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

YUNIERKY BURGOS BONACHEA,

Case No. 2:26-cv-00653-KCD-NPM

Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; PAMELA BONDI, in her official Capacity as Attorney General of the United States; TODD M. LYONS, in his official capacity As Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; GARRETT J. RIPA, in his official capacity as Field Officer Director of the Miami Field Office and Customs Enforcement; Enforcement and Removal Operations; and KEVIN GUTHRIE, in his official capacity as the Director of the Florida Division of Emergency Management, director of Florida Soft-Side South Facility, Alligator Alcatraz; WARDEN of Alligator Alcatraz.

Respondents.

**RESPONSE TO RESPONDENTS' DIRECTOR KEVIN GUTHRIE AND WARDEN
ALLIGATOR ALCATRAZ'S MOTION TO DISMISS PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner, YUNIERKY BURGOS BONACHEA, by and through undersigned counsel, Corona Law Firm P.A., hereby files this response to Respondents', Kevin Guthrie (hereinafter

“Guthrie”) and Warden, Alligator Alcatraz (hereinafter “Warden”) Motion to Dismiss Petition for Writ of Habeas Corpus and states as follows:

I. INTRODUCTION

Respondents, Guthrie and the Warden seek dismissal from the instant proceeding with prejudice. However, Respondents have not argued nor cited any authority to justify such request “with prejudice.” Instead in support of their motion, Respondents heavily rely on *Friends of the Everglades*, 796 F. Supp. 3d 1234 (S.D. Fla. Aug. 21, 2025) and *Massingene v. Martin*, 424 F. Supp. 3d 1298 (S.D. Fla. Jan. 27, 2020) and contend, among other arguments, that the “state agents” hold no power and are ill equipped to respond to the merits of the *habeas* filed by Petitioner. However, their contention in relation to the ability to respond fails since it is the reason why Respondents, Guthrie and the Warden, hired competent counsel, to represent them in these proceedings. *Jimenez v. Mordant*, 2026 U.S. Dist. LEXIS 65111*3 (M.D. Fla. Mar. 25, 2026) (noting that the Warden’s argument confuses the role of a jailer with the role of a lawyer).

Reliance on *Friends of the Everglades* does not support Respondents’ contention when the “state agents” in that case argued the opposite: that “Florida would have the final decision-making authority over who to detain at the camp, but that any detentions would be pursuant to section 287(g) of the Immigration and Nationality Act (hereinafter “INA”).” *Friends of the Everglades*, 796 F. Supp. 3d at 1247. The main contention in *Friends of the Everglades* revolved around the project of what is now known as Alligator Alcatraz and its compliance with federal, local and state laws, including the National Environmental Policy Act, which requires that major federal actions undergo environmental review process which the plaintiffs in that case alleged it was not complete. *Id.* at 1245. *Friends of the Everglades* did not involve *habeas* requests for release of detained

persons which is a procedurally different posture than what was determined in *Friends of the Everglades* and thus is inapplicable here.

Reliance on *Masingene v. Martin* also suffers similar deficiencies because plaintiff in that case was detained under a completely different immigration posture procedurally than the Petitioner in this case. While *Masingene* provides factors of what a court may use to make the determination as to the proper Respondent in a habeas relief, the plaintiff in *Masingene* had committed a crime and by definition of law are detained without bond. *See* 8 U.S.C. 1226(c)(1). Detention under 1226(c)(1) involve those with *crimes* and is procedurally different than the arguments brought forth by Petitioner in this case, specifically that he was detained under 8 U.S.C. 1226 instead of 8 U.S.C. 1225. Petitioner has no criminal history, had his Order of Release on Recognizance revoked without notice, and was recently re-detained simply because he does not have any status in the United States. Moreover, the fact that the Court in *Masingene* recognized it “must” take into account whether the petitioner is held in a facility pursuant to a contract rather than by the state or federal government, standing alone, is not determinative and does not halt this Court’s analysis. *Masingene*, 424 F. Supp. 3d 1298 at 1302. For the reasons that follow, Respondent’s Motion to Dismiss must be denied.

II. LEGAL STANDARD

A district court “may . . . dismiss a case under its inherent authority, which it possesses as a means of managing its own docket so as to achieve the orderly and expeditious disposition of cases.” *McNair v. Johnson*, 143 F. 4th 1301, 1306-07 (11th Cir. 2025) (cleaned up); *McClain v. Alabama*, 2025 U.S. Dist. LEXIS 234625, *2 (M.D. Ala. Dec. 2, 2025). A court’s dismissal under its inherent authority “can be either with or without prejudice to refiling.” *Id.* Dismissal with prejudice as a sanction is warranted only upon a clear record of delay or willful contempt and a

finding that lesser sanctions would not suffice. *Id.*; *Mingo v. Sugar Cane Growers CoOp of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (quoting *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985). A dismissal without prejudice, does not require a finding of willfulness or bad faith because its consequences are less severe.” *Id. at* *3.

When a habeas petitioner makes a “core” challenge to his present physical confinement, as here, the default rule is straightforward: the proper respondent is the warden of the facility where the prisoner is held. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). The Supreme Court has firmly rejected the “legal control” test for core *habeas* challenges. *Padilla*, 542 U.S. at 439; *Jimenez v. Mordant*, 2026 U.S. Dist. LEXIS 65111, *3 (M.D. Fla. March 25, 2025).

III. ARGUMENT

a. PETITIONER HAS NAMED THE PROPER RESPONDENTS IN HIS PETITION.

Respondents are attempting to muddy the waters by “pointing up the chain of command.” *Jimenez*, 2026 U.S. Dist. LEXIS at *3. While sister courts may be split as to the analysis as to who is the proper respondent under section 2241, this Court has repeatedly determined that the *habeas* statute targets the immediate custodian with the ability to unlock the cell door and produce the petitioner’s body before the court. *Id.*; *Rumsfeld*, 542 U.S. at 435 (noting the proper respondent is the person with the ability to produce the petitioner’s body before habeas court); *Torres v. Baker Corr. Det. Ctr.*, 2026 U.S. Dist. LEXIS 69928, *8 (M.D. Fla. March 30, 2026); *Valeriia Pak v. Hoover*, 2026 U.S. Dist. LEXIS 44941, at *1 n.1 (M.D. Pa. Mar. 5, 2026 (maintaining the warden as the only respondent and recognizing that the government will be bound by the [c]ourt’s judgment because [the warden] is acting as an agent of the federal government by detaining [the petitioner] on behalf of [ICE]); The fact that an agency director in a distant office can authorize a petitioner’s release does not transform the director into the custodian. *Id. at* *4. Sister courts have

also recognized that exceptions exist, such as naming the Secretary of DHS, to ensure that at least one respondent maintains authority over the petitioner's custody in the event he is transferred out of the district. *Beltran v. Raycraft*, F. Supp. 3d, at *11-12 (W.D. Mich. Nov. 20, 2025); *Torres*, 2026 U.S. Dist. 69928 at *11; *see generally Arenas v. Noem*, 2026 U.S. Dist. LEXIS 56052, *2 (noting that courts have recognized that detainees can bring habeas claims against federal officials, but the immediate custodian is also a proper respondent).

In this case the Warden is the immediate custodian who, presumably, upon ICE's direction, will open the door to release Petitioner¹. *Torres*, 2026 U.S. Dist. LEXIS 69928 at *10. *See, eg. Vazquez v. Reno*, 233 F. 3d 688, 696 (1st Cir. 2000) (holding that an alien who seeks a writ of habeas corpus contesting legality of his detention must name as the respondent his immediate custodian, the individual having day-to-day control over the facility in which he is being detained). Lacking information to justify the ongoing detention is even more of a reason to grant the writ and order the prisoner's release, not a reason to dismiss the proper respondent. *See* 28 U.S.C. 2243;

Petitioner recognizes that this Court has previously granted Guthrie's Motion to Dismiss however, it is unclear if the Court reviewed the State of Florida Immigration Enforcement Plan to Determine whether Guthrie also "exercises day-to-day physical custody" over Petitioner. *Contra. Olivera v. Mordant*, 2026 U.S. Dist. LEXIS 75978, *3-4 (M.D. Fla. Apr. 8, 2026) (granting the motion to dismiss in part in favor of dismissing Guthrie but petitioner did not cite any legal argument, no factual basis, and no logical chain to keep Guthrie in the lawsuit); *Perez v. Guthrie*, 2026 U.S. Dist. LEXIS 64873, *4 (M.D. Fla. Mar. 31, 2026) (granting Guthrie's Motion to Dismiss determining that he is not federal officer or detainee's immediate custodian). Guthrie does exercise

¹ See also, *Mendoza v. Field Off. Dir. For Det.*, 2026 U.S. Dist. LEXIS 72212, *11 (M.D. Fla. Apr. 2, 2026) (denying the warden's motion to dismiss and finding the warden as properly named and the immediate custodian).

control over the day-to-day of the facility and thus is a proper respondent. In *Friends of the Everglades*, the State of Florida Immigration Enforcement Operations Plan plainly outlines that the “Alligator Alcatraz” detention facility is overseen and managed by the Florida Department of Emergency Management and that it is a State detention Facility. *See Exhibit E*, State of Florida Immigration Enforcement Operations Plan; *see generally State of Florida v. United States*, No. 1:25-cv-22896-JEM, Doc. 24-1 (S.D. Fla. July 3, 2025). Further, the Division of Emergency management is heavily involved in the operations such as on page five of said agreement it states as part of purpose and scope that “the key is in scalability, which is where the expertise of Florida’s Department of Emergency Management shines through” and on page seven, it states that it is the coordinating agency in the State of Florida for the development and implementation of the State Emergency Response Team, and on page nine it states that the Florida Division Management, among other agencies, will deploy representatives to support intelligence sharing operations in regard to illegal aliens conducted by DHS. *Id.* As such, just as the Warden, the same holds true for Guthrie, who presumably will, upon ICE’s direction direct the Warden, as their agent, to release Petitioner. Neither respondent needs to respond to the Federal claims, only be available to release or produce the body as the immediate custodian. *Jimenez*, 2026 U.S. Dist. LEXIS 65111 at *5 (noting that Mordant need not master the intricacies of federal immigration law and only needs to be present to answer the writ if the Court orders him to unlock the door). Neither respondent is prejudiced by remaining in the event either needs to “produce the body” nor have they argued as such. Therefore, the Respondent’s motion to dismiss should be denied.

b. THIS CASE DOES NOT WARRANT DISMISSAL WITH PREJUDICE AS REQUESTED BY RESPONDENTS.

Respondents both request for dismissal with prejudice, however, neither Respondent cites to a single authority as to why such a severe sanction is proper in this case. In *McClain*, the

petitioner in that proceeding named an improper respondent and was ordered to amend the petition. *McClain*, 2025 U.S. Dist. LEXIS 234625 *1-2. He was also later ordered to supplement his petition with a penalty of perjury statement; however, petitioner had done neither. *Id.* Despite such actions or inactions by petitioner, the Court dismissed the petition, without prejudice. *Id.* at *3. Petitioner in this case is not subject to any inactions as in *McClain*, and Respondents have made no arguments to justify such request. If the Court is inclined to dismiss, Petitioner requests instead to be given an opportunity to Amend his Petition if necessary. However, as argued above, all Respondents named are proper and will prevent delays in the event of a favorable decision for Petitioner. As such, the request of dismissal with prejudice should be denied.

IV. CONCLUSION

Respondents have not produced any arguments to support dismissal with prejudice. As such, for the reasons mentioned above, Respondent's, Guthrie and the Warden, Motion to dismiss should be respectfully denied.

CERTIFICATE OF SERVICE

I hereby certify that on April 10 2026, I filed the foregoing Response to Respondent's Motion to Dismiss electronically through the CM/ECF system which caused all parties or counsel to be served electronically means as more fully reflected on the Notice of Electronic filing.

Dated this 10 day of April, 2026.

/s/Carolina Corona

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