

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERT TRINIDAD-SUAREZ,

Petitioner,

v.

Case No.: 2:26-cv-00710-JES-DNF

Kristi Noem et al.

Respondents.

PETITIONER'S EMERGENCY MOTION TO COMPEL RESPONDENTS TO
FACILITATE PETITIONER'S RETURN TO THE UNITED STATES, TO
PRESERVE THIS COURT'S JURISDICTION, AND FOR IMMEDIATE
INJUNCTIVE RELIEF

Petitioner, by and through undersigned counsel, respectfully moves this Court for emergency relief compelling Respondents to facilitate Petitioner's return to the United States, preserve this Court's jurisdiction over the pending habeas action, and require an immediate response from Respondents. In support, Petitioner states:

INTRODUCTION

This case presents extraordinary circumstances warranting immediate equitable intervention.

While Petitioner's federal habeas corpus petition challenging unlawful detention remained pending before this Court, and while Respondents had actual notice of the pending action, agents acting on behalf of Respondents procured

Petitioner's signature on a purported withdrawal of his request for review of a negative credible fear determination through affirmative misrepresentation.

Petitioner does not read or speak English. The document presented to Petitioner was written in English. Rather than accurately explaining the document, the ICE officer affirmatively represented in Spanish that signing the document meant Petitioner had passed his credible fear process and would be brought before an immigration judge more quickly. That representation was false.

Instead, the document extinguished Petitioner's ability to pursue review and directly facilitated his removal to the Dominican Republic while his habeas petition remained pending before this Court.

Respondents should not be permitted to manufacture mootness through deception, frustrate this Court's jurisdiction, and then claim the Court is powerless to remedy the harm. Immediate relief is necessary.

FACTUAL BACKGROUND

Petitioner was detained by immigration authorities and placed in expedited removal proceedings.

Following a negative credible fear determination by an asylum officer, Petitioner sought review before an immigration judge.

Separately, Petitioner filed the pending habeas corpus petition before this Court challenging the legality of his continued detention.

At the time the events giving rise to this motion occurred, Respondents had actual notice of the pending federal habeas proceedings.

After the habeas petition was filed, an ICE officer presented Petitioner with an English-language document purporting to withdraw his request for review of the negative credible fear determination. Petitioner does not read or speak English.

Instead, the ICE officer affirmatively communicated in Spanish that signing the document would help Petitioner by allowing him to appear before an immigration judge more quickly because he had supposedly passed the credible fear process. Relying on those representations, Petitioner signed the document. The representations were false.

Rather than expediting judicial review, the signed document eliminated Petitioner's ability to pursue review and facilitated his removal from the United States. Petitioner has now been removed to the Dominican Republic while his federal habeas petition remained pending.

ARGUMENT

I. THIS COURT RETAINS EQUITABLE AUTHORITY TO PREVENT RESPONDENTS FROM FRUSTRATING ITS JURISDICTION

Federal courts possess inherent authority to protect the integrity of their proceedings and prevent parties from frustrating judicial review through unilateral conduct.

Respondents cannot extinguish this Court's jurisdiction by engineering the factual circumstances upon which a mootness argument would rest. The voluntary

cessation doctrine and longstanding equitable principles prevent a party from mooting a case through its own wrongful conduct.

Here, Petitioner alleges that Respondents procured the operative withdrawal through affirmative deception after the habeas petition was already pending and after Respondents had notice of the federal proceedings. Permitting Respondents to benefit from conduct designed to defeat judicial review would undermine the integrity of the judicial process.

II. THE PURPORTED WITHDRAWAL WAS NOT KNOWING, VOLUNTARY, OR VALID

Waivers affecting fundamental rights must be knowing and voluntary. Petitioner could not read the English-language document presented to him. Rather than ensuring comprehension, the ICE officer affirmatively misrepresented the nature and effect of the document. Petitioner was told in Spanish that signing would accelerate his appearance before an immigration judge. Instead, the document accomplished the opposite. A signature procured through fraud, deception, or material misrepresentation cannot constitute a valid waiver. Any purported withdrawal obtained under such circumstances is fundamentally unreliable and should not be given legal effect.

III. RESPONDENTS' CONDUCT CAUSED IRREPARABLE HARM

Petitioner has already suffered extraordinary prejudice. He was removed from the United States based upon a purported waiver obtained through deception.

Petitioner's removal does not automatically deprive this Court of authority to grant effective relief. The Supreme Court has expressly recognized that removal does not invariably render a case moot where meaningful relief remains available, including relief requiring the government to facilitate a noncitizen's return. *Nken v. Holder*, 556 U.S. 418, 435 (2009) ("An alien who has been removed may continue to pursue a petition for review, and those who prevail can be afforded effective relief by facilitation of their return."). More broadly, federal courts retain equitable authority to prevent litigants from defeating judicial review through their own conduct. See *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000) (a party's voluntary conduct does not moot a case where it remains free to resume the challenged conduct); *United States v. W.T. Grant Co.*, 345 U.S. 629, 632 (1953). Here, Petitioner alleges that Respondents, after obtaining actual notice of the pending habeas petition, procured Petitioner's purported withdrawal of his request for immigration judge review through affirmative misrepresentation, despite knowing Petitioner neither read nor spoke English and without providing interpretation, thereby facilitating his removal and attempting to extinguish this Court's jurisdiction through their own wrongful conduct. Equity does not permit a party to manufacture mootness through conduct that frustrates the Court's ability to provide meaningful relief.

Removal from the country constitutes irreparable harm. The harm is compounded where removal occurred while a federal habeas action remained pending and where the circumstances suggest the removal was effectuated through invalid

means. Absent immediate relief, Respondents may continue to argue mootness based upon circumstances they themselves created.

IV. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR RELIEF

The public has a profound interest in ensuring that federal litigation is not undermined through deceptive conduct. Respondents suffer no legitimate prejudice from being required to explain the circumstances surrounding Petitioner's removal or to restore the status quo if removal was procured unlawfully. By contrast, denying relief would reward conduct that undermines due process and judicial authority.

The balance overwhelmingly favors immediate intervention.

REQUEST FOR IMMEDIATE RELIEF

Petitioner respectfully requests that this Court:

1. Enter an emergency order requiring Respondents to immediately show cause why they should not be ordered to facilitate Petitioner's return to the United States;
2. Order Respondents to provide, within an expedited timeframe, all documents relating to the purported withdrawal, including the signed withdrawal form, custody logs, officer notes, transport records, interpreter logs, recordings, and all communications relating to Petitioner's removal;
3. Determine that Respondents may not rely upon a purported waiver obtained through fraud, deception, or material misrepresentation;

4. Order Respondents to facilitate Petitioner's return to the United States pending resolution of this Court's review;
5. Grant any other emergency equitable relief the Court deems appropriate.

CONCLUSION

Respondents should not be permitted to defeat federal judicial review through deception directed at a detained non-English-speaking petitioner. Because Petitioner's removal was procured through affirmative misrepresentation after Respondents had notice of the pending habeas action, immediate equitable relief is necessary to preserve the integrity of these proceedings.

WHEREFORE, Petitioner respectfully requests that this Motion be granted.

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), the undersigned certifies that he has conferred with counsel for Respondents concerning the instant motion via email and telephone on May 8, 2025. State Respondent takes no position on the motion. Respondents opposes the motion.

Dated May 8, 2026.

Respectfully submitted,

/s/ Yaritssa Plasencia

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