

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

ANGEL REYES AGUILERA,

Petitioner,

v.

Case No. 2:26-cv-01688-KCD-NPM

WARDEN, ET AL.,

Respondents.

**FEDERAL RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS**

PROCEDURAL BACKGROUND

Petitioner previously filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his detention by Immigration and Customs Enforcement ("ICE") and seeking his immediate release from custody. *See Reyes Aguilera v Warden*, 2:26-cv-1709, Dkt. 1 (M.D. Fla. April 7, 2026). On April 29, 2026, the federal government responded in opposition to Petitioner's request. *Id.* at Dkt. 11, 12. The Court denied the Petition without prejudice, allowing Petitioner to file an amended petition should "his current detention (which is not impeded) extend beyond the six-month mark, and he can demonstrate there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at Dkt. 14.

On May 18, 2026, Petitioner filed his new Habeas Petition claiming there is no

likelihood he will soon be removed. Dkt. 1 at 6-7.

DISCUSSION

Federal Respondents concede that the presumptively reasonable period of detention has now elapsed. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Accordingly, the burden shifts to the government to demonstrate a significant likelihood of removal in the reasonably foreseeable future. *Id.*

In response to our request for specific evidence that there is a significant likelihood the Petitioner will be removed in the reasonably foreseeable future, the U.S. Attorney's Office was provided with the following: (1) Declaration of D.O Darion Hernandez. Ex. 1. Considering this District's rulings in many previous cases presenting similar circumstances,¹ the United States Attorney's Office anticipates that the Court will conclude that these materials lack sufficient detail to meet the government's burden in justifying continued prolonged detention. We await and will comply with any order that may issue.

¹ *See e.g. Timoneda v. Warden*, No. 2:26-cv-00705-KCD-DNF (M.D. Fla. June 5, 2026) (finding Declaration lacking in any concrete evidence of removal in the foreseeable future); *Suarez-Rosabal v. Warden, Florida Soft Side South, et al.*, No. 2:26-cv-1376-KCD-DNF (M.D. Fla. May 20, 2026) (ordering release after the presumptively reasonable period expired where the record reflected "the total absence of any travel documents for his removal"); *Betancourt v. Alcatraz*, No. 2:26-CV-1403-KCD-NPM, 2026 WL 1320246, at *2 (M.D. Fla. May 13, 2026) (finding the burden shifted where Mexico refused entry and ICE relied on a declaration from a Deportation Officer describing the procedures to be followed to effect removal to Mexico); *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) (finding burden-shifting framework triggered and SLRRFF not established where ICE asserted that they are seeking removal but did not explain why progress had not been made in Petitioner's 184 days in custody); *Blanco Rivero v. Noem, et al.*, No. 2:26-cv-00353, 2026 WL 820499, at *2 (M.D. Fla. Mar. 25, 2026) (finding ICE absence of documentation to support SLRRFF amounted to "hope and a placeholder.").

Dated: June 9, 2026,

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 9, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system and will mail a copy of the ECF document to pro se Petitioner.

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