

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

MAYKEL CABALLERO LEEN,	:	
	:	
Petitioner,	:	
	:	Case No. 4:26-cv-685-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

RESPONDENT'S STATUS REPORT

On April 24, 2026, the Court received Petitioner's petition for a writ of habeas corpus ("Petition"). ECF No. 1. Petitioner contends that his continued custody violates *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Id.* Respondent filed a Motion to Dismiss arguing that Petitioner's claim is premature under *Zadvydas* and *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). The Eleventh Circuit was clear in *Akinwale* that the "six-month period... must have expired at the time [Petitioner's] § 2241 petition was filed in order to state a claim under *Zadvydas*." 287 F.3d at 1052. Regardless of the amount of time that has passed since the filing of the Petition, Petitioner cannot meet this requirement, as discussed in the Motion to Dismiss, and the Petition must be dismissed.

The Court, however, ordered the Parties to submit a status report and for Respondent to address any recent efforts to remove Petitioner to a third country. ECF No. 8. Petitioners submitted a Status Report that, in general, accurately reflects what Respondent has communicated to Petitioner's counsel since the Court's order.¹ ECF No. 9. Undersigned counsel made diligent efforts to coordinate with counsel for Petitioner but was unable to obtain a copy of the Notice of

¹ Respondent does not agree with the legal arguments put forth in Petitioner's Status Report and continues to assert that the Petition is premature and subject to dismissal under the clear direction of *Akinwale*.

Removal described in Petitioner's Status Report until moments before Petitioner filed his Report.² To complete the record, Respondent submits the Notice of Removal that ICE/ERO attempted to serve upon Petitioner on August 12, 2026, attached hereto as Exhibit A. Respondent has no additional substantive update as to further efforts to remove Petitioner to any country other than Cuba or Mexico.

Respectfully submitted, this 20th day of August, 2026.

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² Undersigned counsel appreciates counsel for Petitioner's patience during that process.