently detained pursuant to INA § 241(a) at the Florida Soft Sided Facility South. Petitioner has been detained pursuant to INA § 241(a) as of 12/07/2025 and issued revocation of order of supervision release paperwork on 03/13/2026.
5. Petitioner's OSUP was revoked pursuant to 8 § C.F.R. 241.13(i) as there is a significant likelihood that he may be removed in the reasonably foreseeable.
6. INA § 241(b)(2)(E) authorizes the DHS to remove aliens subject to final orders of removal to alternative countries, including another country whose government will accept the alien.
7. ICE intends to remove the petitioner to Mexico pursuant to INA § 241(b)(2)(E).
8. The petitioner will be nominated for third country to Mexico at a port of entry.
9. The petitioner will be transferred to one of the corresponding ICE field offices along the southwest border that processes third-country removals to Mexico.
10. The petitioner will receive a Notice of Removal to Mexico 24 hours prior to his transfer to the relevant field office.
11. The receiving ERO field office will then notify Mexico's Instituto Nacional de Migracion (INM) of the petitioner's upcoming removal to Mexico.
12. Following INM's final acceptance, he will immediately be transported to the Customs and Border Patrol corresponding port of entry for removal to Mexico.

13. Each ICE field office along the southwest border that processes third-country removals to Mexico removes a varying amount each week. Removals take place from each corresponding office from once a week to several times a week.
14. Therefore, ICE determines that there is a significant likelihood of removal in the reasonably foreseeable future.
15. ICE will follow proper procedures for third-country removals for the petitioner as set forth in the *Guidance Regarding Third Country Removals*, issued by the DHS Secretary on March 30, 2025.

I declare that the foregoing is true and correct to the best of my knowledge and belief and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

DATED: March 13th, 2026

M. CALABRESE

M. CALABRESE
DEPORTATION OFFICER
Miami AOR
Enforcement and Removal Operations
Immigration and Customs Enforcement
U.S. Department of Homeland Security