

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HIFIS EDGARDO CABALLERO-
MURILLO,

Petitioner,

v.

Case No. 2:26-cv-45-KCD-DNF

IMMIGRATION AND CUSTOMS
ENFORCEMENT, SECRETARY,
U.S. DEPARTMENT OF
HOMELAND SECURITY, U.S.
ATTORNEY GENERAL, WARDEN
MATTHEW MORDANT, WARDEN
OF SOUTH FLORIDA
DETENTION CENTER;

Respondents.

**PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO
COURT'S JULY 9, 2026 ORDER**

Petitioner, Hifis Edgardo Caballero-Murillo, respectfully files this Reply to Respondents' Response (Doc. 23) to this Court's July 9, 2026 Order (Doc. 22), requiring the Government to demonstrate a significant likelihood of removal in the reasonably foreseeable future.

The Government's response confirms what Petitioner has argued throughout these proceedings: his continued detention rests on speculation rather than a concrete, foreseeable removal. *See* (Doc. 23 at 2).

Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), once detention exceeds the presumptively reasonable six-month period and the noncitizen provides reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the Government to provide evidence sufficient to rebut that showing. The Government has not done so. *See, e.g.; Guerra v. Blanche*, 2026 WL 949027, at *3 (D. Nev. Apr. 7, 2026) (granting habeas petition and enjoining government from removing the petitioner to a third country without providing notice and an opportunity to present a fear-based claim); *Castillo v. Chestnut*, 2026 WL 121652, at *3–5 (E.D. Cal. Jan. 16, 2026) (same); *Perez Canet v. Blanche*, No. 2:26-cv-00223-APG-NJK, 2026 WL 1091763, at *2–3 (D. Nev. Apr. 22, 2026) (same); *Sarkisov v. Blanche*, No. 2:25-CV-02321-JAD-DJA, 2026 WL 949019, at *6–7 (D. Nev. Apr. 8, 2026) (same); *Hassan v. Blanche*, No. 2:26-cv-00411-JAD-MDC, 2026 WL 1121985, at *7 (D. Nev. Apr. 24, 2026) (same); *Samadi v. Blanche*, No. C26-1115-KKE, 2026 WL 1172917, at *5 (W.D. Wash. Apr. 30, 2026) (same).

The Government does not provide a travel document. It does not provide an acceptance letter from any country. It does not provide a scheduled removal

date. It does not even identify the country to which it now claims Petitioner may someday be removed.

Instead, Respondents ask this Court to continue Petitioner's detention based on an unnamed country, under an undisclosed arrangement, that has not accepted Petitioner. According to ICE, Petitioner has merely been "nominated" for removal to this unidentified country, and ICE is "awaiting acceptance." (Doc. 23-1 ¶ 15). In other words, the Government's position is that removal is reasonably foreseeable because an unknown country might, at some unknown future date, possibly agree to accept Petitioner.

That is not foreseeability. That is wishful thinking.

Zadvydas requires significantly more than the Government's belief that removal efforts may eventually succeed. A pending request for acceptance is not an acceptance. A diplomatic arrangement is not a travel document. An unidentified potential destination is not evidence that removal is significantly likely in the reasonably foreseeable future.

Indeed, Respondents themselves acknowledge the similarity between this matter and *Cruz v. Warden, Florida Soft Side South Detention Center*, No. 2:26-cv-1539-KCD-NPM, 2026 WL 1615290 (M.D. Fla. June 5, 2026), where this Court granted relief because the Government failed to provide concrete evidence of imminent removal. Respondents attempt to distinguish *Cruz* by pointing to a "diplomatic agreement" with a country they refuse to identify and

which has not agreed to accept Petitioner. That distinction only highlights the same deficiency: the absence of actual evidence that removal will occur.

The Government's reliance on Mexico fares no better. "[S]tanding alone, the fact that removals to a particular country 'are in fact occurring,' says nothing about whether Mexico will accept [petitioner] any time soon." *Arenado-Borges v. Bondi*, No. 2:25-cv-02193-JNW, 2025 WL 3687518, at *4 (W.D. Wash. Dec. 19, 2025).

Although ICE states that Petitioner underwent third-country screening related to Mexico and was served notices, the Government does not state that Mexico has accepted Petitioner, issued travel documents, authorized his removal, or scheduled transportation. The statement that Mexico has "not refused" removal is materially different from evidence that Mexico has agreed to accept him.

Respondents also suggest Petitioner is impeding removal because he refused to sign third-country removal notices. But the Government has not shown that Petitioner's signature is the reason removal has not occurred. The record demonstrates the opposite: ICE is still waiting for a country to accept him. The obstacle is not Petitioner's signature. The obstacle is that no country has agreed to take him.

After more than six months of post-order detention, the Government's evidence amounts to the following: Mexico has not accepted him, another

country might accept him, and ICE will reveal the identity of that country if that happens. This falls short of the showing required by *Zadvydas*.

Because Respondents have failed to demonstrate a significant likelihood of Petitioner's removal in the reasonably foreseeable future, Petitioner respectfully requests that this Court grant the Petition and order his immediate release under appropriate conditions of supervision.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court enter an Order Granting the Petition for Writ of Habeas Corpus (Doc. 1).

DATED this 12th day of July 2026.

By: /s/Joel Alexis Caminero
Joel Alexis Caminero, Esq.
Florida Bar # 127294
Attorney for Petitioner

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to all counsel in this case on July 12th, 2026.

/s/Joel Alexis Caminero
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