

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

DEIVY ZAMORA PORRES

Petitioner,

v.

Case No. 2:26-cv-818-SPC-NPM

WARDEN, FLORIDA SOFT
SIDE SOUTH, et al.,

Respondents.

RESPONSE TO MOTION TO ENFORCE

Per the Court's endorsed Order (Dkt. 13), the Federal Respondents hereby respond to the Petitioner's Motion to Enforce (Dkt. 12), providing that information that is presently available.¹

BACKGROUND

On March 19, 2026, Petitioner filed his Petition for Writ of Habeas Corpus. *See* Dkt. 1. On March 30, 2026, the federal Respondents filed their

¹ The Motion to Enforce was filed the afternoon of April 13, but the undersigned experienced technical difficulties and was unable to access that document through the CM/ECF link in the Notice of Electronic Filing. Accordingly, within 90 minutes after it was filed, the undersigned requested Petitioner's counsel to provide a copy of the Motion, which counsel graciously provided by email later the evening of April 13. On the morning of April 14 -- prior to entry of the Court's Order requiring this response -- the undersigned provided that Order to, and spoke with, ICE counsel to begin determining what had transpired.

Response. *See* Dkt. 4. On the date the undersigned filed that response, the ICE online detainee locator showed Petitioner as being detained at the Florida Soft Side South Facility. *See* Dkt. 4-6; *see also* Ex. A (showing Petitioner being detained at that facility between March 15 and April 1, 2026). As the Court is aware, that facility is located off U.S. Hwy. 41 in south central Collier County.

The morning of April 1, 2026, ICE transferred Petitioner from the Florida Soft Side South facility, through a facility in Miami, and then to the Port Isabel facility in South Texas. *See* Ex A. At 2:44 PM on April 2, ICE transferred Petitioner to a facility in Arizona and ultimately on April 4, 2026, to a facility in California City, CA. *See id.* Petitioner is presently at that California facility. *See id.*; *see also* Ex. B.

At 1:26 PM on April 2, 2026, the Court entered its Order (Dkt. 10) requiring, among other things, that “within ten days [thereof] the respondents shall either (1) bring Zamora Porres for an individualized bond hearing before an immigration judge or (2) release Zamora Porres under reasonable conditions of supervision.” *See* Dkt. 10 at 4. Pursuant to the rules for computing time when a period is stated in days, the ten-day deadline of the Court’s Order ran on April 13. *See* Fed. R. Civ. P. 6(a)(1)(A)-(C).

At 1:51 PM on April 2, 2026, the undersigned transmitted a copy of that Order to ICE counsel, for transmission to the relevant ICE officials; ICE counsel acknowledged receipt of that Order within ten minutes thereafter.

On a presently unknown date, a bond hearing was scheduled to occur on April 7 before an Immigration Judge at the Krome Immigration Court, located in central Dade County. *See* Ex. C.

On April 7, that bond hearing was convened before an Immigration Judge at the Krome Immigration Court, a copy of the audio recording of which will be filed with the Court as Ex. D.² While that recording speaks for itself, the undersigned offers the following:

- The Immigration Judge advised counsel for Petitioner and counsel for DHS that the Petitioner had been transferred to another facility and thus was not present for the hearing.³
- The presiding Immigration Judge recognized the strict deadline of this Court's Order then offered two options: (1) to proceed with the bond hearing, or (2) to "no action" – i.e., not proceed – and let counsel for

² The undersigned will promptly transmit a copy of that recording to counsel for Petitioner.

³ Throughout the hearing, those present spoke as if Petitioner was then being detained in Arizona, apparently relying on the then-most current information available to them. As the detention history now shows, by that time Petitioner had actually been transferred to the California facility.

Petitioner seek a bond hearing at the facility where the Petitioner was then located.

- The Immigration Judge advised that he possessed the necessary documents and information to proceed with a bond hearing, did not tend to take testimony in such proceedings unless it was evidence not already submitted as part of the bond request, and was thus ready and able to proceed with a bond hearing.
- Counsel for the Petitioner declined to proceed without the alien present, asked the Immigration Judge to enter a “no action,” and advised that he would refile the bond request for bond hearing in Arizona.
- The Immigration Judge suggested counsel for Petitioner confer with DHS counsel after the hearing, to determine where Petitioner was then being detained, so counsel for Petitioner could file for bond there.

It does not appear any further bond hearing was thereafter set or reset by any party. On April 13, 2026, at 3:15 PM, Petitioner filed the present Motion to Enforce.

RESPONSE

There is no evidence or other indication that ICE intentionally transferred Petitioner to evade or frustrate this Court’s Order or the April 7th bond hearing. The Immigration Judge was ready, willing, and able to proceed

to hold a bond hearing, as best as could be achieved that day to comply with this Court's Order, and the Immigration Judge so informed Counsel for Petitioner. Instead, counsel for Petitioner elected not to proceed, opting instead to seek a bond hearing where Petitioner was then presently detained. However, it appears no further bond hearing was requested or set thereafter. Then, after six more days elapsed, counsel for Petitioner filed the present Motion to Enforce on the afternoon of April 13, the day that ten-day deadline of the Court's April 2 Order had run.

The federal Respondents defer to the Court's discretion whether to afford additional time to hold a bond hearing fully in compliance with the Court's April 2 Order, or to order the release of Petitioner. In either event, the Respondents submit the Court should not conclude that Respondents or any other federal officials failed to comply with the Court's Order, and certainly not that they intentionally failed to comply with that Order.

CONCLUSION

Wherefore, Federal Respondents hereby respond to the Petitioner's Motion to Enforce.

April 14, 2026

Respectfully submitted,

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CERTIFICATE OF FILING

I hereby certify that, on the date set forth above, I filed the foregoing documents and any exhibits referenced therein using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

s/ Charles T. Harden III
Charles T. Harden III
Assistant United States Attorney