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FILED - USDB - FLMD - JMX

**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF FLORIDA**

**JACKSONVILLE DIVISION**

**JOSEPH CLEAFORD,**

Petitioner,

v.

**Case No. 3:26-cv-1210-WWB-MCR**

**UNITED STATES ATTORNEY GENERAL, et al.,**

Respondents,

**MOTION TO REOPEN AND RECONSIDER ORDER OF DISMISSAL**

I, Joseph Cleaford, am representing myself (*pro se*) and respectfully ask this Court to reopen my case and reconsider the Order signed on May 13, 2026. I understand the Court dismissed my petition because it felt my request was "premature". However, I believe your own reasoning in that Order, combined with new evidence and a major legal ruling from last week, shows that I should be given a bond hearing right now.

### **I. Applying the Court's Logic to My Current Status**

The Court explained that my "removal period" under 8 U.S.C. § 1231 hasn't started yet because I am still appealing my case to the Board of Immigration Appeals (BIA).

I accept the Court's finding that I am not in that final "removal" stage yet.

By the Court's own logic, since I am not in the removal period, I am currently being held under a different law (8 U.S.C. § 1226(a)) meant for people waiting for a decision.

Unlike the mandatory rules the Court mentioned for the removal period, the law I am under right now is discretionary. This means I should be allowed a bond hearing to prove I am not a danger or a flight risk.

### **II. Evidence of My Authorized Stay and Lack of Foreseeable Removal**

The Court noted that detention is meant to help ICE remove someone quickly. However, my government records show I have permission to be here.

**My I-94 Results:** Official government records show I was paroled into the U.S. on March 25, 2024, under the Haitian Humanitarian Parole (HHP) class.

**Authorized Stay:** The government gave me an "Admit Until" date of **March 24, 2026**.

**TPS Protection:** I have a pending Temporary Protected Status (TPS) application (Receipt



Because the government itself gave me permission to be in the U.S. until 2026, and I have a pending claim for protection, my removal is not "reasonably foreseeable." Holding me in jail without a hearing while I still have permission to stay is punitive.

### **III. My Detention has Crossed the "Reasonable" 6-Month Mark**

The Court mentioned that **six months** is a presumptively reasonable amount of time for detention. I was taken into custody on **December 8, 2025**. As of today, May 14, 2026, I have been detained for over five months. I will hit the six-month mark on **June 8, 2026**.

My BIA appeal status as of late April 2026 shows that "No brief due date exists at this time". This means my case is not ending anytime soon. My detention is becoming exactly the kind of "indefinite detention" that this Court warned raises "serious constitutional concerns".

### **IV. New Binding Rule: *Hernandez Alvarez v. Warden* (May 6, 2026)**

I want to make the Court aware of a binding decision from the Eleventh Circuit issued on **May 6, 2026**, just seven days before this Court's Order. In *Hernandez Alvarez v. Warden*, the appeals court ruled that people arrested in the interior of the U.S. who are waiting for a decision are held under **Section 1226(a)**. This new ruling confirms that I am eligible for a bond hearing while my BIA appeal is moving through the system.

### LOCAL RULE 3.01(g) CERTIFICATION

Because I am currently in jail at the Baker County Detention Center, I could not talk to the government's lawyers before filing this. I am filing this because I believe the law requires me to have a hearing.

### CONCLUSION

For these reasons, I respectfully ask the Court to **REOPEN** my case and order a bond hearing.

Respectfully Submitted,

Joseph Cleaford

Joseph Cleaford, Petitioner

Pro Se A-Number: 

Baker County Detention Center

20706 US 90 W, Sanderson, FL 32087

Date: May 20, 2026

**MOST RECENT I-94 RESULTS**

|                                                                                                                            |                                                |                                  |                                       |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------|---------------------------------------|
| <b>Full Name:</b><br>JOSEPH, Cleaford                                                                                      |                                                |                                  |                                       |
| <b>Admission (I-94) Record Number</b><br> | <b>Most Recent Date of Entry</b><br>03/25/2024 | <b>Class of Admission</b><br>BHP | <b>Admit Until Date</b><br>03/24/2026 |

**DETAILS PROVIDED ON I-94 ARRIVAL/DEPARTURE RECORD**

**Last/Surname:** JOSEPH

**First (Given) Name:** CLEAFORD

**Date of Birth:** 

**Document Number:** 

**Country of Citizenship:** HAITI

**ANNOTATIONS:**

Please visit Official I-94 website for the most up-to-date information: <https://i94.cbp.dhs.gov/>

4/23/26, 6:57 PM

Automated Case Information

 An official website of the United States government  
Here's how you know



**EOIR** Automated Case Information

**Court Closures Today** April 23, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > **JOSEPH, CLEAFORD**



# Automated Case Information

**Name: JOSEPH, CLEAFORD | A-Number:**



**Docket Date: 12/29/2025**



## Next Hearing Information



*There are no future hearings for this case.*



## Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

**DECISION DATE**

4/23/26, 6:57 PM

Automated Case Information

January 28, 2026

**COURT ADDRESS**

20706 FL-10  
SANDERSON, FL 32087



**BIA Case Information**

A case appeal was received on **February 27, 2026**. It is currently pending.

**ALIEN BRIEF STATUS**

No brief due date exists at this time.

**DHS BRIEF STATUS**

No brief due date exists at this time.



**Court Contact Information**

If you require further information regarding your case, or wish to file additional documents, please contact the Board of Immigration Appeals.

**COURT ADDRESS**

OFFICE OF THE CHIEF CLERK  
5107 LEESBURG PIKE, SUITE 2000  
FALLS CHURCH, VA 22041

**PHONE NUMBER**

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

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UNITED STATES ATTORNEY  
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**ORDER**

Petitioner initiated this action by filing a pro se Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. (Doc. 1). Immigration and Customs Enforcement ("**ICE**") is currently detaining Petitioner at the Baker County Detention Center. (*Id.*). According to Petitioner, ICE took him into custody on December 8, 2025, and an immigration judge ordered him removed on January 28, 2026. (*Id.* at 4). Petitioner asserts he appealed the immigration judge's decision to the Board of Immigration Appeals ("**BIA**") and that appeal is still pending. (*Id.* at 5, 6). He argues that his detention has become unreasonably prolonged in violation of his rights under the Due Process Clause of the Fifth Amendment and seemingly under the purviews of *Zadvydas v. Davis*, 533 U.S. 678 (2001); and that his detention appears punitive, so he is entitled to release on bond. (*Id.* at 6–7). As relief, Petitioner requests that the Court order his immediate release. (*Id.* at 7).

In *Zadvydas*, 533 U.S. at 690, the Supreme Court held that indefinite detention of aliens raises serious constitutional concerns. Once an order of removal is final, ICE should make every effort to remove the alien within a reasonable time. *Id.* at 701. The

Court also concluded that six months is a presumptively reasonable period to detain a removable alien awaiting deportation. *Id.* "Although not expressly stated, the Supreme Court appears to view the six-month period to include the 90-day removal period plus 90 days thereafter." *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

The "removal period" begins on the latest of three dates: (1) the date on which the order of removal becomes administratively final; (2) "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order"; or (3) "[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement." See 8 U.S.C. § 1231(a)(1)(B); see also 8 C.F.R. § 1241.1(a)-(f) (outlining the procedural circumstances that render a removal order final). The Attorney General must detain an alien during his removal period. See 8 U.S.C. § 1231(a)(2).

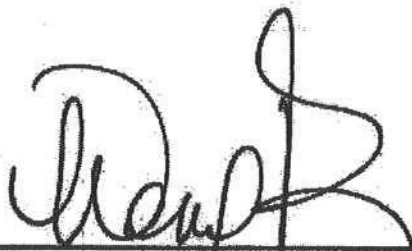
Here, Petitioner acknowledges that his removal proceedings are ongoing as his appeal of his removal order is still pending. Therefore, Petitioner's removal period has not yet begun and Petitioner's request for relief is premature. See, e.g., *Farah v. United States Att'y Gen.*, 12 F.4th 1312, 1332 (11th Cir. 2021) (finding that the petitioner's removal period had not started because the Eleventh Circuit stayed the removal pending judicial review and it had not yet issued its final order). Also, "[d]etention during removal proceedings is a constitutionally permissible part of the process." *Demore v. Kim*, 538 U.S. 510, 531 (2003).

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. This case is **DISMISSED without prejudice**.

2. The Clerk shall enter judgment dismissing this case without prejudice, terminate any pending motions, and close the file.

**DONE AND ORDERED** in Jacksonville, Florida, on May 13, 2026.

  
\_\_\_\_\_  
WENDY W. BERGER  
UNITED STATES DISTRICT JUDGE

Jax-7

C: Joseph Cleaford, A 

**CERTIFICATE OF SERVICE**

I certify that on May 20, 2026, I mailed a copy of this Motion to the Office of the United States Attorney, 300 N. Hogan Street, Suite 700, Jacksonville, FL 32202.

Respectfully submitted,

*Joseph Cleaford*

**Joseph Cleaford, Petitioner**

**Pro Se**

A 

**Baker County Detention Center**

**20706 US 90 W, Sanderson, FL 32087**