

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

CONROY CONDECORE

Petitioner,

v.

TODD BLANCHE, U.S. Attorney
General, in her official capacity

KELEI B. WALKER, Orlando Field
Office Director, U.S IMMIGRATION
AND CUSTOMS ENFORCEMENT

MARKWAYNE MULLIN, Secretary,
**DEPARTMENT OF HOMELAND
SECURITY**,

TODD LYONS, Acting Director, U.S
IMMIGRATION AND CUSTOMS
ENFORCEMENT

KEVIN GUTHRIE, Executive Director,
**SOUTH FLORIDA DETENTION
CENTER / FLORIDA DIVISION OF
EMERGENCY MANAGEMENT**

In their official capacities, Respondents.

Civil No. Agency No.:

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 USC § 2241**

This case challenges the unlawful detention of CONROY CONDECORE, Petitioner, who is currently in the custody of Immigration and Customs Enforcement (“ICE”) and detained at the South Florida Detention Facility (“SFDF”). Petitioner is neither a flight

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risk nor a danger to the community. On November 20, 2025, ICE detained him without notice or opportunity to be heard, on the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules.

INTRODUCTION

1. Petitioner came to the United States to seek protection after facing persecution in his home country, Jamaica, as a result of .
2. On September 15, 2020, Respondent was granted withholding of removal under Section 241(b)(3) of the Immigration and Nationality Act (“INA”), prohibiting his removal back to Jamaica. *See* 8 U.S.C. § 1231(b)(3); **Exhibit 1**: Order of Immigration Judge. Concurrently, the immigration judge issued him an order of removal.
3. On September 17, 2020, Immigration and Customs Enforcement (“ICE”) released Petitioner from immigration detention on an Order of Supervision (“OSUP”). **Exhibit 2**: Order of Supervision.
4. ICE found that Petitioner was neither a flight risk nor danger to the community when it previously released Petitioner from detention under an OSUP.
5. Since his release over a five (5) years ago, Petitioner has applied for and received employment authorization from the Department of Homeland Security (“DHS”) based on his release on an OSUP. He has also complied with every request, demand, and requirement imposed by Respondents, including all scheduled ICE check-ins. No circumstances have since changed that would make Petitioner a flight risk or danger

to the community.

6. On December 30, 2021, Petitioner was notified by ICE that he “does not need to report until further notice – withholding of removal granted on 9/15/2020”. See **Exhibit 2**. Petitioner has not received any further notice to report to ICE since that date.
7. On November 20, 2025, Petitioner was re-detained at the Orlando International Airport without notice or formal revocation of the OSUP. Petitioner has been detained at the SFDF since then.
8. Upon information and belief, the official purportedly responsible for revoking Petitioner’s Order of Supervision, Officer Marshall Vliet, failed to comply with required procedures. Specifically, Officer Vliet did not refer the matter to the ICE Executive Associate Director, did not make the requisite determination that revocation was in the public interest and that circumstances reasonably precluded such referral, and lacked properly delegated authority to revoke the Order of Supervision.
9. On November 20, 2025, Respondent’s notified Petitioner that it “intends to remove you to South Sudan.” **Exhibit 3: Notice of Revocation of Release**.
10. Upon information and belief, at the time ICE revoked Petitioner’s order of supervision, the agency had not secured travel documents necessary for removal from the United States.
11. On December 8, 2025, Petitioner filed an *Emergency Motion to Reopen Based on*

DHS' Intent to Deport Respondent to a Nondesignated, Third Country Without an Opportunity to Content Removal Based on his Fear of Persecution and Torture and Emergency Motion for Stay of Removal Pending Adjudication of Respondent's Fear Based Claim. To date, the immigration court has not addressed the motion.

12. On May 6, 2026, the immigration court denied the motion to reopen stating “ Any fear the Respondent has of this third country, can be addressed directly with DHS in a Reasonable Fear setting, there is no need to reopen these removal proceedings for this to occur.”
13. On May 11, 2026, Petitioner was served with a Notice of Removal stating that ICE “intends to remove you to Mexico.” The notice indicates that the contents were read to Petitioner in Spanish language. Petitioner does not speak Spanish. *See* Exh. 5 – Notice of Removal.
14. On May 18, 2026, Petitioner was notified by ICE that a custody status review would be conducted on May 18, 2026. *See* Exh. 4 – Notice to Alien of File Custody Review.
15. Respondents' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the INA and implementing regulations, the Administrative Procedure Act, and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.
16. Petitioner seeks injunctive, habeas, and declaratory relief and asks the Court to order his immediate release from ICE custody, order that he not be transferred to a place outside of this district during the pendency of this case, and order that he not be

removed during the pendency of this case.

JURISDICTION AND VENUE

17. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 et. seq.
18. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
19. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.
20. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because Petitioner is detained within the area covered by the Middle District and his immediate physical custodian is located within this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) (“A § 2241 petition for a writ of habeas corpus must be addressed to the federal district court in the district where the prisoner is confined.”).

REQUIREMENTS OF 28 USC §§ 2241, 2243

21. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to Respondents “forthwith,” unless the Petitioner is not entitled to

relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

22. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

23. Petitioner is “in custody” for the purpose of § 2241 because he is detained by Respondents at SFDF, an immigration detention facility, in Ochopee, Florida. Petitioner is under the direct control of Respondents and their agents.

PARTIES

24. Petitioner is currently detained at SFDF. He was granted withholding of removal and was previously released from detention as outlined herein. Petitioner was re-detained on November 20, 2025 without notice.

25. Respondent Kevin Guthrie is the Executive Director of Florida Division of Emergency Management, and is the state official managing SFDF, where Petitioner is currently detained. As such he is a legal custodian of Petitioner.

26. Respondent Kelei Walker is the Field Office Director for the ICE Orlando Field Office. As Field Office Director, Respondent Walker oversees ICE’s enforcement and removal operations in Orlando, Florida. He is a legal custodian of Petitioner.

27. Respondent Todd Lyons is Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement. He has authority over the actions of Respondent Walker and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
28. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is charged with faithfully administering the immigration laws of the United States and is a legal custodian of Petitioner.
29. Respondent Todd Blanche is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
30. This action is commenced against all Respondents in their official capacities.

LEGAL FRAMEWORK

A. Due Process Governs Decisions to Revoke Order of Supervision

31. “The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v Davis*, 533 US 678, 693 (2001). “Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that Clause protects.” *Id.* at 690.

32. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention preventing danger to the community or preventing flight prior to removal. *See Zadvydas*, 533 U.S. at 690-92 (discussing constitutional limitations on civil detention).
33. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id* at 333.

B. Withholding of Removal Under the INA.

34. A noncitizen may not be removed to any country where it is more likely than not that they would be persecuted or tortured.
35. Under the INA, the Attorney General or the DHS Secretary may not remove a [noncitizen] to a country" where "the [noncitizen]'s life or freedom would be threatened in that country because of the [noncitizen]'s race, religion, membership in a particular social group, or political opinion." 8 U.S.C. § 1231(b)(3)(A). This form of protection is known as "withholding of removal." *See* 8.C.F.R. § 208.16(a). It is mandatory.

36. When an Immigration Judge (“IJ”) grants withholding of removal to a noncitizen in removal proceedings, the IJ issues a removal order and simultaneously withholds that order with respect to the country or countries for which the noncitizen has demonstrated the requisite risk of persecution. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021).
37. Once withholding is granted, either party has the right to appeal that decision to the Board of Immigration Appeals (“BIA”) within 30 days. *See* 8 C.F.R. § 1003.38(b). If both parties waive appeal or if neither party appeals within the 30-day period, the grant of withholding of removal and the accompanying removal order become administratively final. 8 C.F.R. § 1241.1. If the Respondent reserves appeal and the time allotted for an appeal expires, the order of the immigration judge becomes administratively final “upon the expiration of the time allotted for an appeal.” 8 C.F.R. § 1241.1(c).
38. When a noncitizen has a final withholding grant, they cannot be removed to the country or countries for which they demonstrated a sufficient likelihood of persecution. *See* 8 U.S.C. § 1231(b)(3)(A). While ICE is authorized to remove noncitizens granted withholding of removal to alternative countries, the INA specifies restrictive criteria for identifying appropriate countries. *See* 8 U.S.C. § 1231(b)(2)(D)-(E).
39. If ICE identifies an appropriate alternative country of removal, ICE must undergo further proceedings, including giving the noncitizen notice and an opportunity to

express fear of deportation to that country, before ICE may effectuate the noncitizen's removal. *See Jama v. ICE*, 543 U.S. 335, 348 (2005) (stating "If [noncitizens] would face persecution or other mistreatment in the country designated under § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, *see* 8 C.F.R. §§ 208.16(c)(4), 208.17(a) (2004)[.]"); *Romero v. Evans*, 280 F. Supp. 3d 835, 848 n.24 (E.D. Va. 2017) ("DHS could not immediately remove petitioners to a third country, as DHS would first need to give petitioners notice and the opportunity to raise any reasonable fear claims."), *rev'd on other grounds*, *Guzman Chavez*, 141 S. Ct. 2271.

40. In *Munoz-Saucedo*, the petitioner was a citizen from Mexico who, like Petitioner, had been granted withholding of removal by an immigration judge for fear of being harmed or killed. *Munoz-Saucedo v. Pittman*, 2025 WL 1750346, (D.N.J. June 24, 2025) at *1. The petitioner could not be deported back to Mexico, the only country of which he was a citizen. *Id.* The court held that the six-month presumption in *Zadvydas* could be rebutted by the petitioner who could show that, even before six months had elapsed, it was not reasonably foreseeable that ICE could deport him. The court analogized the presumption in *Zadvydas* to the presumption in *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991), which was considered a "similar" and "rebuttable" presumption. *Munoz-Saucedo*, 2025 WL 1750346, at *5. Holding that the petitioner had successfully overcome the presumption that his 164- day detention remained reasonable, the court

in *Munoz-Saucedo* rejected the government's argument that *Zadvydas* precluded petitioner from challenging his prolonged detention before the six-months were up. *Id.* at *6. The court found petitioner's "continued detention unreasonable and no longer authorized," under 8 U.S.C. § 1231(a)(6). *Id.* at *7.

41. Petitioner's deportation is not reasonably foreseeable because 1) he was previously in detention for many more than six months and ICE did not identify a third country to which he could be removed; 2) he has been granted withholding of removal from being deported to the one country that could be expected to accept him, Jamaica; 3) despite efforts, no other country has agreed to accept him; 4) the alternate country identified by ICE, South Sudan, has not agreed to accept Petitioner; and 5) ICE has had at the very least since September 2020, to find an alternate country.

42. Under these narrow circumstances, this Court can now consider Petitioner's challenge to the lawfulness of his detention.

C. Detention and Release of Noncitizens Granted Withholding of Removal

43. Section 1231 of Title 8 of the U.S. Code governs the detention of noncitizens "during" and "beyond" the "removal period." 8 U.S.C. § 1231(a)(2)-(6). The "removal period" begins once a noncitizen's removal order "becomes administratively final." 8 U.S.C. § 1231(a)(1)(B).² The removal period lasts for 90 days, during which ICE "shall remove the [noncitizen] from the United States" and "shall detain the [noncitizen]" as it effectuates removal. 8 U.S.C. § 1231(a)(1)-(2).

Even during the 90-day removal period, ICE may still exercise its discretion to release an individual from custody subject to an Order of Supervision. *See* Memorandum from Bo Cooper, INS General Counsel, Detention and Release During the Removal Period of Aliens Granted Withholding or Deferral of Removal (Apr. 21, 2000) (clarifying that even during the 90-day removal period, “the INS may – but is not required to – detain a noncriminal [non-citizen]”).

44. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be “a risk to the community or unlikely to comply with the order of removal” or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

45. But even where initial detention past the 90-day removal period is authorized, if “removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien’s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances” *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

46. For an individual not removed within the 90-day removal period, federal regulations require that ICE conduct a review of the noncitizen’s records and make an individualized custody determination to either grant release or extend their custody. *See* 8 C.F.R. § 241.4(a), (d), (h)(1). ICE must provide notice to the noncitizen “approximately 30 days in advance” of its record review “so that the [noncitizen] may

submit information in writing in support of his or her release.” 8 C.F.R. § 241.4(h)(2).

47. In addition to these regulatory restrictions, the Fifth Amendment to U.S. Constitution requires that Respondents may not extend a noncitizen’s detention under 8 U.S.C. § 1231 indefinitely beyond the 90-day period; “once removal is no longer foreseeable, continued detention is no longer authorized by statute.” *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001) (interpreting § 1231 in light of constitutional constraints). After the expiration of their removal period, noncitizens who believe their removal is no longer reasonably foreseeable may initiate the special custody review process under 8 C.F.R. § 241.13.

D. Revocation of Release on an Order of Supervision

48. Pursuant to federal regulation, once a noncitizen is released on an OSUP under Section 1231(a)(3), that release may only be revoked by certain government officials and under certain circumstances that speak to the individual’s danger to the community and risk of flight, including ties to the United States. *See* 8 C.F.R. § 241.4(l)(2); 8 C.F.R. § 241.4(f).

49. It is clear, however, that regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official “delegated the function or authority . . . for a particular geographic district, region, or area.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of

2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that “revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director].” 8 C.F.R. § 241.4(l)(2). And for a delegated official to have authority to revoke an order of supervision, the delegation order must explicitly say so. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order that “refers only to a limited set of powers under part 241 that do not include the power to revoke release” insufficient to grant authority to revoke an order of supervision).

50. Release on an OSUP may only be revoked by a qualifying official where one of four conditions have been met: “(i) The purposes of release have been served; (ii) The [noncitizen] violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against a [noncitizen]; or (iv) The conduct of the [noncitizen], or any other circumstance, indicates that release would no longer be appropriate.” *See* 8 C.F.R. § 241.4(l)(2).

51. Where a noncitizen’s release is revoked, the noncitizen must be notified of the reasons for revocation and afforded an opportunity to respond through “an initial informal interview promptly after [their return to] custody.” 8 C.F.R. § 241.4(l)(1).

52. If a noncitizen is not released from custody following the informal interview, ICE Headquarters is required to schedule an additional custody review process. The noncitizen must be notified of a “records review and scheduling of an interview,

which will ordinarily be expected to occur within three months after release is revoked.” 8 C.F.R. § 241.4(l)(3). “The custody review will include a final evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” *Id.*

E. The APA Sets Minimum Standards for Final Agency Action

53. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

54. Final agency actions are those (1) that “mark the consummation of the agency’s decision-making process” and (2) “by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).

55. ICE’s revocation of an order of supervision is a final agency action subject to this Court’s review.

56. The revocation here marked the consummation of ICE’s decision-making process regarding Petitioner’s custody.

57. The revocation was also an action by which rights or obligations have been determined or from which legal consequences flowed because it led ICE to detain Petitioner in violation of his rights under the Constitution, statute, and regulation.

F. ICE Policy Supports Prompt Release of Noncitizens Granted Withholding of Removal

58. Longstanding ICE policy favors the prompt release of noncitizens who have been granted protection, including withholding of removal. This policy was established and extended through multiple memoranda and directives over the past twenty-five years (collectively, the “Withholding Release Policy”).¹

59. In 2004, ICE established a presumption of release for noncitizens who had received a grant of protection: “In general, it is ICE policy to favor release of [noncitizens] who have been granted protection relief by an immigration judge, absent exceptional concerns such as national security issues or danger to the community and absent any requirement under law to detain.”). *See* Memorandum from Michael Garcia, ICE Ass’t Sec’y, Detention Policy Where an Immigration Judge Has Granted Asylum and ICE Has Appealed (Feb. 9, 2004).

60. In 2012, ICE leadership stated that the 2000 and 2004 memoranda favoring release are “still in effect and should be followed” and underscored that “[t]his policy applies at all times following a grant of protection[.]” Message from Gary Mead, ICE ERO Executive Assoc. Dir., Reminder on Detention Policy Where an Immigration Judge Has Granted Asylum, Withholding of Removal, or CAT (Mar. 6, 2012).

61. Most recently, in 2021, Acting ICE Director Tae Johnson reiterated the agency’s position establishing a presumption of release for noncitizens granted protection and the exceptional circumstances standard: “Pursuant to this longstanding policy, absent exceptional circumstances ... noncitizens granted asylum, withholding of removal, or

¹ These memoranda and directives are available https://www.acluva.org/app/uploads/2023/10/all_ice_policies_on_post-relief_release_200020211.pdf.

CAT protection by an immigration judge should be released[.]” Message from Tae Johnson, ICE Acting Dir., REMINDER: Detention Policy Where an Immigration Judge has Granted Asylum, Withholding of Removal, or Convention Against Torture Protection, and DHS has Appealed (Jun. 7, 2021) (hereinafter, “2021 ICE Withholding Release Policy Reminder”). Exceptional circumstances include “when the noncitizen presents a national security threat or a danger to the community, or any legal requirement to detain.” *Id.* “[I]ndividual facts and circumstances ... should be considered in making [an exceptional circumstances] determination.” *Id.*

62. On information and belief, the Withholding Release Policy has not been rescinded.

63. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.”).

64. *Accardi* is not “limited to rules attaining the status of formal regulations.” *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in

violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

EQUAL ACCESS TO JUSTICE ACT

65. The Equal Access to Justice Act, 28 U.S.C. § 2412, permits this Court to award attorney fees and costs to Petitioner if he prevails because this action is a civil action brought against agency officials and an agency of the United States

FACTUAL BACKGROUND

66. Petitioner is a citizen and national of Jamaica. Mr. Condecure fled fearing persecution after 

67. On January 30, 2019, Petitioner was convicted of child abuse in violation of section 827.03(2)(c) in Orange County, Florida and sentenced to one (1) day credit time served and four (4) years probation.²

68. On September 15, 2020, the immigration judge denied Petitioner's application for asylum on the basis that his conviction was for a particularly serious crime but granted withholding of removal to the designated country, Jamaica. No other countries were designated for removal and the government did not appeal the decision of the court.

² Petitioner was charged with consensual sexual activity with a minor between 16 and 17 years old. An offense that is otherwise not deportable in light of *Esquivel-Quintana v. Sessions*, 581 U.S. 385 (2017).

69. On September 17, 2020, ICE exercised its discretion to release Mr. Condecare from custody under 8 U.S.C. § 1231 on an Order of Supervision ("OSUP"). The material conditions of Petitioner's OSUP required him to: (i) appear in person at the time and place specified upon each request of the agency; (ii) not travel outside Florida for more than 48 hours without advance approval from ICE; and (iii) report in person on November 18, 2020, at 8:00 AM at the ICE office in Orlando, Florida, and at each subsequently scheduled reporting date thereafter. The full terms of Petitioner's Order of Supervision are set forth in **Exhibit 2**.

70. Petitioner timely reported to the Orlando ICE office on November 18, 2020, where he was scheduled for his next reporting date on December 30, 2021, at 8:00 AM. On December 30, 2021, Petitioner timely reported and was instructed that he "no longer needed to report until further notice." **Exhibit 2**.

71. Mr. Condecare applied for work authorization based on his OSUP and has maintained valid work authorization. His most recent application was granted October 2, 2023 and is valid through October 1, 2028 under the (A)(10) category.

72. Since his release from custody in September 2020, to the best of Petitioner's knowledge and understanding, Petitioner has complied with all terms of his OSUP.

73. Petitioner has not committed any criminal offenses since his release from custody.

74. Since Petitioner's release in September 2020, ICE has never requested that Petitioner take any specific actions to obtain a travel document from any third country.

75. On January 20, 2025, President Donald Trump issued several executive actions

relating to immigration, including “*Protecting the American People Against Invasion*,” an executive order (“EO”) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “*Protecting the American People Against Invasion*” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE to prioritize civil immigration enforcement procedures including through the use of mass detention.

76. On February 18, 2025, ICE issued a directive instructing ICE officers to review the cases of noncitizens granted withholding of removal “to determine the viability of removal to a third country and accordingly whether the [noncitizen] should be re-detained” and, in the case of those who previously could not be removed because their countries of citizenship were unwilling to accept them, to “review for re-detention . . . in light of . . . potential for third country removals.”

77. In late May 2025, Respondent Secretary Noem and White House Deputy Chief of Staff Stephen Miller met with ICE leadership, setting a new arrest quota of 3,000 arrests per day and reportedly threatening job consequences if officials failed to meet arrest quotas.³

³ Elizabeth Findell, et al., *The White House Marching Orders That Sparked the L.A. Migrant Crackdown*, *The Wall Street Journal* (June 9, 2025), <https://www.wsj.com/us-news/protests-losangeles-immigrants-trump-f5089877>; Julia Ainsley, et al., *A sweeping new ICE operation shows how Trump’s focus on immigration is reshaping federal law enforcement*, *NBC News* (June 4, 2025), <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focusimmigration-reshape-federal-lawenforcement-rcna193494>; Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, *Axios* (May 28, 2025), available at

78. On May 28, 2025, Miller confirmed that “[u]nder President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day.”⁴

79. Following the directive from Respondent Noem and Miller, ICE agents were instructed in an e-mail to “turn the creativity knob up to 11” and aggressively “push the envelope” in arrests, including by pursuing “collaterals”—individuals who by definition would not have warrants.⁵ As another e-mail put it: “If it involves handcuffs on wrists, it’s probably worth pursuing.”⁶

80. On November 20, 2025, while at the Orlando International Airport, Petitioner was arrested and detained by ICE agents despite no material changes in his individual circumstances since he was released on an OSUP. At the time of his detention, ICE confiscated his Jamaican passport, employment authorization document, and Florida issued government identification.

81. After his arrest on November 20, 2025, Respondents transferred Petitioner to SFDF in Ochopee, Florida, where he currently remains detained.

82. On information and belief, Petitioner was arrested and detained on November 20,

<https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller>.

⁴ Hannity, *Stephen Miller says the admin wants to create the strongest immigration system in US History*, Fox News (May 28, 2025), available at <https://www.foxnews.com/video/6373591405112> (last visited Aug. 24, 2025).

⁵ José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigrationofficials-increased-detentions-collateral-arrests>.

⁶ José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigrationofficials-increased-detentions-collateral-arrests>.

2025, without consideration of his individual facts or circumstances or a meaningful opportunity to be heard.

83. Petitioner has now been in Respondents' custody at SFDF for 180 days. Petitioner is a diabetic, has developed anxiety, and persistent respiratory ailments as a result of his re-detention, the symptoms for which have continued to worsen as his detention becomes prolonged. Respondent has been unable to access his medications and the management of diabetes while in detention has been poor.

84. Respondents first identified South Sudan as the country of intended removal and has now designated Mexico, despite the government's knowledge that Petitioner is a gay man, and that he is likely to face persecution in either country based on his sexual orientation.

85. Neither Petitioner nor his parents have citizenship from any country other than Jamaica. Petitioner has no legal ties to any country other than Jamaica and the United States.

86. To date, ICE has not conducted a custody review and made an individualized custody determination pursuant to 8 C.F.R. § 241.4(a), (d), (h)(1).

87. On information and belief, Petitioner's removal is not likely in the reasonably foreseeable future based on his sexual orientation and his prior criminal history.

88. Respondents only notified Petitioner of its intent to conduct a custody review on May 18, 2026, the 179th day of his detention.

CLAIMS FOR RELIEF

COUNT ONE: Violation of the Fifth Amendment – Prolonged Detention

89. Petitioner realleges the factual allegations contained in paragraphs 66-88 above as if fully set forth here.
90. Petitioner has been detained by Respondents for an aggregate period exceeding six (6) months following the entry of his final order of removal.
91. Since Petitioner's most recent detention on November 20, 2025, it does not appear Respondents have made any attempts to secure travel documents for Petitioner, contacted any country to receive the Petitioner or received any assurances of a country willing to accept Petitioner.
92. Respondents have had more than five (5) years since the issuance of the removal order to obtain travel documents and carry out Petitioner's removal but have been unable to do so.
93. In *Zadvydas*, the Supreme Court held that detention following a final order of removal is presumptively reasonable for six (6) months. After that period, continued detention is permitted only if the government demonstrates that removal is significantly likely in the reasonably foreseeable future. 533 U.S. at 701.
94. Petitioner's detention now exceeds this presumptively reasonable six-month period. *See Zadvydas*, 533 U.S. at 701; *Condecove v. Bondi*, No. 2:26-CV-509-KCD-DNF, 2026 WL 1090964, at *2 (M.D. Fla. Apr. 22, 2026) (stating "[u]ntil the six-month *Zadvydas* period concludes, detention is presumptively reasonable, and any

substantive due process claim is not ripe); *See, e.g., Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 1895479, at *8 (S.D. Fla. July 8, 2025); *Lopez v. Dir. of Enf't & Removal Operations*, No. 3:25-CV-1313-JEP-SJH, 2026 WL 261938, at *12 (M.D. Fla. Jan. 26, 2026).

95. The Supreme Court in *Zadvydas* established a presumptive six-month period measured from the commencement of the removal period. 533 U.S. at 701.

96. Petitioner's removal order became administratively final on October 15, 2020 — over five years ago. Although ICE exercised its discretion to release Petitioner on an Order of Supervision in September 2020, that release did not extinguish the removal period or reset the constitutional clock; it merely suspended active detention within a removal period that had already commenced. *See Zavvar v. Scott*, 2025 WL 2592543, at *4 (holding that "the six-month period runs from the beginning of the removal period, even if the noncitizen is not detained throughout that period"); *Tadros v. Noem*, 2025 WL 1678501, at *3 (same).

97. Under this aggregate framework, Petitioner's removal period has now exceeded five years — a period so far beyond the *Zadvydas* presumption that no showing by the government could plausibly establish a significant likelihood of removal in the reasonably foreseeable future.

98. Even if this Court were to decline the aggregate approach and hold that ICE's revocation of the Order of Supervision on November 20, 2025 commenced a new removal period, Petitioner's current continuous detention has independently exceeded

six months without any indication that his removal is forthcoming. *See Zadvydas*, 533 U.S. at 701.

99. Respondents have not identified a country willing and able to receive Petitioner, have not obtained travel documents, and have made no documented efforts toward removal.

100. Under either theory, continued detention is presumptively unreasonable, and the burden shifts to Respondents to demonstrate that removal is significantly likely in the reasonably foreseeable future — a burden they cannot meet.

101. Where removal cannot be effectuated, continued detention serves no legitimate immigration purpose. *Krechmar v. Parra*, No. 2:25-CV-01095-SPC-DNF, 2025 WL 3620802, at *4 (M.D. Fla. Dec. 15, 2025) (finding no significant likelihood Krechmar, a stateless individual, will be removed in the reasonably foreseeable future and ordering release from detention subject to the terms of the 2017 order of supervision).

102. Under these circumstances, Petitioner's continued confinement has effectively become indefinite civil detention—precisely the type of detention the Supreme Court found constitutionally impermissible in *Zadvydas*.

103. Because Petitioner's detention is no longer reasonably related to the purpose of effectuating removal, it violates the Due Process Clause of the Fifth Amendment.

104. Accordingly, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from custody under

appropriate conditions of supervision.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- A. Assume jurisdiction over this matter;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
- C. Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- D. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately under reasonable conditions of supervision consistent with the Order of Supervision previously issued by the Department of Homeland Security;
- E. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law;
- F. Retain jurisdiction over this matter to ensure compliance with the Court's Order and to address any further relief that may become necessary;
- G. Allow Petitioner five (5) days to file a response to any answer/reply filed by Respondents; and
- H. Grant any further relief this Court deems just and proper.

Dated: May 19, 2026



S/ Sasha Watson

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, CONROY CONDECORE, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: May 19, 2026



S/ Sasha Watson

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