

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSE ALEJANDRO SUAREZ-GARCIA,

Petitioner,

v.

Case No. 2:26-cv-687-KCD-DNF

WARDEN, FLORIDA SOFT SIDE SOUTH
et al.,

Respondents.

AMENDED RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

On March 11, 2026, Petitioner Jose Alejandro Suarez-Garcia filed a writ of habeas corpus challenging his detention by U.S. Immigration and Customs Enforcement (ICE), arguing he is entitled to immediate release or a bond hearing under 8 U.S.C. § 1226. *See generally* Pet., ECF No. 1. On April 1, 2026, Federal Respondents submitted their response to the petition. *See* Pet. Resp., ECF No. 9. On April 2, 2026, ICE informed the undersigned of new information about Petitioner and his detention that contradicts and supplements the response filed the day before. Accordingly, the undersigned submits this amended response to correct and supplement the filing submitted to the Court on April 1, 2026.

Specifically, on April 2, 2026, at 4:20 p.m., ICE's Office of the Principal Legal Advisor (OPLA) informed the undersigned that ICE is detaining Petitioner pursuant to authority 8 U.S.C § 1187(c)(2)(e), which provides:

The government of the country accepts for repatriation any citizen, former citizen, or national of the country against whom a final executable order of removal is issued not later than three weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.¹

OPLA also provided the undersigned with a copy of the administrative removal order that had been served on Petitioner on April 1, 2026, the day Federal Respondents' response was due to the Court. *See* Ex. 1. The document provided demonstrates that on February 8, 2026, Petitioner was served with a Notice of Intent to Issue a Final Administrative Removal Order ("Notice of Intent"). *Id.* at 1-2.

The Notice of Intent notified Petitioner that he was subject to removal pursuant to section 237(a)(1)(B) of the Immigration and Nationality Act (INA) because he remained in the United States without authorization beyond June 7, 2021. *Id.* at 1; *see also* 8 U.S.C. § 1227(a)(1)(B) ("Any alien who is present in the United States in violation of this chapter or any other law of the United

¹ OPLA initially represented that its detention authority fell under 8 U.S.C. § 1187 and 8 C.F.R. § 1208.2(c)(iv).

States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 1201(i) of this title, is deportable.”). The Notice of Intent states it was served on Petitioner on February 8, 2026, and Petitioner refused to sign it. Ex. 1 at 2.

The document OPLA provided to the undersigned on April 2, 2026, also includes a Final Administrative Removal Order (“Removal Order”). *Id.* at 3. The Removal Order states that ICE has ordered Petitioner be removed to Spain. *Id.* It is dated February 8, 2026, and states it was served on Petitioner, who refused to sign, on April 1, 2026. *Id.* Finally, the document OPLA provided to the undersigned includes a Notice to Alien Ordered Removed/Departure Verification (“Notice to Alien”) dated February 8, 2026. *Id.* at 4. The Notice to Alien includes a signature from a deportation officer dated April 1, 2026, and what purports to be Petitioner’s right index fingerprint, under the “Verification of Removal” section, which Petitioner refused to sign. *Id.*

Because the document OPLA provided on April 2, 2026, at 4:20 p.m. to the undersigned included an indication that Petitioner may have been removed, the undersigned inquired with OPLA to verify whether Petitioner was still in custody or had been removed. OPLA informed the undersigned that they did not see an indication in their system that Petitioner had been

removed. On April 3, 2026, OPLA provided the undersigned with what they represented to the undersigned to be the correct documentation. *See* Ex. 2. The documentation provided to the undersigned on April 3, 2026, states Petitioner was served with both the Notice of Intent and the Removal Order on February 8, 2026. *Id.* at 2, 4. This documentation also does not contain a signature, right index fingerprint, or date under the “Verification of Removal” section of the Notice to Alien. *Id.* at 5.

After providing this documentation, OPLA later informed the undersigned that their purported detention authority over Petitioner is 8 U.S.C. § 1231(a), which pertains to the detention, release, and removal of aliens ordered removed. This is the last the undersigned has heard regarding this habeas case as of the time of this filing.

DATED this 3rd day of April, 2026.

Respectfully submitted,

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