UNITED STATES DISTRICT COURT

FOR THE

MIDDLE DISTRICT OF FLORIDA

JUN 15 2026 AM 11:49
FILED - USDC - FLMD - FTM

GABRIEL PONCE-BERMUDEZ.
PETITIONER

V.

U.S. DEP OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, ET al.
RESPONDENT

No. 2:26-cv-01726-JES-KRH

MEMORANDUM OF LAW

Comes now Petitioner, A[redacted] and Pro-se comes before the Court in good Faith and AMENDS a (5TH) Ground to his Petition in support for WRIT of Habeas Corpus.

ICE cannot Seriously contend That Petitioner is NOT cooperating. The Relevant Statutory provision provides that the 90-Day Removal period may be extended beyond 90-Days and the alien may Remain in detention during that Period only "if the alien Fails or refuses to make timely application in good Faith for TRAVEL or other documents necessary to the alien's departure or conspires or acts to prevent the alien's Removal subject to an ORDER OF Removal." 8 U.S.C. § 1231 (a)(1)(C). This Statutory provision cannot be applied to Petitioner. Petitioner has made a Timely application in good Faith for TRAVEL documents FROM the (FILL in your Country's name) Consulate. Petitioner also has provided TRUTHFUL information to ICE Concerning his Place of birth and citizenship.

The Government cites NO cases in support of its position that it may indefinitely detain an alien who truthfully admits he is a national of the country to which ICE seeks to remove him, where there is no allegation that he has provided false or misleadi information, and where the alien has done whatever has been ask of him to facilitate his removal. That is because the caselaw demonstrates that to constitute noncooperation, an alien must take some actions that impedes the government's efforts to remov him or refuse to provide relevant assistance.

Compare Moro v. Immigration & Naturalization Service, 58 F. Supp. 2d 854, 858 (N.D. Ill. 1999) ("Although [§] 1231(a)(1)(C) places a burden of good-faith cooperation on aliens in securing their remov it does NOT, contrary to the government's assertion, require Moro's continued detention because there is no evidence in this case th Moro has impeded the government's efforts to remove him or refused relevant assistance.") With Powell v. Ashcroft, 194 F. Supp 2d 209, 210-11 (E.D.N.Y. 2002) alien who provided false name, false place of birth, and false date of entry, was NOT cooperating

Petitioner has not done any of these things.

Sincerelly &
Respectfully: Gabriel P Brooks

06/10/2026
Date

Signature.