

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 25-cv-22451-DAMIAN

SERGIO MONTELIER CHAVIANO,

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General, et al.,

Respondents.

PETITIONER'S MOTION TO PRODUCE THE BODY

This Honorable Court has issued an order [ECF No. 20] scheduling a hearing on Petitioner's "Amended Petition for Writ of Habeas Corpus" [ECF No. 4] and "Emergency Motion for Temporary Restraining Order and Preliminary Injunction Staying Credible Fear Proceedings"[ECF No. 17] for June 12, 2025 at 10:00am.

Undersigned counsel moves the Court to produce the body of the Petitioner in accordance with its habeas corpus jurisdiction. *See* 28 U.S.C. §2243 ("Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.") As Respondents have not yet filed a return in this matter, Petitioner's presence at the hearing would facilitate the Court's ability to "summarily hear and determine the facts, and dispose of the matter as law and justice require." *see id.* Petitioner's presence and availability to testify would aid the Court in resolving any factual dispute that may arise before the Court's disposition of the instant case. Furthermore, his availability to provide in-person testimony would aid the Court in its review of the irreparable harm he faces and the need for the Court to protect its jurisdiction.

Petitioner requests that this Court direct the United States Marshals Office to make arrangements for Petitioner to be produced in Court in advance of the hearing on June 12, 2025 at 10:00am in advance of the hearing, with notice to the court reporter and a Spanish-language interpreter.

CERTIFICATE OF CONFERRAL

On Monday, June 9, 2025, counsel for Petitioner requested Respondents' position on a motion to produce the body of the Petitioner for the hearing scheduled for June 12, 2025 before this Court. To date, the undersigned have not received a response from Respondents' counsel, and they presume that this motion is opposed.

Dated: June 9, 2025

s/ Felix A. Montanez

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