

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CASE NO. 2:26-CV-00639-SPC-DNF

ERWIN MENDEZ LABARCA,

Petitioner,

v

**DIRECTOR, U.S. Department of Homeland
Security, et al.**

Respondents.

EMERGENCY MOTION TO ENFORCE

The Petitioner, ERWIN MENDEZ LABARCA, by and through undersigned counsel, respectfully moves this Court for an Order to Enforce

1. Petitioner Erwin Mendez Labarca previously filed a Petition for Habeas Corpus which was granted, in part, by the Honorable Judge Sheri Polster Chappell on March 20, 2026. More specifically, the Court ordered the Petitioner be provided with an individualized bond hearing before an immigration judge or be released under reasonable conditions of supervision. *See* 2:26-cv-00639-SPC-DNF (M.D. Fla. March 20, 2026).

2. A bond hearing was subsequently held after which the immigration judge denied the Petitioner's request for bond finding the Petitioner was a flight risk despite the Petitioner's ties to the community and his lack of criminal history. *See* Exhibit 1.

3. Nevertheless, the Immigration Judge granted the Petitioner's request to withdraw his application for admission to the United States, without objection from Immigration & Customs

Enforcement (ICE), by order dated April 20, 2026. Exhibit 2. In exchange, Petitioner withdrew his application for asylum. Both parties waived appeal.

4. By allowing the Petitioner to withdraw his application for admission, Petitioner would be allowed to purchase his airline ticket to depart the United States (even if under safeguards) on a regular commercial flight, without restraint and wearing civilian clothes.

5. Notwithstanding the foregoing, the Petitioner remains detained at the Florida Southside Facility aka “Alligator Alcatraz.” He has been so detained since March 2, 2026.

6. Further, ICE has failed to cooperate with the Petitioner in effectuating his departure from the United States despite numerous inquiries and requests by the Petitioner to facilitate his departure. See Exhibit 3 which consists of emails between undersigned counsel and ICE personnel.

7. Based upon information and belief, the Respondents intend to remove the Petitioner on an ICE deportation flight. This entails being placed on a flight staffed by ICE officers and private security contractors, rather than commercial cabin crews. They operate under prison-like security protocols and can last anywhere from 24 to 50 hours. More specifically, detainees are commonly transferred in full restraints—leg shackles, waist chains and handcuffs, for all of the journey. Former passengers and watchdog groups report inhumane conditions, with limited access to water and food. See “ICE Air Deportation Flights,” Immigrant Rights Observatory, Center for Human Rights, University of Washington, <https://jsis.washington.edu/humanrights/projects/immigrant-rights-observatory/ice-air-deportation-flights/> (last visited May 1, 2026); see also Gillian Brockell, *ICE Deportation Flights Are Getting Longer and Crueler*, Mother Jones, March-April 2026,

<https://www.motherjones.com/politics/2026/01/omni-ice-deportations-charter-flight-stonepeak-private-equity/>.

8. Petitioner is languishing in detention. Since he was apprehended by ICE on March 2, 2026, he has lost more than 38 pounds. While detained, he has gotten his affairs in order to facilitate his swift and prompt departure from the United States while also conserving government resources. He is ready, willing and able to give the Respondents what they want, i.e. his departure from the United States, yet the Respondents are inexplicably obstructing his attempts and instead are planning his forcible removal contrary to the order of the Immigration Judge and the agreement of the parties.

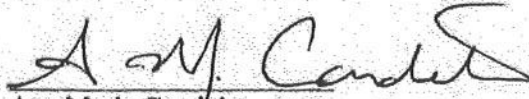
9. On April 30, 2026 and May 1, 2026, undersigned counsel conferred with Respondent's counsel by email and telephone regarding the substance of the instant motion, to no avail.

10. Other Courts have found jurisdiction to enforce their orders in similar circumstances particularly when the government respondents have acted in bad faith. *See Emilio P v Bondi, et al.*, Case No. 26-cv-850 (JMB/SGE) (D. Minn. March 2, 2026).

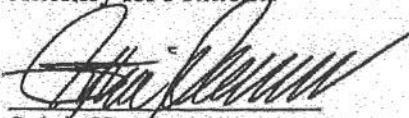
WHEREFORE, Petitioner respectfully requests that this Honorable Court issue an order granting the instant motion to enforce the Immigration Judge's order so that the Petitioner may be allowed to depart the United States by purchasing his own ticket and leaving on a commercial flight under safeguards. Alternatively, the Petitioner requests that the Court enter an order requiring the Respondents to release him from custody so that he may affect his departure from the United States within 30 days of the Court's order. Petitioner requests that the Court grant such further relief as this Honorable Court deems just and proper.

May 1, 2026

Respectfully submitted,



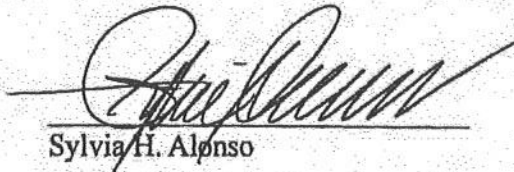
Ana Maria Candela
Fla. Bar No.: 0128856
ana@cejimmigration.com
Candela Eig Jurgens, LLC
2730 S.W. 3rd Ave. #501
Miami, FL 33129
(305)401-1894
Attorney for Petitioner



Sylvia H. Alonso
Fla. Bar No. 767190
sylviahalonso@gmail.com
Sylvia H. Alonso, PLLC
10300 NW 6th Street
Plantation, FL 33324
(954) 868-6093
Attorney for the Petitioner

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I electronically filed the foregoing document with the Court Clerk and to the best of my knowledge a true and correct copy of the foregoing, along with a Notice of Electronic Filing, will be served through the Court's ECF system to all counsel of record this 1st day of May, 2026.


Sylvia H. Alonso