

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSE SANTIAGO VILA-ALFARO,

Petitioner,

Case No. 2:26-cv-637-KCD-DNF

v.

UNITED STATES OF AMERICA,

Respondent.

**FEDERAL RESPONDENT'S SUPPLEMENTAL
BRIEF IN FURTHERANCE OF ITS OPPOSITION
TO PETITION FOR WRIT OF HABEAS CORPUS**

Pursuant to the Court's May 28, 2026, Order (Doc. 10) ("Order"), Federal Respondent respectfully submits this supplemental brief. In the Order, the Court stated "[t]he six-month presumptively reasonable period has expired without Petitioner's removal . . . Thus, the Government is directed to show . . . that there is a significant likelihood of Petitioner's removal in the reasonably foreseeable future." Doc. 10. The Order states that "[f]ailure to respond will result in Petitioner's release without further notice."

The Federal Respondent acknowledges that that six-month presumptively reasonable period has expired without removal of Petitioner Jose Santiago Vila-Alfaro ("Vila-Alfaro"). Nonetheless, ICE asserts that there is a significant likelihood of Vila-Alfaro's removal in the reasonably foreseeable future ("SLRRFF") as outlined in the declaration of Deportation Officer Michael Rosser. Exhibit A at 1-3. In light of this

District's rulings in many previous cases presenting similar circumstances,¹ the United States Attorney's Office anticipates that the Court will conclude that these materials lack sufficient detail to meet the government's burden in justifying continued prolonged detention. We await and will comply with any order that may be issued.

CONCLUSION

For the foregoing reasons, the Federal Respondents respectfully request that Vila-Alfaro's petition be denied.

Dated: June 4, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Christopher J. Emden
CHRISTOPHER J. EMDEN
Assistant United States Attorney
USA No. 158
400 North Tampa St., Suite 3200
Tampa, FL 33602
Telephone No.: (813) 274-6000
Facsimile No.: (813) 274-6198
E-mail: Christopher.Emden@usdoj.gov
Lead Counsel for Federal Respondent

¹ See e.g. *Suarez-Rosabal v. Warden, Florida Soft Side South, et al.*, No. 2:26-cv-1376-KCD-DNF (M.D. Fla. May 20, 2026) (ordering release after the presumptively reasonable period expired where the record reflected "the total absence of any travel documents for his removal"); *Betancourt v. Alcatraz*, No. 2:26-CV-1403-KCD-NPM, 2026 WL 1320246, at *2 (M.D. Fla. May 13, 2026) (finding the burden shifted where Mexico refused entry and ICE relied on a declaration from a Deportation Officer describing the procedures to be followed to effect removal to Mexico); *Londres v. Warden, S. Fla. Det. Facility*, No. 2:26-CV-935-JES-NPM, 2026 WL 1260847, at *2 (M.D. Fla. May 8, 2026) (finding burden-shifting framework triggered and SLRRFF not established where ICE asserted that they are seeking removal but did not explain why progress had not been made in Petitioner's 184 days in custody); *Blanco Rivero v. Noem, et al.*, No. 2:26-cv-00353, 2026 WL 820499, at *2 (M.D. Fla. Mar. 25, 2026) (finding ICE absence of documentation to support SLRRFF amounted to "hope and a placeholder.").