

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

VLADIMIR PITALUGA LINARES

Petitioner,

v.

Case No.: 2:26-cv-634-KCD-DNF

ICE; BILL ALLEY, SOFT SIDE SOUTH

Respondents.

MOTION TO DISMISS

The Court should dismiss the Petition without prejudice for being devoid of any sufficient facts or details to grant habeas relief.

1. Petitioner, pro se, filed this Petition seeking habeas relief under 28 USC 2241 and a violation of his Fifth Amendment rights. Dkt. 1.

2. In that Petition, the only facts or details are on page 6. *Id.* Plaintiff claims he has been “consistently reporting to ICE ... in compliance with all the reporting requirements....[has] not been involved in any criminal or immigration violations”; and has been detained for “115 days”. *Id.*

MEMORANDUM OF LAW

The undersigned is cognizant of the difficulties associated with proceeding pro se and, as the Eleventh Circuit requires, the Court should afford liberal construction to Plaintiff's pleadings. *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998) (per curiam); *De Borja Oliveira v. United States Att'y Gen.*, No. 23-14019, 2025 WL

40541, at *3 (11th Cir. Jan. 7, 2025). However, the Petitioner must provide more facts or details to grant habeas relief.

Courts in this district and around the country have found the recent changes to ICE policies on bond hearings and detention unlawful as applied in certain situations. *See Landaverde Ardon v. Mina*, No. 6:26-CV-313-JSS-LHP, 2026 WL 530199 (M.D. Fla. Feb. 26, 2026); *Gonzo-Valdes v. Warden of Alligator Alley*; No. 2:26-cv-303-SPC-NPM, 2026 WL 380265 (M.D. Fla. Feb. 11, 2026).

But in this case, Petitioner fails to provide any details for the Court to determine whether the Respondents have violated his rights. The Petition is devoid of Petitioner's nationality, when or where the Petitioner entered the United States, how the Petitioner entered the United States, his current immigration status, why is he reporting to ICE, is he in removal proceedings or has been previously ordered to be removed¹, does he have any pending applications before DHS, and the circumstances of his arrest. Conclusory allegations are not enough to guarantee habeas relief. *Gonzo-Valdes*, 2026 WL 380265; *see Chavez v. Sec'y, Fla. Dep't of Corr.*, 647 F.3d 1057, 1061 (11th Cir. 2011).

WHEREFORE, Respondents respectfully request that the court find that Petitioner is not entitled to habeas relief; dismiss the Petition without prejudice and allow the Petitioner 21 days to file an amended Petition.

¹ In a related case, a friend of Petitioner claims without any supporting documents that the "Petitioner is subject to a final order of removal entered on or about April 10, 2024." *Pietrylo et al. v. Todd M. Lyons et al.*, 2:26-cv-297-KCD-NPM, Dkt 1, ¶ 11.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ John F. Rudy, III
JOHN F. RUDY, III
Assistant United States Attorney
Lead Counsel for the United States
FBN: 136700
400 North Tampa Street, Suite 3200
Tampa, FL 33602
Phone: 813-274-6000
Fax: 813-274-6200
E-Mail: John.Rudy@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2026, a true and correct copy of the foregoing document and the notice of electronic filing were sent by United States Mail to the following non-CM/ECF participant:

Vladimir Pitaluga Linares
PRO SE
Florida Soft Side South
54575 Tamiami Trail E.
Ochopee, FL 34141