

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DOMILIO TERAN PEREZ,

Petitioner,

v.

Case No. 2:26-CV-00775-KCD-DNF

WARDEN,¹ GLADES COUNTY
DETENTION CENTER, et al.

Respondents.

RESPONSE IN OPPOSITION TO HABEAS PETITION

Petitioner Teran Perez challenges his detention by U.S. Immigration and Customs Enforcement (“ICE”) arguing he is a Venezuelan national who holds Temporary Protected Status (TPS). Teran Perez is only making one argument that resolves this habeas petition: “The TPS statute unequivocally prohibits the detention of persons with valid TPS, and Petitioner must be released.” *See* Dkt 1, ¶ 35. However, Teran Perez fails to demonstrate that his TPS is valid. Teran Perez then makes a catch all argument (Dkt. 1, Count Two), which this court has already addressed (*See Teran Perez v. Warden et al.*, Case No. 2:26-cv-205 – KCD-DNF).

Lastly, if Teran Perez is arguing that sections 1225/1226 apply and he should

¹ Pursuant to its Inter-Governmental Services Agreement for Glades County Detention Center, U.S. Immigration and Customs Enforcement requests Warden of Glades County Detention Center be terminated from this case. *See* Inter-Governmental Services Agreement for Glades County Detention Center, Ex. 4 at 12; *Mota-Constanzo v. Noem*, 2:26-cv-00369-KCD-DNF, 2026 WL 681819, at *2 & n.2 (M.D. Fla. Mar. 11, 2026).

be released, the court has decided those issues. *See Teran Perez v. Warden et al.*, Case No. 2:26-cv-205 – KCD-DNF.

Teran Perez's petition should be denied, as the U.S. Department of Homeland Security terminated his application for TPS and did not grant his TPS re-registration; therefore, he cannot possess TPS.

BACKGROUND

On February 2, 2026, Teran Perez filed a habeas challenging his detention. *See Teran Perez v. Warden et al.*, Case No. 2:26-cv-205 – KCD-DNF. The court granted the petition and ordered DHS to conduct a 1226 bond hearing. *Id.*

On March 5, 2026, Teran Perez appeared for a bond hearing but was denied because Teran Perez did not meet his burden in finding that he is a suitable bail risk. *See Ex. 1, IJ Bond Order date March 5, 2026.* Teran Perez reserved appeal. That Appeal is due April 6, 2026. To date, no appeal has been filed.

Teran Perez's final merits hearing before the court was on March 19, 2026. A final judgment has not been entered as of today. Teran Perez's TPS application (2023 designation) was approved on December 15, 2023, and was valid from June 3, 2024 through April 2, 2025. *See Ex. 2, TPS approval with I-94, dated June 4, 2024; Dkt. 1, Composite Exhibit A.* Teran Perez would have had to have filed his re-registration and received approval on or before February 5, 2025, to be TPS eligible, but did not file his re-registration until July 22, 2025. Dkt. 1-2, p. 4 - 5. USCIS systems show him as terminated. *See* <https://egov.uscis.gov/> using receipt number  and

 (last visited April 3, 2026). On March 31, 2025, DHS terminated

Teran Perez's Parole, effective March 25, 2025. *See* Ex. 3, Termination of Parole (I-134A).

The Teran Perez is being detained at Glades County Detention Center. He has been detained for 128 days.

CERTIFIED HABEAS RETURN

The Court has power to grants writs of habeas corpus where (among other instances) Petitioner "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Teran Perez bears the burden to prove custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021).

DISCUSSION

I. TPS

Teran Perez asserts that he was granted TPS and that the validity of his TPS was extended through October 6, 2026, on account of ongoing litigation challenging former Secretary Noem's termination of TPS for Venezuela. *See* Petition, ¶ 15, 19-34. If true, ICE would not be permitted to detain Teran Perez at this time. 8 U.S.C. § 1254a(a)(1)(A). However, unfortunately for Mr. Teran Perez, he no longer benefits from the protection against detention that TPS allows.

The Immigration Act of 1990 established a program for providing temporary shelter in the United States on a discretionary basis for aliens from designated countries experiencing ongoing armed conflict, environmental disaster, or

“extraordinary and temporary conditions” that temporarily prevent those aliens’ safe return or, in the case of environmental disasters, temporarily render the country unable to handle adequately the return of its nationals. Pub. L. No. 101-649, 104 Stat. 4978. The statute authorizes the Secretary of Homeland Security, “after consultation with appropriate agencies of the Government,” to designate countries for TPS if he finds:

(C) . . . there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the [Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.

8 U.S.C. § 1254a(b)(1)(C). When the Secretary designates a country for TPS, eligible aliens who are granted TPS may not be removed from the United States and are authorized to work for the duration of the country’s TPS designation, so long as they remain in valid temporary protected status. 8 U.S.C. § 1254a(a), (c); *see Sanchez v. Mayorkas*, 593 U.S. 409, 412 (2021).

Venezuela was first designated for TPS in March 2021. 86 Fed. Reg. 13,574 (Mar. 9, 2021). This designation was extended twice: on September 8, 2022, and October 3, 2023. *See* 87 Fed. Reg. 55,024 (Sept. 8, 2022); 88 Fed. Reg. 68130 (Oct. 3, 2023). The 2023 extension also purported to re-designate Venezuela for TPS anew, opening up registration to Venezuelan nationals who up until that point would not have been otherwise eligible. 88 Fed. Reg. at 68130 (“initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since October 3, 2023, the effective date of this redesignation of Venezuela for TPS.”). The result of the 2023 Federal Registration was two separate

designations: the 2021 designation (which was extended by way of the FRN) and the 2023 designation (which served as a redesignation under the FRN). *Id.*

On January 10, 2025, former DHS Secretary Alejandro Mayorkas issued a federal register notice (“FRN”) extending the 2023 Venezuela Designation for 18 months and allowing for a consolidated filing processes such that all eligible Venezuela TPS beneficiaries (whether under the 2021 or 2023 designations) could obtain TPS through October 2, 2026. 90 Fed. Reg. 5,961 (Jan. 17, 2025). The Executive Branch administration changed shortly thereafter with the inauguration of President Trump and former Secretary Kristi Noem replaced Mayorkas. Former Secretary Noem then purported to (1) vacate the January 2025 extension and consolidation and restore the status quo that existed prior to its publication, namely the two-track 2021 and 2023 designations; and (2) terminate the 2023 TPS designation for Venezuela. 90 Fed. Reg. 8,805 (Feb. 3, 2025); 90 Fed. Reg. 9,040 (Feb. 5, 2025). Litigation ensued and because of that litigation—as well as subsequent action taken by former Secretary Noem—TPS for Venezuela has been terminated. *See Nat’l TPS All. v. Noem*, 798 F. Supp. 3d 1108, 1131 (N.D. Cal. 2025), *aff’d*, 166 F.4th 739 (9th Cir. 2026) (order granting partial summary judgment); *Nat’l TPS All. v. Noem*, No. 25-cv-1766-EMC (N. D. Cal. May 30, 2025), Dkt. 162 at 10 (granting relief to those TPS holders who received TPS documentation based on the 2023 Mayorkas extension/re-designation up to and including February 5, 2025); *see also* 90 Fed. Reg. 43,225 (Sept. 8, 2025).

However, a small subset of TPS recipients retain their status through October 2, 2026. This group includes individuals who both (1) filed applications to register or

reregister for TPS after Secretary Mayorkas’s extension FRN published (January 25, 2026) but before Secretary Noem’s February termination was published (February 5, 2025); and (2) who—on or before February 5, 2025—were issued TPS-related EADs, Notices of Action, and Forms I-94 issued with October 2, 2026 expiration dates.

This is accurately reflected in United States Citizenship & Immigration Service’s² (“USCIS”) TPS landing page which provides that for 2023 designation recipients, “TPS beneficiaries who received TPS-related employment authorization documents (EADs), Forms I-797, Notices of Action, and Forms I-94 issued with October 2, 2026, expiration dates on or before February 5, 2025 will maintain work authorization and their documentation will remain valid until October 2, 2026, pursuant to the U.S. District Court for the Northern District of California’s order dated May 30, 2025.”³

Here, Teran Perez was designated for TPS under the 2023 designation. Dkt. 1 (Petition), ¶ 24, Composite Ex. A. The validity of TPS under this designation was valid through April 2, 2025. *Id.* Teran Perez seemingly suggests that subsequent federal litigation in the Northern District of California extended his TPS through early October 2026—Petition, ¶ 15—however this conclusion is not accurate. As discussed above, only those who (1) filed applications to register or reregister for TPS after Secretary Mayorkas’s extension FRN published (January 25, 2026) but before

² USCIS is the government agency responsible for processing applications for TPS.

³ See <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela> (last accessed Apr. 3, 2026).

Secretary Noem's February termination was published (February 5, 2025); and (2) who—on or before February 5, 2025—were issued TPS-related EADs, Notices of Action, and Forms I-94 issued with October 2, 2026 expiration dates benefit from TPS through October 2, 2026 and Teran Perez does not meet those criteria and Teran Perez does not. Lastly, Teran Perez's TPS was terminated effective November 20, 2025. *See* 90 Fed. Reg. 9,040.

As to the first requirement, government records reflect that he did in fact apply to reregister outside the operative timeframe. Dkt. 1, Composite A (July 22, 2025, TPS Re-registration Application). But critically in this case, he was not issued a TPS-related EAD, Notice of Action, or Forms I-94 with an October 2, 2026, expiration date on or before February 5, 2025. His exhibits to his Petition show that he applied for renewal of TPS, not that the application was granted. *Id.* He has not established that he currently has TPS. He therefore does not fall within the small subset of Venezuelans who continue to hold TPS currently. This is bolstered by the fact that USCIS no longer recognizes Teran Perez's prior grant of TPS as valid. USCIS systems show him as terminated. *See* <https://egov.uscis.gov/> using receipt number IOE9452104168 and IOE0923576271 (last visited April 3, 2026)). Teran Perz does not have current TPS status, and he may be detained. *See also Ramos Alfonso Ceballos v. Hardin et al.*, Case No. 2:26-cv-658-SPC-NPM, Dkt. No. 12 (M.D.FLA April 3, 2026) (Opinion and Order).

II. Teran Perez does not have Temporary Protected Status, as the U.S. Department of Homeland Security terminated his application for TPS.

Teran Perez's TPS facially expired on March 2, 2025. (Dkt. 1-4 at 1). To seek a TPS extension, Teran Perez filed an application in July 2025. (Dkt. 1-3 at 1). Crucially, USCIS never approved him for an extension. Because USCIS never approved his reregistration into TPS, Teran Perez's status remains expired. Indeed, TPS for Venezuela has been terminated. *See* Temporary Protected Status Designated Country: Venezuela, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela> (last visited Apr. 3, 2026) (stating that termination of the 2023 Venezuela TPS designation is terminated). In sum, Teran Perez's TPS expired before his detention and this resulting habeas. His claims related to TPS, therefore, fail. *See Arcila Perez v. Noem*, No. 2:26-CV-00107-SPC-NPM, 2026 WL 386699, at *1 (M.D. Fla. Feb. 12, 2026) (stating a Teran Perez did not gain the benefit of a TPS extension when the USCIS did not grant the application).

Teran Perez's contention that the U.S. District Court for the Central District of California declared DHS Secretary Krist Noem's rescission of TPS invalid is inapposite. In *Nat'l TPS All. v. Noem*, the district court granted summary judgment, holding the DHS termination and vacatur of Venezuelan TPS was unlawful. 798 F. Supp. 3d 1108 (N.D. Cal. 2025). The Supreme Court, however, granted DHS an emergency stay of that order until final resolution of the case and all appeals. *Noem v. Nat'l TPS All.*, 146 S. Ct. 23, 24 (2025). Put differently, the *Nat'l TPS* order purporting to strike down the DHS termination and vacatur of Venezuelan TPS has no legal effect right now.

The same district court recently entered a declaratory judgment on the legal question it already answered in its now-stayed summary judgment order. *Nat'l TPS All. v. Noem*, No. 25-cv-01766-EMC, 2025 WL 3539156 (N.D. Cal. Dec. 10, 2025). Then, on January 28, 2026, the Ninth Circuit affirmed the underlying summary judgment order. *Nat'l TPS All. v. Noem*, No. 25-5724, 2026 WL 226573 (9th Cir. Jan. 28, 2026). Nevertheless, the summary judgment decision on Venezuelan TPS is on hold by Order of the Supreme Court:

The September 5, 2025 order entered by the United States District Court for the Northern District of California, case No. 25-cv-1766, is stayed as to the Venezuela vacatur and Venezuela termination, pending the disposition of the Government's appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari, if such writ is timely sought. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

Nat'l TPS, 146 S. Ct. at 24. Here, the Court does not need to reach the effect of any declaratory relief entered in *Nat'l TPS All. v. Noem* because, as previously discussed, Teran Perez does not have TPS, and he has not been approved for re-registration. His detention is therefore lawful.

CONCLUSION

The court should deny Teran Perez's petition.

DATED this 3rd day of March 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: s/ John F. Rudy, III

JOHN F. RUDY, III
Assistant United States Attorney
Florida Bar No. 0136700
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
Telephone: (813) 274-6000
Fax: (813) 274-6200
E-Mail: john.rudy@usdoj.gov
Lead Counsel for Federal Respondents