

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

**ELVIS ALEXANDER
GONZALEZ VASQUEZ**
A# 
Petitioner,

Case No. 2:26-cv-665-SPC

v.

**WARDEN / OFFICER IN CHARGE
EVERGLADES DETENTION
FACILITY
("Alligator Alcatraz"), et al.
Respondents.**

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

Petitioner, Elvis Alexander Gonzalez Vasquez, by and through undersigned counsel, respectfully submits this Reply to Respondents' Response and states as follows:

1. Respondents fail to justify Petitioner's continued detention and rely on an inapplicable statutory framework.
2. Respondents assert detention under 8 U.S.C. § 1225(b). However, statutory detention authority must be interpreted consistent with due process. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).
3. Petitioner has resided in the United States since approximately 2010 and is not an arriving alien. Accordingly, his detention is more appropriately governed by 8 U.S.C. § 1226, which requires an individualized custody determination.
4. Respondents provide no individualized evidence that Petitioner poses a flight risk or danger. Due process requires such individualized justification. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
5. Respondents' own exhibit confirms that Petitioner has no criminal history, further undermining any basis for continued detention.
6. Additionally, Petitioner is the beneficiary of a pending U-Visa petition for which USCIS has issued a Bona Fide Determination granting deferred action. This reflects DHS's discretionary determination that Petitioner should not be removed while his application is pending and weighs strongly against continued detention.

7. Petitioner also experienced barriers to counsel due to ICE's failure to properly list him in the Online Detainee Locator System, significantly hindering counsel's ability to advocate on his behalf and raising serious due process concerns.

8. Finally, Petitioner's transfer during the pendency of this habeas action further disrupted access to counsel and underscores the need for judicial intervention.

9. Petitioner has been scheduled for a Master Calendar Hearing before the Miami Immigration Court on March 23, 2026. The initiation of removal proceedings confirms that Petitioner is subject to the jurisdiction of the Immigration Court and further supports that his detention falls under 8 U.S.C. § 1226, not § 1225.

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Grant the Petition for Writ of Habeas Corpus;
- b. Order Petitioner's immediate release from ICE custody; or
- c. In the alternative, order an expedited individualized custody determination before an immigration judge; and
- d. In the alternative, order that Petitioner be afforded a bond hearing before the Immigration Court with proper jurisdiction.

Respectfully submitted,

Lourna Rosembert Joseph

/s/ Lourna Rosembert-Joseph

Lourna Rosembert-Joseph, Esq.

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Date: March 19, 2026