

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HIFIS EDGARDO
CABALLERO-MURILLO,

Petitioner,

Case No. 2:26-cv-00045-KCD-DNF

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondents.

RESPONSE TO COURT'S JULY 9, 2026, ORDER

Federal Respondents provide a response to the Court's July 9, 2026, order directing them to show that there is a significant likelihood of Petitioner Hifis Caballero-Murillo's removal in the reasonably foreseeable future. (Doc. 22.) In response to the Court's order, ICE has provided its position that there is a significant likelihood of removal in the reasonably foreseeable future. (Lauciello Declaration, Ex. 1.) The undersigned recognizes, however, this case bears similarities to *Cruz v. Warden, Fla. Soft Side S. Det. Ctr.*, No. 2:26-CV-1539-KCD-NPM, 2026 WL 1615290, at *2 (M.D. Fla. June 5, 2026), where the Court granted relief under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

According to ICE, it intends to remove Caballero-Murillo to an alternative country pursuant to 8 U.S.C. § 1231(b)(2)(E). *Id.* ¶ 8. On May 12, 2026, Caballero-Murillo was referred to USCIS for third-country fear screening referral to Mexico. *Id.* ¶ 9. On May 19, 2026, USCIS made a negative third-country screening determination. *Id.* ¶ 10. On May 20, 2026, Caballero-Murillo was served a third-country removal notice to Mexico, which he refused to sign. *Id.* ¶ 11. On June 15, 2026, Caballero-Murillo was served again with a third-country removal notice to Mexico, which he refused to sign. *Id.* ¶ 12.

According to Deportation Officer Lauciello, the Department of State has negotiated a new third-country removal arrangement. *Id.* ¶ 15. Caballero-Murillo meets the terms of the arrangement and has been nominated. *Id.* According to ICE, it is waiting for acceptance, and ICE can provide the name of the country once Caballero-Murillo is accepted. *Id.*

The undersigned acknowledges the present case bears similarities to *Cruz v. Warden, Fla. Soft Side S. Det. Ctr.*, where the Court granted relief under *Zadvydas v. Davis*, 533 U.S. 678 (2001) because ICE had not provided a travel document or a confirmed removal date. *See Cruz v. Warden, Fla. Soft Side S. Det. Ctr.*, No. 2:26-CV-1539-KCD-NPM, 2026 WL 1615290, at *2 (M.D. Fla. June 5, 2026). Although present case differs from *Cruz* because ICE has identified a diplomatic agreement with a currently unidentified country, *cf. Cruz*, 2026 WL 1615290, at *2 (“[T]he

record offers no documents, no diplomatic agreements, and no concrete evidence that Cruz will be removed in the near future.”), Federal Respondents will abide by the Court’s judgment under the present record.

DATED this 10th day of July, 2026.

Respectfully submitted,

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