

**U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
(FT. MYERS DIVISION)**

RAMON ALFONSO CEBALLOS

Petitioner,

v.

HARDIN et. al,

Respondents.

Case No. 2:26-CV-00658-SPC-NPM

**PETITIONER'S REPLY TO RESPONDENT'S OPPOSITION TO PETITION FOR WRIT
OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 and MOTION TO DISMISS**

COMES NOW, the Petitioner, Ramon Alfonso Ceballos by and through undersigned counsel and hereby submits this Reply to the Federal Respondents¹ opposition to the Petition for Writ of Habeas Corpus. Petitioner seeks an order: (1) immediately releasing petitioner from custody under conditions of his prior OSUP as Petitioner continues to have TPS; (2) prohibiting re-detention absent an executable travel document²; and (3) requiring adequate notice and an opportunity to be heard at a meaningful time, before any future deprivation of liberty.

Petitioner's TPS Status

On March 9, 2021, the Department of Homeland Security ("DHS") designated Venezuela for temporary protected status ("TPS"). See Designation of Venezuela for Temporary Protected Status, 68 FR 13574-01, at *13576 (Mar. 9, 2021). Petitioner Ceballos applied for and received TPS.

¹ Respondent, Warden Hardin, has not responded to the Writ of Habeas Corpus.

² Federal Respondents state that ICE is working towards executing removal to *either* Venezuela or in the alternative a third country, however, no documents have been provided to *either* country to show removal is likely.

TPS entitles citizens of the designated countries to live and work in the United States, and it protects them from removal for as long as the TPS lasts. *Sanchez v. Mayorkas*, 593 U.S. 409, 412 (2021). The validity of TPS is shown through an Employment Authorization Document (EAD). The law is clear: “An alien provided temporary protected status...shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4).

In *Nat’l TPS All. v. Noem*, the district court granted summary judgment, holding the DHS termination and vacatur of Venezuelan TPS was unlawful. 798 F. Supp. 3d 1108 (N.D. Cal. 2025). While the Government argues that the Petitioner does not have TPS, because he has not been approved re-registration, USCIS (a DHS component) has, in its homepage, states “ If you have a TPS-based EAD and maintain TPS, and your renewal application was pending or filed after July 22 but before Oct. 30, 2025, your automatic extension is limited by H.R. 1 to 1 year or the duration of TPS, whichever is shorter.”³

The Petitioner in the instant case has applied for both the 2021 and 2023 TPS for Venezuela. He was granted Temporary Protected Status from March 11, 2024, until September 10, 2025. (ECF 1-2 page 4). He thereafter filed to re-register his TPS on April 10, 2025. Once you are granted TPS, you must re-register during each re-registration period to maintain TPS benefits, as the Petitioner did. The Petitioner re-registered for TPS prior to the expiration date of the approved TPS.

Venezuela’s TPS designation was set to expire on September 10, 2025. But on September 8, 2025, DHS extended the designation 60 days and announced its termination, effective November 7, 2025. 90 FR 43225-02 (Sept. 8, 2025). DHS designated Venezuela for TPS again on October 3, 2023, to allow another round of emigres to apply for protection.

³ <https://www.uscis.gov/humanitarian/temporary-protected-status>

On January 17, 2025, DHS extended the 2023 designation through October 2, 2026, and consolidated the 2021 and 2023 designations, meaning 2021 TPS holders could maintain their status through October 2, 2026. DHS terminated the 2023 designation on April 7, 2025. Termination of the October 3, 2023, Designation of Venezuela for Temporary Protected Status, 90 FR 9040-01 (Feb. 5, 2025). That termination was set aside in *Nat. TPS Alliance v. Noem*, 798 F. Supp. 3d 1108 (N.D. Cal. 2025), because the court found it violated the Administrative Procedures Act.

The Petitioner applied for TPS under the 2021 designation, and he received it in 2022. Since then, he has consistently renewed his TPS registration. He submitted his most recent application on April 7, 2025, thus protecting him with re-registration.

While DHS Secretary Kristi Noem purported to terminate the 2023 TPS designation for Venezuela, that termination has been set aside by declaratory judgment in *Nat. TPS Alliance v. Noem*, supra. That judgment has preclusive effect. See *Haaland v. Brackeen*, 599 U.S. 255, 293 (2023) (“After all, the point of a declaratory judgment is to establish a binding adjudication that enables the parties to enjoy the benefits of reliance and repose secured by res judicata. Without preclusive effect, a declaratory judgment is little more than an advisory opinion.” (internal citations and quotation marks omitted)).

Thus, Ceballos has TPS through October 2, 2026, or at the very least as stated above, September of 2026, and his detention is unlawful. Moreover, while the Respondents argue that USCIS has not “approved” the new TPS, USCIS’s website states otherwise. USCIS, a component of the Department of Homeland Security’s (DHS) website states that “with a **timely filed EAD renewal application**, EADs with a category A12 or C19 and a Card Expires date of Sept. 10, 2025, TPS beneficiaries who reregistered under the Jan. 17, 2025, extension notice, may still be automatically extended for up to 540 days, through Oct. 2, 2026.” (ECF 1-2 pages 16 and 17). The Petitioner timely filed a new application to renew his TPS, which thereafter extends the validity of his EAD.

**The revocation of the Petitioner's Order of Supervision was unlawful
Notice of Revocation is erroneous as it is signed by the incorrect official.**

ICE's regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official "delegated the function or authority . . . for a particular geographic district, region, or area." 8 C.F.R. §§ 1.2, 241.4(l)(2).

If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2). In *Ceesay v. Kurzdorfer*, the district court found that the ICE assistant field office director lacked authority to revoke noncitizen's release. 781 F. Supp. 3d 137 (W.D.N.Y. 2025).

The Notice of Revocation provided in ECF No. 1-2, Exhibit D is signed by SDDO Jivonshay. There is no delegation order clearly giving officer Jivonshay the authority to revoke release, and even if there were, there is no caselaw supporting the validity of such a delegation order. Therefore, the signature that appears in the Notice of Revocation is not an authorized signature.

The federal respondents have not argued that Jivonshay had that authority because an SDDO is the equivalent of a district director, and even if it had, there is no evidence that Jivonshay made the findings that a district director is required to make before revoking the Petitioner's release.

As a result, this Court cannot conclude that Jivonshay had the authority to revoke release and should find that the Petitioner's release was not lawfully revoked and hold that he is entitled to release on that basis alone.

The revocation was unlawful

ICE failed to provide Petitioner with a meaningful opportunity to contest the revocation of his OSUP through an informal interview. This violates both ICE's own

regulations and the Due Process Clause of the Fifth Amendment. Upon revocation of an OSUP under § 241.4(l), an alien must be “notified of the reasons for revocation.” 8 C.F.R. § 241.4(l)(1). “[A]fter his or her return to [ICE] custody” the alien must be “afforded an initial informal interview promptly to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” *Id.* The notice and informal interview requirement appears in § 241.4(1)(1), but not § 241.1(l)(2). However, courts have “interpreted section 241.4(l) as requiring an informal interview upon the revocation of release regardless of the reason for the revocation” — meaning that the notice and informal interview requirement stated in § 241.4(1)(1) applies to revocation under § 241.4(1)(2). *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 2604573, at 6–7 (S.D. Fla. Sept. 9, 2025) (citing *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 163 (W.D.N.Y. 2025)).

The Notice provided in ECF No. 9-5 states plainly that he will promptly be afforded an informal interview and provided with the opportunity to respond to the reasons for revocation and provide evidence to demonstrate that his removal is unlikely. There has not been any compliance with that detailed process. The process afforded here fails to comply with ICE's own regulations or comport with traditional notions of due process. The Notice was purportedly given to the Petitioner on the same day of his arrest.

The notice and interview requirement stated in § 241.4(l)(1) applies to revocation under § 241.4(l)(2). The four reasons for revocation stated in § 241.4(l)(2) are inclusive of the single reason stated in § 241.4(l)(1) — violation of conditions of release. Indeed, it would be nonsensical if an alien detained for violation of conditions of release would receive notice and an interview under § 241.4(l)(1) but not § 241.4(l)(2) given that both provisions specify that a violation of conditions of release is a basis for revoking an OSUP. *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 2604573, at *6 (S.D. Fla. Sept. 9, 2025)

Second, and even more tellingly, § 241.4(3) — titled “[t]iming of review when release is revoked” — clearly applies to all aliens whose release is revoked regardless of reason, and provides that “[i]f the alien is not released from custody following the informal interview

provided for in paragraph (l)(1) of this section, [ICE] shall schedule the review process in the case of an alien whose previous release” has been revoked. *Grigorian* at *7. This provision implies “that ‘the informal interview provided for in paragraph (l)(1) of this section’ applies to all [detained on revocation of an OSUP] regardless of whether or not release is revoked for a violation.” *Id.*

Respectfully Submitted,

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March 31, 2026