

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**WILLIAM DOMINGUEZ
MIRANDA**

Petitioner,

v.

Case No.: 3:26-cv-01077-JEP-MCR

ICE; et al.,

Respondents

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

Petitioner William Dominguez Miranda [Suarez Noa] 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). Even though Dominguez Miranda has been in custody for more than six months, he is violent felon and should be detained as a danger to the community.

BACKGROUND

Dominguez Miranda is a 54-year-old male, who is a national and citizen of Cuba. Ex. 1 at 2. (I-213) The petitioner entered the United States at or near Key West, Florida, on or about August 18, 1994. *Id.* The petitioner was not in possession of a

valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act. *Id.*; Ex. 3 (I-94). On August 20, 1996, the petitioner was issued a Notice to Applicant for Admission Detained for Hearing Before Immigration Judge, charged under INA §212(a)(7)(A)(i)(I) (the 1996 equivalent to a Notice to Appear). Ex. 2 (NTA).

On July 30, 1996, the petitioner was convicted of three (3) counts of L&L Assault on a Child under 16 and sentenced to eight (8) years in the Florida Department of Corrections. Ex.1 at 3; Ex. 5 (CCIS print out).

On February 6, 1997, the petitioner was ordered excluded and deported from the United States. Ex. 4 (Order of Removal). The petitioner and the Department waived appeal and this order became final. *Id.* The petitioner has no pending appeals before the BIA.

In April of 2003, the petitioner was placed on an order of supervision. Ex. 6 (Declaration). On October 24, 2025, the petitioner was encountered by ERO officers, taken into custody, and subsequently transferred into ICE custody. Ex. 1 at 2. On October 25, 2025, the petitioner was advised his supervision was being revoked and an informal interview was conducted. Ex. 6 at 2. On October 27, 2025, the petitioner was served with OSUP revocation paperwork. *Id.* The petitioner has been in custody for approximately **195 days** and is currently being detained at Baker C.I.

Federal defendants have attempted to deport Dominguez Miranda to Mexico three times, and he has refused all three attempts. Ex. 6 at 2; Ex. 7 (3rd County); Ex.

8 (3rd Country). ICE is preparing to send Dominguez Miranda to the Mexico/US border for deportation. Ex. 6 at 2.

ARGUMENT

Dominguez Miranda’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 (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.

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.

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). Before that time limit runs, neither *Zadvydas* nor any other binding precedent permit a challenge based on reasonable foreseeability of removal. 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 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”).

Dominguz Miranda has been detained for longer than six months. However, Dominguez Miranda has failed to meet his burden that removal is not likely in the reasonably foreseeable future. Reading the petition liberally, there is no basis for the Court to conclude that removal is not likely in the reasonably foreseeable future as Dominguez Miranda glances over this issue in his petition. Dkt. 1.

Moreover, ICE has attempted to remove Dominguez Miranda to Mexico.

Ex. 6. Dominguez Miranda refused to comply with removal to Mexico.¹ *Id.* There are new plans being established to remove Petitioner to Mexico by sending him to the Mexican border. *Id.* In addition to being the cause of his own current detention by refusing to be removed to Mexico, Dominguez Miranda provides no reason for the Court to believe ICE will be unable to execute the removal order in the reasonably foreseeable future, and thus, the Petition should be denied

If the Court determines that Dominguez Miranda has meet his burden, the undersigned has no information that Respondents engaged in an “above-board removal attempt.” *Garcia Garcia, v. Mathew Mordant et al*, No. 2:26-CV-01023-SPC-DNF, 2026 WL 1052372, at *2 (M.D. Fla. Apr. 20, 2026) (citations omitted). However, under *Zadvydas*, there is another justification for detention – protecting the community. *Id.* Given Suarez Noa’s horrendous criminal history involving violent and firearms crimes, Respondents would ask that the Court to give them an opportunity to determine whether his detention is necessary to protect the community.

If the Court finds no significant likelihood Dominguez Miranda will be removed in the reasonably foreseeable future, there is a second option for detention. Assuring the presence of a noncitizen at the moment of removal is not

¹ “The risk of indefinite detention that motivated the Supreme Court’s statutory interpretation in *Zadvydas* does not exist when an alien is the cause of his own detention.” *Singh v. U.S. Attorney General*, 945 F.3d 1310, 1314 (11th Cir. 2019) quoting *Pelich v. INS*, 329 F.3d 1057, 1060 (9th Cir. 2003).

the only statutory justification for immigration detention. “The second justification—protecting the community—does not necessarily diminish in force over time.” *Zadvydas*, 533 U.S. at 690. The Supreme Court has “upheld preventative detention based on dangerousness only when limited to especially dangerous individuals and subject to strong procedural protections.” *Id.* Given Dominguez Miranda’s criminal history, the Court should give ICE an opportunity to determine whether his detention is necessary to protect the community.

CONCLUSION

Respondents respectfully request Dominguez Miranda’s petition be denied or alternatively be given an opportunity to conduct a custody review to determine if he poses a danger to the community and should remain detained.

DATED May 11, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on May 11, 2026, I filed the foregoing documents and any exhibits referenced therein using the CM/ECF system and will mail a hardcopy to pro se Petitioner.

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s/ John F. Rudy, III
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