

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

DARIEL DUQUESNE CASTILLO

Petitioner,

v.

Case No.: 2:26-cv-652-KCD-NPM

SECRETARY KRISTI NOEM, et al.,

Respondents.

PETITIONER'S RESPONSE IN OPPOSITION TO
RESPONDENT KEVIN GUTHRIE'S MOTION TO DISMISS

Petitioner, Dariel Duquesne Castillo, through undersigned counsel, responds in opposition to Respondent Kevin Guthrie's Motion to Dismiss Amended Petition for Writ of Habeas Corpus, and states:

INTRODUCTION

Guthrie seeks dismissal on the theory that he is an improper habeas respondent because he allegedly does not have "custody" of Petitioner, who is currently detained at Florida Soft Side South, also known as Alligator Alcatraz. That argument misstates both the law and the pleadings.

In the immigration context, the Supreme Court has left open the application of the "immediate custodian" rule and has emphasized that a district court may direct the writ "to any respondent within its jurisdiction who

has legal authority to effectuate the prisoner's release." *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004). Consistent with that, the Petition expressly alleges that Guthrie is the Executive Director of Florida Emergency Management, "which manages the detention center where Mr. Duquesne is being detained," and that "As such, he is a legal custodian of Mr. Duquesne," sued in his official capacity. Doc. 1 ¶ 14. On a motion to dismiss, that allegation must be accepted as true.

The contract-facility cases including *Masingene v. Martin*, 424 F. Supp. 3d 1298 (S.D. Fla. 2020), and the recent Middle District decisions in *Ardon-Ramirez* and *Escalante Perez*, do not require his dismissal. *Ardon-Ramirez v. Warden of Fla. Soft Side S.*, No. 2:26-cv-202-KCD-DNF, 2026 WL 56055 (M.D. Fla. Feb. 25, 2026), and *Escalante Perez v. Ripa*, No. 2:26-cv-41-KCD-NPM, 2026 WL 37243 (M.D. Fla. Feb. 2, 2026). Properly read, they ensure that a federal custodian such as the ICE Field Office Director is included in the case; they do not hold that a state official who manages the detention facility and is pleaded as a legal custodian must be excluded. At most, if the Court concludes that an additional federal official should be added or substituted as an immediate custodian, the remedy is substitution or addition—not dismissal of Guthrie.

ARGUMENT

I. *Rumsfeld v. Padilla* And Its Progeny Allow The Writ To Be Directed To Any Respondent With Legal Authority To Effectuate Relief

Guthrie relies on *Rumsfeld v. Padilla* for a rigid "immediate custodian" rule. But *Padilla* expressly did not decide who the proper respondent is in

immigration detention cases, noting that this issue remained open. 542 U.S. at 435–36 & n.8. What *Padilla* did emphasize is that the core concern is whether the respondent has “legal authority to effectuate the prisoner’s release.” *Id.* at 441.

Consistent with that principle, courts have recognized flexibility in immigration habeas cases to name officials above the on-site warden who actually control immigration custody decisions and can implement court-ordered relief. *See, e.g., Roman v. Ashcroft*, 340 F.3d 314, 319–20 (6th Cir. 2003) (INS District Director was proper respondent); *Sanchez-Penunuri v. Longshore*, 7 F. Supp. 3d 1136, 1144–46 (D. Colo. 2013) (ICE District Director proper respondent where regulations vested custody authority in that office); *Calderon v. Sessions*, 330 F. Supp. 3d 944, 952–53 (S.D.N.Y. 2018) (ICE Field Office Director proper respondent for detainee held in local jail under ICE contract).

These decisions implement the longstanding habeas rule that the “custodian” is the official who has “the power to produce” the detainee in response to the writ, not necessarily the guard at the cell door. *Munaf v. Geren*, 553 U.S. 674, 686 (2008) (quoting *Wales v. Whitney*, 114 U.S. 564, 574 (1885)).

II. The Petition Expressly Pleads That Guthrie Is A Legal Custodian Who Manages The Detention Center

The Petition specifically alleges:

“Respondent, Kevin Guthrie, is the Executive Director of FL Emergency Mgmt., which manages the detention center where Mr. Duquesne is being

detained. As such, he is a legal custodian of Mr. Duquesne. This Respondent is being sued in his official capacity.” Doc. 1 ¶ 14. The Petitioner has not been moved; therefore, Mr. Guthrie continues to be a proper custodian.

At the Rule 12 stage, the Court must accept this allegation as true and construe it in Petitioner’s favor. It is a factual allegation about Guthrie’s role as head of the state agency that “manages the detention center” where Mr. Duquesne has been detained. By further alleging that “As such, he is a legal custodian of Mr. Duquesne,” the petition squarely pleads that Guthrie has legal authority over Mr. Duquesne’s detention and the ability to comply with a habeas order regarding that detention.

Habeas “custody” is satisfied where the respondent has legal authority over the detention and can implement the court’s order. *Munaf*, 553 U.S. at 686. Guthrie’s motion attempts to recharacterize himself as a mere warden lacking such authority, but that is contrary to the operative pleading. On a motion to dismiss, the Court must credit Petitioner’s allegation that Guthrie, through Florida Emergency Management’s management of the detention center, is a “legal custodian,” not Guthrie’s competing narrative.

III. The Contract-Facility Cases (*Masingene*, *Ardon-Ramirez*, *Escalante Perez*) Confirm That The Proper Remedy Is Substitution Or Addition Of A Custodian, Not Dismissal Of Guthrie

Cases like *Masingene v. Martin*, and two more recent Middle District cases, *Ardon-Ramirez v. Warden of Fla. Soft Side S.*, No. 2:26-cv-202-KCD-DNF,

2026 WL 56055 (M.D. Fla. Feb. 25, 2026), and *Escalante Perez v. Ripa*, No. 2:26-cv-41-KCD-NPM, 2026 WL 37243 (M.D. Fla. Feb. 2, 2026), argue that only a federal ICE official (e.g., the Field Office Director) can be the habeas respondent. Those decisions do not support Guthrie's dismissal.

A. What *Masingene*, *Ardon-Ramirez*, And *Escalante Perez* Actually Hold

In *Masingene*, the court considered an ICE detainee held in a county jail under contract and concluded that the ICE Field Office Director—not the county sheriff—was the proper habeas respondent because the sheriff “would be ill-equipped to respond to the merits of the claims underlying the Petition” and “cannot release ICE detainees without ICE’s express authorization.” 424 F. Supp. 3d at 1301–02 (quoting *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1185–86 (N.D. Cal. 2017)). The point of *Masingene* was to ensure that a federal official with authority over immigration custody decisions was before the court.

Ardon-Ramirez and *Escalante Perez* similarly involved detainees held in Florida facilities under ICE contracts. In those cases, this Court directed that the ICE Field Office Director (or equivalent federal official) was the proper respondent for purposes of ordering release from ICE custody. See *Ardon-Ramirez*, 2026 LX 56055, at *6; *Escalante Perez*, 2026 LX 37243, at *4. Those decisions ensure that a federal official with authority to release or transfer the petitioner is in the case.

None of these cases holds that a state official who manages the detention facility and is alleged to be a “legal custodian” is categorically barred as a

respondent. Rather, they address which custodian must be included so that the court can order effective relief. That approach is entirely consistent with *Padilla's* statement that the writ may be directed "to any respondent within its jurisdiction who has legal authority to effectuate the prisoner's release." 542 U.S. at 441.

B. Guthrie Is Not Analogous To A Mere Contract Jail Warden; He Is Pleaded As A Legal Custodian Managing The Facility

This case is materially different from *Masingene*, *Ardon-Ramirez*, and *Escalante Perez*.

First, the Petition does not simply name a local jailer or private warden who happens to have a contract with ICE. It alleges that Guthrie is the Executive Director of Florida Emergency Management, "which manages the detention center where Mr. Duquesne is being detained," and that he "is a legal custodian of Mr. Duquesne." Doc. 1 ¶ 14. That allegation places Guthrie at the apex of the state agency that manages and operates the facility—not as a powerless landlord, but as the official responsible for the detention infrastructure itself.

Second, Petitioner is not bringing a narrow challenge to an ICE custody decision in isolation. He challenges the course of his immigration detention as implemented through Florida's 287(g)/contract detention scheme and the operation of the Florida-managed facility. An order granting habeas relief and/or equitable relief directed at that scheme would necessarily require compliance by the state agency that manages the detention center. Guthrie, as

the Executive Director of that agency and a pleaded “legal custodian,” is precisely the official who can implement such relief.

Masingene and the Middle District cases confirm that the federal official with ultimate ICE authority must be in the case. They do not require the Court to strike from the case a state official who is alleged to manage the facility and to be a legal custodian.

C. Consistent With These Authorities, The Proper Remedy, If Any, Is Substitution Or Addition Of A Federal Custodian, Not Dismissal Of Guthrie

The contract-facility cases are also consistent with *Bridges v. Chambers*, 425 F.3d 1048 (7th Cir. 2005), which explains that “if the custodian is named or can be substituted as respondent, the suit can continue” and that a “respondent who is not a custodian should be dropped.” *Id.* at 1049. Dismissal is appropriate only where no proper custodian has been or can be named. *See Kholyavskiy v. Achim*, 443 F.3d 946, 954 (7th Cir. 2006); *Blanchard v. Varga*, 843 F. App’x 817, 819 (7th Cir. 2021).

In immigration cases, courts acknowledge that “it may be impossible to know which field office has authority or control over a case involving someone not in ICE detention at the time of filing,” and therefore focus on whether at least one respondent with authority to effectuate relief is before the court. *Cf. Ozturk v. Garland*, 36 F.4th 982, 992 (9th Cir. 2022). Under such circumstances, *Padilla* instructs that the court may direct the writ “to any respondent within its

jurisdiction who has legal authority to effectuate the prisoner's release." 542 U.S. at 441.

Here, the Petition already alleges that Guthrie "is a legal custodian of Mr. Duquesne" because Florida Emergency Management "manages the detention center where Mr. Duquesne is being detained." Doc. 1 ¶ 14. That makes Guthrie one such respondent within this Court's jurisdiction who has legal authority relevant to Petitioner's detention and to implementation of relief, particularly as to the Florida-managed portion of his custody and the challenged 287(g)/contract scheme.

Accordingly, even if the Court, following *Masingene*, *Ardon-Ramirez*, and *Escalante Perez*, determines that a federal official such as the ICE Field Office Director should be added or substituted as an additional respondent to address Petitioner's present custody at Alligator Alcatraz, the remedy is to order such substitution or addition—not to dismiss Guthrie, who is already pleaded as a legal custodian and will be necessary to implement any relief directed at Florida's detention practices.

IV. At Most, The Court Should Clarify Or Adjust Respondents, Not Dismiss Guthrie

Considering:

1. *Padilla's* expressly unresolved application to immigration detention and its instruction that the writ may be directed to any respondent with legal authority to effectuate release;

2. The Petition's specific allegation that Guthrie, as Executive Director of Florida Emergency Management, "manages the detention center where Mr. Duquesne is being detained" and "is a legal custodian of Mr. Duquesne," Doc. 1 ¶ 14.
3. The contract-facility decisions in *Masingene*, *Ardon-Ramirez*, and *Escalante Perez*, which focus on including a federal custodian, not excluding state officials who exercise custody; and
4. Guthrie has not shown that he is an improper respondent as a matter of law.

If the Court concludes that an additional federal custodian must be added or substituted, the proper remedy is to order that substitution or addition. It is not to dismiss Guthrie, who is already pleaded as a legal custodian and is necessary to effectuate the habeas and non-habeas relief Petitioner seeks regarding Florida's detention scheme.

CONCLUSION

For these reasons, Respondent Kevin Guthrie's Motion to Dismiss should be denied. In the alternative, if the Court determines that the list of respondents should be refined, Petitioner respectfully requests that the Court allow substitution or addition of any further custodian while retaining Guthrie as a respondent and official-capacity defendant for all claims.

Dated: 3/31/2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via the Court's CM/ECF system, which provides notice to all parties, on March 31, 2026.

Respectfully submitted,

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