

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YEZID SHABANA,

Petitioner,

Case No. 2:26-cv-805-JES-NPM

v.

SECRETARY, U.S. DEP'T OF
HOMELAND SECURITY, et al.,

Respondents.

FEDERAL RESPONDENTS' RESPONSE TO ORDER FOR RESPONSE

Petitioner Yezid Shabana has filed a motion to reopen and for a temporary restraining order on the grounds that although he was released as previously ordered, he was redetained three days later. (Doc. 12; Doc. 13). This Court ordered Federal Respondent's to "identify in detail all actions taken by ICE subsequent to Shaban's ordered release to ensure his imminent removal and shall provide the name of the official who ordered Shabana's re-arrest". (Doc. 16 at 1 and 2). As this court ordered, only if no substantial actions have been taken or ICE's actions were merely performative, will Federal Respondent's be required to respond to the motion for a temporary restraining order. (*Id.* at 2). ICE has taken substantial steps towards effectuating removal and Shabana's removal is imminent.

On or about May 27, 2026, Acting Supervisory Deportation Officer Christopher Brodie received information that Shabana was manifested for a removal flight that would occur on or by June 10, 2026. (Brodie Decl., Ex. 1 at ¶ 1 and 3). Acting Supervisory Deportation Officer Christopher Brodie further received information that he was to arrange for the transfer of Shabana to Alexandria, Louisiana for the upcoming Special High Risk Charter flight set for removal to Israel, Romania, Moldova, Uzbekistan, and Albania. (*Id.* at ¶ 4). Based on this information, Acting Supervisory Deportation Officer Christopher Brodie understood that Shaban's removal was imminent and there was a significant likelihood of removal in the reasonably foreseeable future. *Id.* Because Shabana's removal is imminent, Acting Supervisory Deportation Officer Christopher Brodie authorized Shaban's arrest on May 28, 2026 to begin the removal process and Shaban was returned to immigration custody. (*Id.* at ¶ 5)

As This Court mentioned in the Order for Response issued on May 28, 2026, the order entered on May 22, 2026, allowed for redetention in that "[i]f removal becomes likely in the reasonably foreseeable future, ICE can re-detain Shabana to "assure his presence at the moment of removal." (Doc. 16 at 1 and Doc. 9 at 5). Here, Shabana's redetention was ordered because there is a removal flight scheduled on or by June 10, 2026, to effectuate Shabana's removal. (Brodie Decl., Ex. 1 at ¶ 3 and 5). Based on this new development, Shabana's removal is imminent and there is now a significant likelihood of removal in the reasonably foreseeable future. The undersigned

fully understands The Court's grave concerns regarding Shebana's redetention so soon after release, however, it is clear from the declaration of Acting Supervisory Deportation Officer Christopher Brodie that Shabana's release was not performative and was authorized to effectuate his imminent removal. (*See* Ex. 1). Should The Court require more information, Federal Respondent's stand ready to provide whatever information is available. Furthermore, the undersigned and Federal Respondent's are prepared to provide an update on a date after June 10, 2026, as to the status of the scheduled removal and to comply with all orders of This Court.

DATED this 2nd day of June, 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Matthew T. Brodersen
Matthew T. Brodersen
Special Assistant United States
Attorney Illinois Bar No. 6312417
US Attorney's Office
400 W. Washington Street, Suite 3100
Orlando, FL 32801
Telephone: (407) 648-7651
Fax: (407)-648-7643
Email: Matthew.Brodersen@USDOJ.Gov

Lead Counsel for Federal Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 2, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send notice of filing and a downloadable copy of the filed document to the following CM/ECF participant listed below:

David Magilligan
Magilligan Law
3900 Hollywood Blvd., Suite PH2
Hollywood, FL 33021

Attorney For Petitioner

/s/ Matthew T. Brodersen
Matthew T. Brodersen
Special Assistant United States Attorney