

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

JORGE VALDES VILLARREAL,
Petitioner,

v.

Case No. 2:26-cv-00743-JES-DNF

WARDEN, GLADES COUNTY DETENTION CENTER,
Respondents.

Petitioner's Notice That the Zadvydas Six-Month Threshold Has Now Been Satisfied, Response to Respondents' Motion to Dismiss, and Renewed Request for Ruling

Petitioner Jorge Valdes Villarreal, proceeding pro se, respectfully submits this Notice and Response to inform the Court that the six-month presumptive detention period recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001), has now been satisfied, and to respectfully renew his request for a ruling on the pending Petition for Writ of Habeas Corpus and Respondents' Motion to Dismiss (Doc. 6), which has remained pending without decision since early April 2026.

I. PROCEDURAL HISTORY

Petitioner filed his Petition for Writ of Habeas Corpus on March 16, 2026. (Doc. 1.) On March 23, 2026, this Court ordered Respondents to respond and show cause why the Petition should not be granted, with a response due April 6, 2026. (Doc. 2.) Respondents filed a Response on March 30, 2026, and an Amended Response on March 31, 2026. (Docs. 3, 4.) On April 6, 2026, Respondents filed a Motion to Dismiss the Petition as premature, arguing that Petitioner had been detained for only 66 days at the time of filing and that the six-month *Zadvydas* period had not yet expired. (Doc. 6 at 1, 4.) As of the date of this filing, more than three months have passed since briefing closed, and no ruling has issued.

II. THE SIX-MONTH THRESHOLD HAS NOW BEEN SATISFIED, MOOTING RESPONDENTS' PREMATURITY ARGUMENT

Respondents' Motion to Dismiss rests entirely on timing: that Petitioner's claim was not ripe because he "had been detained for 66 days when he filed the present petition," and that "until the six-month *Zadvydas* period concludes, detention is presumptively reasonable, and any due process claim is not ripe." (Doc. 6 at 1, 4 (citing *Akinwale v. Ashcroft*, 287 F.3d 1050, 1051-52 (11th Cir. 2002), and other authority).) Petitioner does not dispute that this was an accurate statement of the law as applied to the facts as they existed on the date of filing.

That timing problem no longer exists. Petitioner has been continuously detained since January 10, 2026. (Doc. 3-1 at 1, 3 (Exs. A-001, A-003) (reflecting Petitioner's detention beginning January 10, 2026, and continued custody pending removal).) As of the date of this filing, Petitioner has been detained for more than **180 days**, the presumptively reasonable period identified in *Zadvydas*, 533 U.S. at 701. Respondents' own cited authority confirms that once that period has run, "the inquiry" properly turns to "the significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701; *Akinwale*, 287 F.3d at 1052. The procedural bar on which Respondents' Motion to Dismiss rests has accordingly been mooted by the passage of time, and nothing now prevents the Court from reaching the merits of the Petition.

III. RESPONDENTS HAVE NOT DEMONSTRATED A SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE

Now that the six-month threshold has been satisfied, the burden shifts to Respondents to demonstrate, with concrete evidence, that Petitioner's removal to Cuba is significantly likely in the reasonably foreseeable future. *Akinwale*, 287 F.3d at 1052. Respondents cannot meet that burden. Petitioner is a 59-year-old Cuban national whose removal order has stood since November 4, 2010, more than fifteen years. (Doc. 3 at 2.) ICE previously detained Petitioner from April 19, 2011, to May 6, 2011, and released him on an Order of Supervision when removal could not be accomplished. (Doc. 3 at 2.) Petitioner thereafter complied with his supervision requirements for nearly fifteen years before his OSUP was revoked and he was re-detained on January 10, 2026, while reporting as required. (Doc. 3-1 at 1, 3.) The record reflects no travel documents, no scheduled removal date, and no evidence of any diplomatic development with Cuba bearing on Petitioner's case. Respondents' own filings identify no such evidence. (See Docs. 3, 4, 6.)

Cuba's well-documented history of refusing or substantially delaying the repatriation of its nationals, combined with the Government's own fifteen-year failure to remove Petitioner under this same order, is more than sufficient to show that removal is not significantly likely in the reasonably foreseeable future.

IV. RENEWED REQUEST FOR RULING

Petitioner respectfully and with all due deference to the Court's docket, notes that this matter has been fully briefed since early April 2026 and that more than three months have now passed without a ruling on Respondents' Motion to Dismiss or the underlying Petition. Petitioner respectfully renews his request that the Court rule on the pending matters at the earliest opportunity. Because the sole basis for Respondents' Motion to Dismiss, prematurity, is now moot, Petitioner respectfully requests that the Court deny the Motion to Dismiss and proceed to the merits of the Petition, and, for the reasons set forth in the Petition and herein, grant the Petition and order Petitioner's immediate release under appropriate conditions of supervision.

CONCLUSION

For the foregoing reasons, Petitioner respectfully notifies the Court that the six-month Zadvydas threshold has now been satisfied, that Respondents' prematurity argument in their Motion to Dismiss (Doc. 6) is moot, and that Petitioner has shown good reason to believe removal is not significantly likely in the reasonably foreseeable future. Petitioner respectfully requests that the Court deny the Motion to Dismiss and grant the Petition for Writ of Habeas Corpus.

Name: Jorge Valdes Villarreal

A-Number



Jorge Valdes Villarreal

(Signature of Petitioner)