

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Raul Ramirez Socorro,

Petitioner,

Case No. 2:26-cv-826-JES-NPM

v.

Facility Administrator, Krome Service
Processing Center, et al.,

Respondents.

**RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Raul Ramirez Socorro seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking his immediate release from immigration custody on the basis that the length of his detention is unlawful. His petition should be denied. In *Zadvydas v. Davis*, the Supreme Court held that detention following a final removal order is presumptively reasonable for six months. 533 U.S. 678 (2001). Raul Ramirez Socorro had been detained for 52 days when he filed the present petition. His present detention is therefore lawful.

BACKGROUND

Raul Ramirez Socorro is a national and citizen of Cuba and who was apprehended after he arrived in the United States on or about September 14, 2007, with 13 others, after landing at Sugar Loaf Key. Composite Exhibit 1 at 4. He (and

the others) were processed on an NTA, and released on their own recognizance. *Id.* After a January 26, 2009, conviction in the Southern District of Florida for conspiracy to interfere with commerce by robbery, Socorro was sentenced to a 63-month term of imprisonment, after which he was served with a new NTA, and a final removal order was entered on June 10, 2013. *Id.* at 12-17, 22-23, 28-41. Thereafter Socorro was released on an OSUP. *Id.* at 18-20.

Raul Ramirez Socorro was placed in immigration custody on January 25, 2026, after he was arrested for domestic violence and tampering with a witness.¹ *Id.* at 10, 25-27. A notice of removal to Mexico was issued for Socorro on March 17, 2026. *Id.* at 2. Socorro is currently detained at Port Isabel SPC, after being transferred there from FSS (*Id.* at 1), where he was detained when he filed a pro se habeas petition on March 20, 2026, alleging his custody violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment, and requesting to be released or have an individualized bond hearing. ECF1 at 12.

ARGUMENT

Raul Ramirez Socorro's detention does not violate the Fifth Amendment's Due Process Clause.

After a final removal order, an alien must be removed within ninety days—i.e., the removal period. 8 U.S.C. § 1231(a)(1); *Zadvydas v. Davis*, 533 U.S. 678, 683

¹ That Petitioner's charges were disposed of with "no action" does not affect his detention by ICE to execute his final order of removal. *See* ECF 1 at Exhibit A.

(2001). During the removal period, the alien must be detained. 8 U.S.C. § 1231(a)(2); *Zadvydas*, 533 U.S. at 683. An alien, however, can be detained beyond that removal period. 8 U.S.C. §§ 1231(a)(1)(C), (a)(6); *Zadvydas*, 533 U.S. at 683. This is called a “post-removal” period. *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021).

There is no statutory limit on how long ICE can detain an alien during the post-removal period. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). Due to constitutional concerns, the U.S. Supreme Court has nevertheless interpreted the post-removal period to allow extended detention for “a period reasonably necessary to bring about that alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689. In all, a reasonable length of detention “is presumptively six months.” *Guzman Chavez*, 594 U.S. at 529; *see also Akinwale*, 287 F.3d at 1052 (stating six-month period is inclusive of any ninety-day removal period).

If the presumptively reasonable period expires without removal, then a burden-shifting framework comes into play regarding the “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 689. But before that six-month period expires, any habeas challenge to the detention itself is premature. *E.g.*, *Akinwale v. Ashcroft*, 287 F.3d 1050, 1051-52 (11th Cir. 2002); *Guo Xing Song v. U.S. Attorney General*, 516 F. App’x 894, 899 (11th Cir. 2013); *Gozo v. Napolitano*, 309 F. App’x 344, 346 (11th Cir. 2009). At bottom, “[U]ntil the six-month *Zadvydas* period concludes, detention is presumptively reasonable, and any

due process claim is not ripe.” *E.g.*, *Khalil Al Ellary*, 2:26-cv-00112-KCD-DNF, Doc. 7 (M.D. Fla. Feb. 27, 2026); *Jiang v. Mukasey*, No. 2:08-cv-773-FtM-29DNF, 2009 WL 260378, at *2 (M.D. Fla. Feb. 3, 2009); *Noel v. Glades Cnty. Sheriff*, No. 2:11-cv-698-FtM-29SPC, 2011 WL 6412425, at *2 (M.D. Fla. Dec. 21, 2011).

Raul Ramirez Socorro filed the present petition well before expiration of six months in detention. He was detained on January 26, 2026, and filed the present petition on March 20, 2026. At that point, Raul Ramirez Socorro had only been detained for 54 days; to date, he has been in detention for 74 days.

It is only afterward that the parties can engage in *Zadvydas* burden-shifting related to the “significant likelihood of removal in the reasonably foreseeable future.” *See Jennings v. Rodriguez*, 583 U.S. 281, 299 (2018) (citation omitted); *Zadvydas*, 533 U.S. at 701 (holding the inquiry is “[a]fter this 6-month period”); *Khalil Al Ellary v. Noem*, 2:26-cv-00112-KCD-DNF (M.D. Fla. Feb. 27, 2026) (denying petition when alien had not been detained for six months). Before that time limit runs, neither *Zadvydas* nor any other binding precedent permit a challenge based on reasonable foreseeability of removal.² *See Akinwale*, 287 F.3d at 1051-52. *See Zadvydas*, 533 U.S. at 700 (stating judicial review in foreign policy matters “require courts to listen with care when the Government’s foreign policy

² Respondents acknowledge this Court has previously disagreed. *See Chumachenko v. Noem*, 2:26-cv-00344-SPC-NPM, Doc. 6 (M.D. Fla. Feb. 27, 2026).

judgments, including, for example, the status of repatriation negotiations, are at issue, and to grant the Government appropriate leeway when its judgments rest upon foreign policy expertise”).

Should the Court determine, contrary to the Respondent’s arguments, that a challenge based on the reasonable foreseeability of removal under *Zadvydas* is permitted, the federal Respondents would point to the Notice of Removal to Mexico that was served on Socorro on March 17, 2026, as evidence that there is a significant likelihood of removal in the foreseeable future for Socorro. Comp. Exh. 1 at 2. To that end, Socorro was recently transferred to a Texas facility near the border, *see id.* at 1, further supporting the likelihood of his removal in the foreseeable future.

CONCLUSION

The federal Respondents respectfully request that Raul Ramirez Socorro’s petition be denied based on the arguments set forth herein.

DATED this 10th day of April 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 10, 2026, a true and correct copy of the foregoing application was sent by United States Mail to the return address listed on Petitioner's Priority Mail Envelope. (ECF 1 at 33).

/s/ Kelley C. Howard-Allen
Kelley C. Howard-Allen