

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

RAUL RAMIREZ SOCORRO,

*Petitioner,*

*v.*

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

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

*Respondents.*

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**RESPONDENT WARDEN, FLORIDA SOFT SIDE SOUTH'S MOTION  
TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS**

Respondent, Warden, Florida Soft Side South ("Warden"), pursuant to Federal Rule of Civil Procedure 12(b)(6), moves to dismiss the Petition for Writ of Habeas Corpus (DE 1) for an improper respondent. In support, the Warden states:

**BACKGROUND**

On March 20, 2026, Petitioner Raul Ramirez Socorro ("Petitioner") filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 ("Petition"). At the time of the Petition, Petitioner was detained at Florida Soft Side South in Ochopee, Florida ("Facility"). The Facility (also known as Alligator Alcatraz) is a non-federal detention facility operated by the Florida Division of Emergency Management and private contractors that houses federal immigrant detainees pursuant to a memorandum of understanding with U.S. Immigration and Customs Enforcement

(“ICE”) under 8 U.S.C. § 1357(g). After he filed the Petition, Petitioner was transferred to the Ice Processing Center in El Paso, Texas. *See* DE 10.

Petitioner alleges that his detention violates Due Process. Petitioner also states that humanitarian circumstances, pending immigration relief, and strong family and community ties should be considered.

The Petition asks this court to release the Petitioner or order a prompt bond hearing. The Petition names the Facility Administrator, Krome Service Processing Center, and the docket lists the U.S. Attorney General and the Warden of Florida Soft Side South.

The Warden does not have custody over the Petitioner because he is no longer detained at the Facility. Without custody, the Warden is not a proper respondent to the Petition under 28 U.S.C. § 2241. Accordingly, the Court should dismiss him from this proceeding with prejudice.

### **LEGAL STANDARD**

“The question whether the [Court] has jurisdiction over [a] habeas petition breaks down into two related subquestions. First, who is the proper respondent to that petition? And second, does the [Court] have jurisdiction over him or her?” *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004).

To that end, courts have granted motions to dismiss respondents to petitions for writ of habeas corpus filed under 28 U.S.C. § 2241 because the respondent did not have custody of the petitioner. *See, e.g., Joseph-Panay v. Holder*, 2012 U.S. Dist. LEXIS 182055 (D. Md. Dec. 27, 2012) (dismissing Eric Holder and other

officials as respondents in § 2241 petition); *Minotti v. Whitehead*, 584 F. Supp. 2d 750, 750 n.1 (D. Md. 2008) (same).

### ARGUMENT

“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over the petitioner.’” *Padilla*, 542 U.S. at 434 (quoting 28 U.S.C. § 2242); see 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”). This “custodian” is the person “with the ability to produce the prisoner’s body before the habeas court.” *Padilla*, 542 U.S. at 435; see also *Munaf v. Geren*, 553 U.S. 674, 686 (2008) (“An individual is held ‘in custody’ by the United States when the United States official charged with his detention has ‘the power to produce’ him.”) (quoting *Wales v. Whitney*, 114 U.S. 564, 574 (1885) (“[T]hese provisions contemplate a proceeding against some person who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge, that he may be liberated if no sufficient reason is shown to the contrary.”)). In other words, when a petitioner challenges his “present physical confinement, the default rule is that the proper respondent is the warden of the facility where the prisoner is being held.” *Padilla*, 542 U.S. at 435.

It is undisputed that the Petitioner is not detained at the Facility. See DE 10. That means the Warden does not have custody over the Petitioner because he is no longer “the warden of the facility where the prisoner is being held.” *Padilla*, 542

U.S. at 435. And without custody over the Petitioner, the Warden is not a proper respondent to this Petition. *See* 28 U.S.C. § 2242); 28 U.S.C. § 2243. For that reason, he must be dismissed.

### **CONCLUSION**

The Court should dismiss the Warden from this proceeding with prejudice.

Dated: July 15, 2026

Respectfully submitted,

/s/Nicholas J.P. Meros

Nicholas J.P. Meros (FBN 120270)

**SHUTTS & BOWEN LLP**

215 South Monroe Street, Suite 804

Tallahassee, Florida 32301

(850) 241-1717

[nmeros@shutts.com](mailto:nmeros@shutts.com)

[chill@shutts.com](mailto:chill@shutts.com)

[tkessep@shutts.com](mailto:tkessep@shutts.com)

[jstafford@shutts.com](mailto:jstafford@shutts.com)

[trosenberger@shutts.com](mailto:trosenberger@shutts.com)

*Counsel for Respondent Warden,  
Florida Soft Side South*

### **RULE 3.01(g) CERTIFICATION**

Pursuant to Local Rule 3.01(g), I hereby certify that undersigned counsel was unable to confer with Petitioner because he is proceeding pro se and counsel has no way to communicate with him while he is in detention. Thus, the undersigned represents that Petitioner objects to the requested relief.

/s/ Nicholas J.P. Meros

*Counsel for Respondent Warden,  
Florida Soft Side South*

**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 July 15, 2026 and a copy was sent via First Class U.S. Mail to Petitioner at the following address:

Raul Ramirez Socorro  
A   
Ice Processing Center  
8915 Montana Avenue  
El Paso, TX 79925  
PRO SE

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