

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YUDIESKY MACHADO GONZALEZ,

Case No.
2:26-cv-00806-SPC-NPM

Petitioner,

v.

WARDEN, FLORIDA SOFT SIDE SOUTH DETENTION
CENTER, et al.,

Respondents.

PETITIONER'S REPLY AND REQUEST FOR RELEASE

Petitioner, proceeding pro se, respectfully submits this Reply and requests immediate release under appropriate conditions of supervision.

The Court has already determined that Petitioner established good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. The Court further recognized that Immigration and Customs Enforcement ("ICE") was previously unable to remove Petitioner and that Respondents failed to rebut that showing. See Order dated April 9, 2026.

Despite this finding, Respondents continue Petitioner's detention based primarily on generalized references to criminal history and speculative assertions regarding possible removal. However, the Supreme Court in *Zadvydas v. Davis* made clear that detention after the presumptively reasonable six-month period cannot continue indefinitely where removal is not reasonably foreseeable.

Petitioner respectfully submits that Respondents have still failed to provide evidence demonstrating that removal is actually likely to occur in the reasonably foreseeable future. The notices provided by ICE merely state an intent to seek travel documents and reference possible removal to Mexico, but no confirmed travel documents, scheduled removal date, or finalized arrangements have been presented to this Court.

In addition, Petitioner respectfully submits that continued detention is not justified on dangerousness grounds. The Court noted that preventive detention based on dangerousness requires strong procedural protections and individualized findings. Petitioner has not engaged in recent violent conduct while in custody, has previously complied with reporting requirements during prior supervision, and there is no

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evidence demonstrating that he presently poses a specific danger to the community.

Petitioner further notes that ICE previously released him under an Order of Supervision for many years without evidence that he violated the conditions in a manner justifying indefinite detention now.

Continued detention under these circumstances no longer serves the statutory purpose discussed in *Zadvydas* and has become unreasonable and punitive in nature.

WHEREFORE, Petitioner respectfully requests that this Court:

1. Find that continued detention is not authorized under *Zadvydas v. Davis*;
2. Order Petitioner's immediate release under reasonable conditions of supervision; and
3. Grant any additional relief the Court deems just and proper.

Respectfully submitted,



YUDIESKY MACHADO GONZALEZ

Petitioner, Pro Se

Date: 05/14