

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

NICHOLAS L. KNOWLES,

Petitioner,

vs.

Case no. 2:26-cv-799-JES-NPM

IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents.

RESPONSE TO PETITION FOR HABEAS CORPUS

Pro se petitioner Nicholas L. Knowles challenges his detention by U.S. Immigration and Customs Enforcement (ICE), arguing his “rights were violated when his voluntary departure was granted on December 17, 2025 to leave the country by January 17, 2026” but “instead of departing, ICE transfer [sic] back to Palm Beach County.” Doc. 1 at 6. He also argues “[i]t is unfair for Petitioner to do an immigration sentence without being sentence [sic] and then force [sic] into leaving the country leaving wife [sic] and kids behind.” *Id.* Respondent ICE opposes this petition and asks that it be dismissed, for the following reasons.

FACTS

Petitioner is a native and citizen of the Bahamas who was admitted to the United States on or about February 13, 2022, as a tourist with authorization to remain for a temporary period not to exceed August 12, 2022. He remained in this country beyond August 12, 2022 without authorization. See attached NTA at 1.

On October 18, 2025, ERO arrested the petitioner after learning he was incarcerated at the Palm Beach County Jail on state criminal charges. On November 3, 2025, an NTA was filed with the immigration court. *Id.* On December 17, 2025, an immigration judge granted the petitioner pre-conclusion voluntary departure under safeguards pursuant to INA 240B(a). See order attached. The safeguards require that he be detained until departure could be facilitated. *Id.* The order stated that voluntary departure would be “on or before 01/16/26, or any extensions as may be granted by the Department of Homeland Security and under any other conditions DHS may direct.” *Id.* The petitioner waived all further appeals as part of this order. *Id.*

On January 6, 2026, the petitioner was turned over to Palm Beach County due to an active bench warrant for his arrest. On January 30, 2026, the petitioner was convicted of aggravated assault with a deadly weapon and battery. See judgment attached. He was returned to ICE custody and has

been detained at the Florida Soft Side Center—South since February 4, 2026. See detention history attached; declaration of Michael Loychik dated April 2, 2026.

The Loychik declaration provided in support of this response that shows the petitioner's voluntary departure is likely to be effectuated within the next seven business days. *Id.* ERO obtained his travel document on April 1, 2026 and has declared that it intends to schedule him on a flight in the immediate future. Such a flight typically can be scheduled within seven days. *Id.*

On March 17, 2026, the Petitioner filed a petition for writ of habeas corpus alleging that his detention generically violates his rights and is unfair, for the reasons stated above. Doc. 1 at 6.

CERTIFIED HABEAS RETURN

ICE is detaining the petitioner under the provisions of 8 U.S.C. § 1226 because he overstayed his B2 Visa. *See* 28 U.S.C. § 2243 (“The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.”). As noted, ERO is attempting to effectuate imminent voluntary departure. Petitioner bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021).

ARGUMENT

This is a simple case. Following his conviction in January, 2026 in the state system for aggravated assault and battery, the petitioner complains about the generic unfairness of his federal detention pending his voluntary departure ordered by the immigration judge on December 17, 2025. Essentially, this translates to a demand that he be permitted to elude state law enforcement through voluntary departure, before the state completes its criminal case against him. But as noted above, the immigration court's order expressly stipulated that voluntary departure would be "with safeguards," meaning that the petitioner agreed to be detained until his departure could be orchestrated. The order also stated that DHS could extend the deadline and direct any other conditions for voluntary departure. The petitioner explicitly waived all appeals as part of that order. See December 17, 2025 Order at 1.

Giving the sparse allegations of this petition the benefit of every doubt, it may be that petitioner intends to assert a constitutional claim. If so, such a claim would clearly fail under the circumstances. The Supreme Court has created a practical limitation for continued confinement following a final order of removal. See *Zadvydas v. Davis*, 533 U.S. 678 (2001). The government may detain a noncitizen only for a period "reasonably necessary" to actually bring

about removal. *Id.* at 701. The Court drew a line at six months: any post-removal detention lasting six months or less is “presumptively reasonable.” *Id.* “In order to state a claim under *Zadvydas*,” then, “the alien not only must show post-removal order detention in excess of six months but also must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

This petitioner can make neither showing. His removal proceedings have been concluded by a voluntary departure order on December 17, 2026 which translates to ICE custody for a term that is less than the 180 day detention period established by the Supreme Court. Moreover, there is a significant likelihood of removal in the reasonably foreseeable future. Travel documents have been secured for the petitioner and a removal flight could be secured within a week’s time. Because the petitioner has offered no legal basis for the Court to conclude that his detention violates federal law, the Court should dismiss the petition.

Dated: April 6, 2026

Respectfully submitted,

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Certificate of Service

I hereby certify that on April 6, 2026, I caused a true copy of the foregoing to be filed using the Court's CM/ECF filing system, which will send an electronic notice of filing.

I further certify that on April 6, 2026, I caused a true copy of the foregoing to be furnished by U.S. mail, first class postage prepaid, to the following:

Nicholas L. Knowles, #A 
Florida Soft Side Detention Center-South
54575 Tamiami Trail East
Ochopee, FL 34141

/s/ Lacy R. Harwell, Jr.
LACY R. HARWELL
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