

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERT TRINIDAD-SUAREZ,

Petitioner,

v.

Case No. 2:26-cv-710-JES-DNF

KRISTI NOEM, et al.,

Respondents.

**PETITIONER'S REPLY TO RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner, through undersigned counsel, respectfully submits this Reply to Respondents' Response and states as follows:

Respondents' entire argument rests on the assertion that Petitioner is subject to a valid final order of removal and therefore lawfully detained under 8 U.S.C. § 1231. That assertion is unsupported by the record and cannot withstand scrutiny.

The Respondent's own exhibits establish that Petitioner expressed a fear of return and was placed into the credible fear process, yet the record further reflects that the "fear package was never submitted to CIS." Doc 4. This failure alone demonstrates that the statutory safeguards governing expedited removal were not followed. A removal order issued in the absence of a properly completed credible

fear process is legally defective and cannot serve as the basis for post-removal detention.

In an attempt to cure this defect, Respondents rely on a "Request for Dissolution of Credible Fear Process" to argue that Petitioner voluntarily withdrew his claim. That argument fails both factually and constitutionally.

Petitioner does not read or understand English. At the time this document was presented, no Spanish interpreter was provided. Instead, the ICE officer affirmatively misrepresented the nature of the document, informing Petitioner that he had passed his credible fear interview and that by signing the document would allow him to go before a judge faster. Based on these representations, Petitioner signed the document without understanding that he was relinquishing his right to seek protection from removal.

A waiver of rights must be knowing, voluntary, and intelligent. That standard is not met where the individual cannot read the document, is not provided interpretation, and is affirmatively misled by a government officer. Under these circumstances, the purported withdrawal is invalid and cannot be used to support a removal order. Because the withdrawal was not valid, Petitioner is not properly subject to post-removal detention under § 1231. Rather, he remains in a pre-removal posture without a valid removal order, without pending

proceedings before an Immigration Judge, and without any meaningful review of his custody.

This case exemplifies the precise constitutional harm habeas corpus is designed to prevent. Absent judicial intervention, Petitioner would remain in a state of indefinite detention with no final order of removal and no Immigration Judge reviewing his case. In other words, but for the filing of this habeas petition, there would be no mechanism to challenge his continued confinement, leaving him detained in a procedural vacuum entirely of the Government's making.

Respondents' jurisdictional arguments under 8 U.S.C. §§ 1252(g) and 1252(b)(9) are likewise misplaced. Those provisions presuppose the existence of a valid removal order. Where, as here, the legality of detention turns on whether such an order lawfully exists at all, habeas jurisdiction is proper and necessary.

Even assuming *arguendo* that § 1231 applies, Respondents' reliance on *Zadvydas* is misplaced. Petitioner does not challenge detention solely based on duration. He challenges the legal basis of his confinement. The Constitution does not permit the Government to detain an individual even for a short period without lawful authority.

Petitioner has no criminal history, complied with all prior supervision conditions, and was previously deemed suitable for release. He poses no danger

to the community and no flight risk. Under these circumstances, continued detention serves no legitimate regulatory purpose and is purely punitive.

Accordingly, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order his immediate release from custody or any other relief it deems just and proper under the circumstances.

DATED April 9, 2026

Respectfully submitted,

/s/ Yaritssa Plasencia

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