

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

ELIAZAR RUIZ DIAZ,

Petitioner,

v.

Case No. 2:26-cv-813-JES-NPM

WARDEN, FLORIDA SOFT SIDE
SOUTH, et al.

Respondents.

JOINT MOTION TO CORRECT THE DOCKET

Petitioner and Respondent Warden, Florida Soft Side South, jointly file this motion to correct the docket, and in support, state:

1. On March 18, 2026, Petitioner Eliazar Ruiz Diaz filed his Verified Petition for Writ of Habeas Corpus, DE 1.
2. The Petition names the Field Office Director for the Miami Field Office of the U.S. Immigration and Customs Enforcement as the respondent.
3. The court docket, however, lists the “U.S. Attorney General” and “Warden, Florida Soft Side South” as the respondents.
4. Undersigned Counsel Meros noticed his appearance for the Warden based on the docket entries because he could not view the Petition before appearing in the case.
5. After appearing and conferring with Petitioner’s counsel, Mr. Meros learned that the Warden was not named in the Petition. And rather than filing and

occupying the Court's time with a substantive motion to dismiss a party that is not named, undersigned counsel agreed to file a joint motion to correct the docket.

6. Accordingly, to the extent the Warden is listed as a party in the case, he should be dismissed because the Petition does not name him as a respondent.

7. Moreover, undersigned counsel both agree that even if the Warden were named, he would not be a proper respondent because only federal officials have custody of detainees at the Florida Soft Side South Detention Center, and thus only federal officials are proper respondents under 28 U.S.C. § 2241. See, e.g., *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004); see also *Krechmar v. Parra*, No. 2:25-CV-01095, 2025 WL 3620802, at *2 (M.D. Fla. Dec. 15, 2025) (noting “the director of ICE’s local field office is a more appropriate respondent” than the warden of Alligator Alcatraz because “[t]he warden of Alligator Alcatraz would be ill-equipped to respond to the merits of Krechmar’s claims and to be the sole defender of the federal government’s interests”). To the extent the Court would like more information on this point, the Warden could brief the issue.

8. Additionally, Petitioner requests that the docket be corrected to name “Field Office Director, Miami Field Office, U.S. Immigration and Customs Enforcement” as the Respondent in this action, as that was the person named as Respondent in the Verified Petition for Writ of Habeas Corpus (DE 1). See Fed. R. Civ. P. 10 (“The title of the complaint must name all the parties . . .”).

CONCLUSION

For the foregoing reasons, the Court should correct the docket to (1) remove “Warden, Florida Soft Side South Detention Center” and “U.S. Attorney General” as respondents and (2) include only the “Field Office Director for the Miami Field Office of the U.S. Immigration and Customs Enforcement” as the respondent.

Dated: April 5, 2026

Respectfully submitted,

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*Counsel for Respondent, Warden,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court’s CM/ECF system, which provides notice to all parties, on April 5, 2026.

/s/ Nicholas J.P. Meros
*Counsel for Respondent, Warden,
Florida Soft Side South*