

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YUDISNEL RODRIGUEZ-CORDNIUS,

Petitioner,

v.

Case No. 2:26-cv-01699-JES-KRH

MARKWAYNE MULLIN, et al.,

Respondents.

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**PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner, Yudisnel Rodriguez-Cordnius, through undersigned counsel, respectfully submits this Reply to Respondents' Response and states as follows:

I. INTRODUCTION

Respondents attempt to reduce this case to a simple calculation of days in detention. However, Petitioner's challenge concerns far more than the mere passage of time. Petitioner challenges the lawfulness of his continued detention where Respondents have failed to demonstrate that removal is reasonably foreseeable and where detention serves no legitimate regulatory purpose.

For approximately fifteen years, Petitioner lived in the community under an Order of Supervision without incident. During that period, Petitioner complied with reporting requirements, maintained family ties, and established a stable life

in the United States. Respondents do not allege that Petitioner absconded or failed to comply with the conditions of supervision.

Moreover, Petitioner has expressed a fear of removal to Mexico and requested the opportunity to seek asylum and related humanitarian protections, creating additional collateral consequences that remain unresolved.

II. RESPONDENTS HAVE NOT SHOWN THAT REMOVAL IS REASONABLY FORESEEABLE

Respondents rely heavily upon the declaration of Deportation Officer Dairon Hernandez. However, the declaration does not establish that Mexico has accepted Petitioner for removal. Instead, it merely describes a proposed future process whereby ICE intends to notify Mexican authorities and then await acceptance.

The declaration contains no evidence that:

- a. Mexico has formally agreed to accept Petitioner;
- b. Travel documents have been issued;
- c. A removal date has been scheduled; or
- d. Mexican authorities have approved Petitioner's admission.

Rather, Respondents offer only speculation that removal may occur at some point in the future. Such speculation does not satisfy the constitutional concerns addressed in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

III. PETITIONER'S EXTENSIVE COMPLIANCE HISTORY SUPPORTS RELEASE

Respondents acknowledge that Petitioner remained on an Order of Supervision for many years before its revocation.

Importantly, Petitioner has demonstrated that less restrictive alternatives to detention are effective. For years, Petitioner lived under supervision without absconding and without creating any danger warranting continued detention. Petitioner is the father of two minor children and has a wife residing in the United States. His family depends upon him emotionally and financially. Continued detention imposes significant hardship not only on Petitioner but also upon his innocent family members.

IV. THE COURT RETAINS HABEAS JURISDICTION

Respondents' jurisdictional arguments under 8 U.S.C. §§ 1252(g) and 1252(b)(9) are misplaced.

Petitioner is not challenging the validity of his removal order. Nor is he seeking review of the Immigration Judge's decision. Instead, Petitioner challenges the legality of his present physical detention.

Federal courts have long recognized habeas jurisdiction over challenges to immigration detention, including post-order detention claims brought pursuant to 28 U.S.C. § 2241. The relief requested is release from unlawful detention, not review of the removal order itself.

V. COLLATERAL CONSEQUENCES

Respondents attempt to characterize this matter as a straightforward detention case. However, Petitioner's continued detention and proposed removal carry significant collateral consequences that remain unresolved.

Upon being served with the Notice of Removal to Mexico, Petitioner informed ICE officers that he feared removal to Mexico and wished to seek asylum and other available forms of humanitarian protection. Petitioner expressed concerns regarding his safety and his desire to pursue protection-based relief before being removed to a third country.

These circumstances are significant because they demonstrate that Petitioner's detention and prospective removal affect more than his physical confinement. Petitioner's expressed fear of removal and request for protection create ongoing collateral consequences that directly impact his ability to pursue relief available under the immigration laws of the United States.

Additionally, Petitioner's wife is a United States citizen. As the spouse of a United States citizen, Petitioner may have potential avenues of immigration relief available to him under the Immigration and Nationality Act. Continued detention and removal efforts threaten to interfere with Petitioner's ability to pursue such relief and to maintain family unity with his wife and two minor children residing in the United States.

Petitioner has substantial family ties within the United States and serves as the father of two minor children. The hardship imposed upon Petitioner's family by his continued detention is considerable and further demonstrates the real-world consequences associated with his confinement and prospective removal.

Moreover, Respondents' own evidence does not establish that Mexico has accepted Petitioner for removal. Rather, Respondents merely describe a future process whereby Mexican authorities will be contacted and acceptance will be sought. The absence of evidence demonstrating actual acceptance by Mexico underscores the speculative nature of removal at this time and further supports Petitioner's request for relief.

Accordingly, the collateral consequences arising from Petitioner's detention, his expressed fear of removal, his desire to seek asylum and other protection-based relief, and his potential eligibility for immigration benefits through his United States citizen spouse all weigh heavily in favor of continued judicial review and the granting of habeas relief.

VI. CONTINUED DETENTION SERVES NO LEGITIMATE REGULATORY PURPOSE

Civil detention must bear a reasonable relationship to its regulatory purpose. Here, Respondents have failed to establish that detention meaningfully advances removal.

Petitioner has already demonstrated that he can comply with supervision conditions in the community. He successfully did so for many years. Respondents offer no evidence that circumstances have materially changed.

Because Petitioner can be adequately supervised through conditions of release and because removal remains speculative, continued detention has become excessive and unnecessary.

CONCLUSION

WHEREFORE, Petitioner respectfully requests that this Court reject Respondents' arguments, grant the Petition for Writ of Habeas Corpus, order Petitioner's immediate release under appropriate conditions of supervision, grant such relief as necessary to preserve Petitioner's ability to pursue available protection-based claims and any immigration relief for which he may be eligible under the Immigration and Nationality Act, and grant any other relief this Court deems just and proper.

Dated: June 13, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

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