

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

CONROY CONDECORE

Petitioner,

v.

TODD BLANCHE, U.S. Attorney
General, in his 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.:

2:26-cv-1704-SPC-NPM

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PETITIONER'S REPLY

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

Petitioner Conroy Condecore, through undersigned counsel, respectfully submits this Reply in response to: (1) Respondent Kevin Guthrie's Motion to Dismiss (DE 9); and (2) the Federal Respondents' Response to Habeas Petition (DE 10). Neither response

provides a lawful basis for Petitioner's continued detention. The Federal Respondents' response, while conceding that the six-month presumptive period has expired and the burden has shifted, proffers a declaration that is legally insufficient to satisfy that burden.

This Court has in several matters confronted the precise legal questions presented here and, in those instances, granted habeas relief to petitioners in materially identical circumstances. *Campo-Gil v. Warden of Alligator Alcatraz*, No. 2:26-CV-00273-SPC-NPM, 2026 WL 575165, at *3 (M.D. Fla. Mar. 2, 2026)(granting habeas where ICE presented no evidence it had contacted Mexican officials about accepting the petitioner and no evidence Mexico is likely to accept petitioner); Hernandez Galban v. Warden, S. Fla. Det. Facility, No. 2:26-CV-01494-SPC-NPM, 2026 WL 1408503, at *3 (M.D. Fla. May 20, 2026) (ordering immediate release where the government has presented no alternative plan for removal); Hung v. Warden, Ice Det. Facility, No. 2:26-CV-00395-SPC-NPM, 2026 WL 672970, at *2 (M.D. Fla. Mar. 10, 2026) (ordering release where ICE's intent to remove petitioner to Mexico was unsupported by the evidence in the record).

Kevin Guthrie's Motion to Dismiss should be granted only to the extent the federal respondents do not disclaim custody over Petitioner—because if the government were to take the position under *Rumsfeld v. Padilla*, 542 U.S. 426, 434-36 (2004) as outlined in *Roblero v. Warden, Florida Soft Side South, et al.*, No. 2:26-cv-91, Doc. 9 at 1 n.1 (M.D. Fla. 2026) that neither the Warden nor any named federal official constitutes the "immediate custodian," dismissal of the Warden would leave Petitioner without a proper respondent and the Court without a party capable of granting relief. Petitioner is entitled to immediate release.

For the reasons set forth below, this Court should deny the Federal Respondents' request that the Petition be dismissed, find that removal is not significantly likely in the reasonably foreseeable future, and order Petitioner's immediate release on appropriate conditions of supervision.

ARGUMENT

I. THE FEDERAL RESPONDENTS HAVE FAILED TO CARRY THEIR BURDEN TO DEMONSTRATE A SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE.

The Federal Respondents concede that Petitioner has been in continuous detention since November 20, 2025, a period in excess of the 180-day presumptive threshold recognized by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Akinwale v. Ashcroft*, 287 F.3d 1050, 1051-52 (11th Cir. 2002). Accordingly, the burden has shifted to the government to demonstrate a significant likelihood of removal in the reasonably foreseeable future ("SLRRFF"). *Zadvydas*, 533 U.S. at 701. The government has not met that burden.

The Federal Respondents' only evidence of SLRRFF is the declaration of Deportation Officer Jorge Cuadra (DE 10-1, pp. 8-10). Stripped to its substance, the Cuadra declaration offers the following: Petitioner is subject to a final order of removal; ICE has statutory authority to remove aliens to third countries; and on May 7, 2026, Petitioner refused to sign documentation for third-country removal to Mexico. Cuadra Decl. ¶¶ 3, 6, 8. The declaration then concludes, without elaboration, that "ICE continues to follow proper procedures to try to remove the petitioner to Mexico." *Id.* ¶ 9. This is not evidence of SLRRFF.

The declaration is deficient in every material respect. It identifies no travel document that has been procured or applied for. It identifies no communication with Mexican immigration authorities, no acceptance or indication of acceptance by the government of Mexico, and no third-country removal request that has been submitted or acknowledged. It does not identify a scheduled removal flight, a chartered transport, or any operational step that would move Petitioner closer to actual removal. It does not explain why Mexico, a country of which Petitioner is not a national, has no apparent ties to, and has never resided in, would agree to accept him. In short, the declaration describes a hope, not a likelihood. Under *Zadvydas*, the government must demonstrate that removal is "reasonably foreseeable", not merely that ICE retains the legal authority to attempt it and intends to keep trying. 533 U.S. at 701. A declaration that says nothing more than "we are following procedures" and "he refused to sign" does not carry that burden. *See Betancourt v. Alcatraz*, No. 2:26-CV-1403-KCD-NPM, 2026 WL 1320246, at *2 (M.D. Fla. May 13, 2026); *Londres v. Warden*, S. Fla. Det. Facility, No. 2:26-CV-935-JES-NPM, 2026 WL 1260847, at *2 (M.D. Fla. May 8, 2026); *Vidal Vazquez v. Fla. Soft Side Det. Ctr.*, No. 2:26-CV-01020-SPC-NPM, 2026 WL 1127501, at *2 (M.D. Fla. Apr. 27, 2026).

This Court's own precedent forecloses the Federal Respondents' position. In *Campo-Gil v. Warden of Alligator Alcatraz*, No. 2:26-cv-00273-SPC-NPM, 2026 WL 575165 (M.D. Fla. Mar. 2, 2026), this Court granted habeas relief under similar facts. In *Campo-Gil*, the Court rejected the government's evidence of SLRRFF — a declaration from a deportation officer stating ICE's intent to remove the petitioner to Mexico pursuant to the DHS March 30, 2025 third-country removal guidance — and found it insufficient on two

independent grounds: first, that the guidance itself had been vacated by a federal court, and second, and most critically, that "four months into [the petitioner's] detention, ICE still has not contacted Mexican officials about accepting him into their country," leaving "no evidence before the Court suggesting Mexico is likely to accept" the petitioner. *Id.* at *3. The parallel to Petitioner's case is direct and damning. Here, the Cuadra declaration likewise contains no evidence that ICE has contacted Mexican officials, no evidence that Mexico has agreed or is likely to agree to accept Petitioner, and no alternative removal plan.

II. PETITIONER'S ACCARDI AND APA CLAIMS ARE NOT DISPLACED BY HIS HABEAS CLAIM.

Petitioner preserves these claims for appellate review and does not concede their merits, but submits that this Court need not reach them given the dispositive nature of the *Zadvydas* claim.

CONCLUSION

For the foregoing reasons, Petitioner CONROY CONDECORE respectfully requests that this Court: (1) grant the Amended Petition for Writ of Habeas Corpus on the basis of his *Zadvydas* claim and order his immediate release from detention within twenty-four hours; (2) deny dismissal of Kevin Guthrie from this proceeding; (3) order entitlement to fees pursuant to 28 U.S.C. § 2412. and (4) grant such other and further relief as the Court deems just and proper.

Dated: May 27, 2026



S/ Sasha Watson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this May 27, 2026, a true and correct copy of the foregoing was served via the Court's CM/ECF system upon all counsel of record.



/S/ Sasha Watson

Attorney for Petitioner