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

[redacted]

EMERGENCY MOTION

PETITIONER'S EMERGENCY MOTION TO REOPEN, FOR ORDER TO SHOW CAUSE WHY RESPONDENTS SHOULD NOT BE HELD IN CONTEMPT, FOR EMERGENCY TEMPORARY RESTRAINING ORDER ENJOINING REMOVAL WITHOUT PROCEDURAL SAFEGUARDS, AND FOR IMMEDIATE DISCLOSURE OF REMOVAL DETAILS

URGENT: This motion is filed on an emergency basis. Respondents have re-detained Petitioner notwithstanding this Court's Order of May 29, 2026 (DE 14) granting Petitioner's Petition for Writ of Habeas Corpus and directing Petitioner's release

within 24 hours. Petitioner has not been released. Immediate judicial intervention is required.

Petitioner Conroy Condecore, through undersigned counsel, moves this Court on an emergency basis for three forms of immediate relief: (1) an Order to Show Cause why Respondents should not be held in civil contempt for re-detaining Petitioner in circumvention of this Court's May 29, 2026 Order granting the Petition for Writ of Habeas Corpus and directing Petitioner's release within 24 hours; (2) a Temporary Restraining Order enjoining Respondents from removing Petitioner from the United States without a constitutional reasonable fear hearing; and (3) an Order requiring Respondents to immediately disclose to this Court and to undersigned counsel the date, time, destination, and basis for any scheduled removal, and Petitioner's current location.

Petitioner does not challenge Respondent's ability to detain Petitioner and / or remove Petitioner from the United States. The issue is whether ICE has demonstrated a material change in circumstances supporting SLRRFF.

The procedural posture of this matter is now critical. On May 29, 2026, this Court granted Petitioner's Petition for Writ of Habeas Corpus, ordered Respondents to release Petitioner within 24 hours, and directed them to facilitate his transportation from the facility by notifying his counsel when and where he can be collected. Doc. 14.

On July 2, 2026, 33 days after his release, ICE re-detained Petitioner. Counsel has been informed that ICE has scheduled Petitioner's removal from the United States and that removal is expected to occur imminently. Petitioner will remain in ICE custody pending that removal. **Exh. 1** - Email from ICE. No reasonable fear interview has been conducted.

Undersigned counsel has been afforded no meaningful opportunity to consult with Petitioner and has received no disclosure from Respondents regarding the basis for re-detention, the evidence purportedly supporting a new SLRRFF determination, the destination or timing of any scheduled removal, whether travel documents have been obtained, or whether any third country has agreed to accept Petitioner.

Thirty-three days ago this Court found Petitioner's continued detention unlawful because Respondents failed to establish a significant likelihood of removal in the reasonably foreseeable future. Today Respondents seek to accomplish the very same removal without identifying a single material factual development occurring after this Court's decision. Petitioner's re-detention must also be understood in its broader operational context. Petitioner's re-detention occurred during a nationwide enforcement initiative, but Respondents have identified no individualized change in Petitioner's case supporting a renewed determination that removal is significantly likely. According to reporting by The New York Times based on documents obtained by the paper and interviews with federal officials, federal immigration officials detained more than 10,000 people in the last five days.[1]

Petitioner's re-detention on July 2, 2026, without any identified change in his circumstances, without travel documents, and without third country government acceptance, bears the hallmarks of this quota-driven enforcement sweep rather than a good-faith, individualized determination that his removal has become significantly likely in the

[11] *See* Hamed Aleaziz, *Immigrant Arrests Surge to 10,000 in 5 Days as ICE Clamps Down*, N.Y. Times, July 1, 2026.

reasonably foreseeable future. The government cannot launder a mass arrest operation through the *Zadvydas* framework by asserting SLRRFF without evidence. Where re-detention follows immediately on the heels of a documented White House-directed surge in enforcement activity, is unsupported by any new factual predicate, and mirrors the precise evidentiary posture this Court already found insufficient in May, the inference that it is pretextual is substantial.

Respondents' position, if accepted, would permit ICE to circumvent every successful *Zadvydas* habeas petition. The agency could simply release a detainee to comply with a court order, wait a matter of weeks, re-detain the individual on the same removal order without any material change in circumstances, and thereby obtain a second opportunity to justify detention. Nothing in §1231 or *Zadvydas* authorizes such a perpetual cycle of detention, release, and re-detention. Habeas relief cannot be reduced to a temporary interruption in executive detention.

This Court should require the government to come forward with sworn, specific evidence demonstrating what, if anything, has changed since May 29, 2026 that now renders Petitioner's removal significantly likely in the reasonably foreseeable future. This Court has both the inherent authority and the obligation to enforce its own orders and to prevent the unconstitutional prolonged detention of Petitioner.

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner Conroy Condecore is a citizen and national of Jamaica who was previously detained at the South Florida Soft Side Detention Facility pursuant to a final

order of removal entered on September 15, 2020. He was also granted withholding of removal to Jamaica in those same proceedings. His Order of Supervision was revoked on November 20, 2025, and he was detained in continuous ICE custody until May 30, 2026, more than six (6) months.

On May 19, 2026, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. DE 1. The matter was fully briefed by May 27, 2026. On May 29, 2026, this Court entered the following Order:

> Conroy Condecore's Petition for Writ of Habeas Corpus (Doc. 1) is GRANTED. The respondents shall release Condecore within 24 hours of this Order, and they shall facilitate his transportation from the facility by notifying his counsel when and where he can be collected.

Doc. 14 at 4. Since his release, Petitioner has complied with all ICE reporting requirements, and placed on an ankle monitor. On July 2, 2026, Petitioner reported to ICE as scheduled and has been detained. Undersigned counsel has been informed that ICE has scheduled Petitioner's removal from the United States and that removal is expected to take place imminently. No documentation has been provided regarding the country of removal. Petitioner will remain in ICE custody pending that removal. No reasonable fear interview has been conducted prior to this scheduled third-country removal, despite Petitioner's withholding grant and the procedural requirements of 8 C.F.R. § 208.31. Counsel has had no meaningful access to Petitioner.

ARGUMENT

I. THIS COURT RETAINS JURISDICTION AND SHOULD REOPEN THIS MATTER TO ADDRESS RESPONDENTS' CIRCUMVENTION OF ITS PRIOR ORDER.

Although this Court directed the Clerk to close this case upon entry of judgment, Doc. 14, a federal court retains jurisdiction to reopen a closed habeas matter where the government's subsequent conduct amounts to a violation of, or an attempt to circumvent, the court's prior order. *See Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986); *Williams v. Sielaff*, 600 F.2d 143, 145 (7th Cir. 1979). The Court's inherent power to enforce its own judgments does not evaporate upon entry of a closing order. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991). Where, as here, the government re-detains a petitioner within weeks of a court-ordered release, asserting the same legal basis the court already found wanting, without any material change in circumstances, reopening is not only authorized but required to vindicate the integrity of the prior judgment.

Petitioner therefore moves to reopen this case under Federal Rule of Civil Procedure 60(b)(6), which authorizes relief from a final judgment for "any other reason that justifies relief." The government's re-detention of Petitioner on identical grounds, with no material change in circumstances, 33 days after court-ordered release constitutes precisely such a reason. Alternatively, this Court may treat this Motion as initiating a new civil contempt proceeding ancillary to the closed case, over which it retains jurisdiction. *See Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 395-96 (1990).

II. RESPONDENTS' RE-DETENTION OF PETITIONER WITHOUT ANY MATERIAL CHANGE IN CIRCUMSTANCES IS AN EVASION OF THIS COURT'S ORDER AND WARRANTS A SHOW CAUSE ORDER.

This Court's May 29, 2026 Order was not merely a directive to release Petitioner on that date. It was a judicial determination that Petitioner's detention was unlawful because removal was not significantly likely in the reasonably foreseeable future. That determination was grounded in findings that remain fully operative today: the government had presented no evidence of travel documents, no evidence of a third country government acceptance, and no concrete operational steps toward effecting removal. None of those conditions has changed.

The government's re-detention of Petitioner 33 days after court-ordered release, based on the same removal order and the same asserted third-country removal pathway, is a transparent attempt to relitigate this Court's ruling through executive action rather than appellate review. If the government believed this Court's Order was wrong, the proper remedy was a stay pending appeal to the Eleventh Circuit. The government sought no such stay. It complied with the Order, releasing Petitioner on May 30, 2026, and then, once the case was closed, re-detained him and announced that removal is now imminent. Respondents have identified no material factual change.

The *Zadvydas* framework does not permit the government to reset the clock through a cycle of court-ordered release and re-detention. This Court recognized as much in *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), where it held that permitting a *Zadvydas* clock reset upon re-detention would effectively allow DHS to detain noncitizens indefinitely and avoid judicial scrutiny by releasing and re-detaining them every 180 days. The same logic applies here with even greater force: permitting a reset after a court-ordered release would

allow the government to moot any habeas grant simply by waiting out the period of supervision and re-detaining the petitioner. That result would reduce habeas corpus to a temporary inconvenience rather than a constitutional guarantee.

Accordingly, this Court should issue an Order to Show Cause requiring Respondents to appear and demonstrate: (a) what material change in circumstances, if any, justifies re-detention in light of this Court's prior ruling; (b) what evidence of SLRRFF — beyond the *Cuadra* declaration this Court already found insufficient — now exists; (c) whether travel documents for Petitioner's removal to a third country have been obtained; (d) whether a third country government has agreed to accept Petitioner; and (e) whether a reasonable fear interview has been conducted consistent with 8 C.F.R. § 208.31 before proceeding with third-country removal.

III. THE GOVERNMENT CANNOT DEMONSTRATE SLRRFF ON THE CURRENT RECORD AND A TRO ENJOINING REMOVAL IS WARRANTED.

The standard for a Temporary Restraining Order is likelihood of success on the merits, irreparable harm, balance of equities, and public interest, *see Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000). All elements are satisfied here, and the merits analysis is particularly powerful given this Court's prior ruling.

A. Likelihood of Success.

This Court has already adjudicated the merits of Petitioner's *Zadvydas* claim and found in his favor. Doc. 14. The government presents no evidence of any material change in the facts supporting that ruling. No travel documents have been obtained. No acceptance

by a third country government has been secured. The same Cuadra declaration, asserting third-country removal intent without any evidence of government acceptance, that this Court found insufficient in May remains the government's evidentiary record. A petitioner who has already prevailed on the merits before this Court, and against whom the government cannot identify a single material change in circumstances, has demonstrated likelihood of success to a certainty.

Moreover, this Court is not writing on a blank slate. Its prior ruling in this case, combined with its holdings in *Campo-Gil*, 2026 WL 575165, at *3, and *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), establish a clear and consistent line of authority: a deportation officer declaration asserting third-country removal intent to Mexico, unsupported by evidence of Mexican government acceptance, does not carry the government's post-*Zadvydas* burden. The government has had since at least May 7, 2026 — the date it first presented Petitioner with a Mexico removal notice — to secure Mexican acceptance. It has now had nearly two additional months since this Court's Order. If Mexico were going to accept Petitioner, it would have done so. The continued absence of any such evidence after months of government effort is itself powerful evidence that SLRRFF does not exist. Likewise, Petitioner has not been informed of any other third country, nor has he been provided the regulatory mandatory reasonable fear hearing.

B. Irreparable Harm.

Removal would cause irreparable harm on multiple independently sufficient grounds. First, removal to Mexico — a country that has not agreed to accept Petitioner, whose language he does not speak, and to which he has no ties — without a reasonable fear interview exposes Petitioner to potential persecution or torture that no subsequent court order can remedy. Second, removal would permanently deprive Petitioner of the benefit of this Court's prior ruling and any further habeas relief this Court might grant upon reopening. Third, Petitioner has been denied any meaningful access to counsel since his re-detention, compounding the due process harm. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

C. Balance of Equities and Public Interest.

The government's equitable position is weaker now than it was in May, not stronger. It has had the full period since this Court's Order to secure third country acceptance and obtain travel documents. Respondents have not disclosed any evidence to support that it has no secured such documents. It now seeks to remove Petitioner to an unknown country imminently, without those documents, without government acceptance, and without a fear interview, in defiance of both this Court's prior ruling and its own regulatory obligations under 8 C.F.R. § 208.31. The public interest in the integrity of federal court orders, the enforceability of habeas corpus, and the government's adherence to its own legal obligations weighs overwhelmingly in favor of a TRO.

IV. THIS COURT SHOULD ORDER IMMEDIATE DISCLOSURE OF ALL EVIDENCE BEARING ON THE GOVERNMENT'S CLAIMED SLRRFF DETERMINATION.

Petitioner cannot meaningfully respond to the government's re-detention without knowing its evidentiary basis. Respondents have provided undersigned counsel with no information regarding: the specific factual basis for ICE's new SLRRFF determination; whether travel documents for removal to a third country have been obtained since this Court's May 29 Order; whether a third country government has been contacted and has agreed to accept Petitioner; the date, time, and flight or transport details of any scheduled removal; and whether a reasonable fear interview has been conducted.

This Court should order Respondents to file and serve on undersigned counsel, within two hours of the entry of any order on this Motion, a sworn declaration from a responsible ICE official addressing each of the above items specifically. The declaration this Court reviewed in May — the Cuadra declaration — was silent on Mexican acceptance and travel documents. If the government now contends that SLRRFF has been established, it must come forward with evidence that those conditions have changed. Absent such evidence, the re-detention is unlawful and removal should be enjoined.

CONCLUSION

For the foregoing reasons, Petitioner Conroy Condecore respectfully requests that this Court immediately:

A. Reopen this matter under Federal Rule of Civil Procedure 60(b)(6) to address Respondents' re-detention of Petitioner in contravention of this Court's May 29, 2026 Order;

B. Issue a Temporary Restraining Order immediately enjoining Respondents, their officers, agents, servants, employees, attorneys, and all persons acting in concert or participation with them, from removing Petitioner from the jurisdiction of this court pending further order of this Court;

C. Order Respondents to produce, the following documents, Notice of Intent, travel documents; diplomatic communications, country acceptance; internal custody review; HQ approval; Field Office Director approval; delegation authority; airline reservation; Escort authorization; and fear determination;

D. Issue an Order to Show Cause directing Respondents to demonstrate within two hours what material change in circumstances, if any, justifies re-detention in light of this Court's prior ruling, including sworn evidence of: (a) travel documents obtained for Petitioner's removal to a third country; (b) acceptance by a third country government; and (c) the conduct of a reasonable fear interview consistent with 8 C.F.R. § 208.31;

E. Order Respondents to immediately provide undersigned counsel with Petitioner's current location, telephone access to Petitioner, and at least 24 hours' advance notice prior to any removal attempt;

F. Set an emergency hearing at the earliest practicable time; and

G. Grant such other and further emergency relief as this Court deems just and proper to enforce its May 29, 2026 Order and prevent Petitioner's removal in the absence of any evidence establishing a material change in the circumstances underlying this Court's prior ruling.

Respectfully submitted,



S/ Sasha Watson

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LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), undersigned counsel certifies that conferral with opposing counsel prior to filing was impracticable given the emergency nature of this motion and the imminent risk of removal. Undersigned counsel has served this Motion on all counsel of record via CM/ECF and via direct email and will promptly advise the Court of any response received from Respondents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 2, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will furnish copies to all registered counsel of record. Given the emergency nature of this filing, undersigned counsel has additionally served this Motion directly on counsel for all Respondents via email.



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