

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, JACKSONVILLE DIVISION

Marcos Jose Barbosa Vallenilla v. Warden, Baker County Detention
Center, et al.

Barbosa Vallenilla · No. 3:26-cv-144-JEP-PDB · Decided February 11, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied an emergency motion for a temporary stay of removal filed by the petitioner’s wife as his purported next friend. The court concluded that the motion failed to comply with local procedural requirements and that the petitioner had not shown a likelihood of success on his Zadvydas-based habeas claim, including because removal to a third country could be permissible and the alleged detention period was less than six months.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Jacksonville Division
WRITING FOR THE COURT	Jordan E. Pratt
JURISDICTION	United States District Court for the Middle District of Florida, Jacksonville Division
DECIDED	February 11, 2026
DOCKET	3:26-cv-144-JEP-PDB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued immigration detention. His wife, appearing as his purported next friend, filed an emergency motion for a temporary stay of removal. The district court denied the emergency motion.
STANDARD OF REVIEW	A movant seeking temporary injunctive relief must establish a substantial likelihood of success on the merits, irreparable injury absent relief, that the threatened injury outweighs the harm to the opposing party, and that relief would serve the public interest. The movant bears the burden of persuasion.

PRECEDENTIAL VALUE	Unpublished district court order; precedential status not indicated.
PARTIES	Marcos Jose Barbosa Vallenilla v. Warden, Baker County Detention Center, et al.

TOPICS

immigration detention

injunctions

federal habeas corpus

removal proceedings

immigration

PRACTICE AREAS

immigration

federal habeas corpus

injunctive relief

QUESTIONS PRESENTED

1. Whether the emergency motion for a temporary stay of removal was facially sufficient under the Middle District of Florida's Local Rules governing temporary restraining orders and preliminary injunctions.
2. Whether the movant established a substantial likelihood of success on Petitioner's underlying Zadvydas detention claim.
3. Whether a CAT deferral of removal to Venezuela prevents the Government from removing Petitioner to a third country.

HOLDINGS

1. The emergency motion was facially insufficient because it did not comply with Middle District of Florida Local Rules 6.01 and 6.02, including the requirement that a motion for a temporary restraining order or preliminary injunction include a supporting memorandum of law.
2. The movant failed to establish a substantial likelihood of success on the underlying Zadvydas claim because the petition did not show detention exceeding six months and did not establish a good reason to believe that removal was not significantly likely in the reasonably foreseeable future.
3. A deferral of removal under the CAT is country-specific and does not prevent the Government from removing an alien to a third country other than the country to which removal has been deferred.

KEY QUOTATIONS

"Injunctive relief 'is an 'extraordinary and drastic remedy,' and [the movant] bears the 'burden of persuasion.'" (at 2)

"To demonstrate entitlement to injunctive relief, a movant must show the following four prerequisites:" (at 2)

"(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that entry of the relief would serve the public interest." (at 2)

FACTUAL BACKGROUND

Petitioner was detained by United States Immigration and Customs Enforcement and alleged that his continued detention violated *Zadvydas v. Davis*. His wife stated that he had been transferred overnight from Baker County Detention Center to a Texas facility commonly used for removal staging, and that an immigration judge had granted deferral of removal to Venezuela under the Convention Against Torture based on a likelihood of torture. She did not establish when, where, or whether Petitioner would be deported, and Petitioner indicated that he had been re-detained on November 24, 2025, approximately two months before filing the action.

PROCEDURAL HISTORY

Petitioner initiated a § 2241 habeas action alleging that his continued detention violated *Zadvydas v. Davis*. After Petitioner was transferred from a Florida detention facility to a facility in Texas, his wife filed an emergency motion for a temporary stay of removal. The court assumed for purposes of the motion that she could appear as next friend but denied relief because the motion failed to comply with the Local Rules and did not establish a likelihood of success on the underlying *Zadvydas* claim.

DISPOSITION

other

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)
- *Wreal, LLC v. Amazon.com, Inc.*, 840 F.3d 1244, 1247 (11th Cir. 2016)
- *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000)
- *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005)
- *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002)
- *Johnson v. Guzman Chavez*, 594 U.S. 523, 537 (2021)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA JACKSONVILLE
DIVISION MARCOS JOSE BARBOSA VALLENILLA, Petitioner, v. Case No. 3:26-cv-144-JEP-PDB
WARDEN, BAKER COUNTY DETENTION CENTER, et al., Respondents.
_____/ ORDER Petitioner initiated this action pro se by filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 (Doc.

1), alleging his continued detention by the United States Immigration and Customs Enforcement violates *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), which sets a presumptively reasonable period of six months in which to detain an alien pending deportation.

Before the Court is an emergency motion for temporary stay of removal filed by Petitioner’s wife, Osmay C. Pirela Simancas, as his “next friend” (Doc. 3). In the motion, an accompanying notice (Doc. 4), and a supporting declaration (Doc. 4-1), Petitioner’s wife explains that Petitioner was

transferred overnight from Baker County Detention Center to a facility in Texas, which is “commonly used for removal staging.” See Doc.

3 ¶ 2; Doc. 4 ¶ 1; Doc. 4-1 ¶ 2. She asserts that Petitioner was “granted deferral of removal under Article III of the Convention Against Torture [(“CAT”)], which categorically prohibits his removal to Venezuela, where an Immigration Judge found he faces a likelihood of torture based on political reasons.” Doc. 3 ¶ 1.1 She further asserts Petitioner “has not consented to removal to Mexico or any third country.” Doc.

4 ¶ 2. She does not allege or demonstrate that she knows when, where, or whether Petitioner will be deported. Accepting for purposes of this motion that Petitioner’s wife can appear as his “next friend,” the Court cannot grant the relief she seeks.

As a preliminary matter, the motion is facially insufficient in that it does not comply with this Court’s Local Rules. See M.D. Fla. R. 6.01, 6.02 (providing that a motion for temporary restraining order or preliminary injunction must include a supporting memorandum of law, among other things).² The motion fails on the merits as well. Injunctive relief “is an ‘extraordinary and drastic remedy,’ and [the movant] bears the ‘burden of persuasion.’” *Wreal, LLC v. Amazon.com, Inc.*, 840 F.3d 1244, 1247 (11th Cir.

1 With his petition, Petitioner filed a (difficult to read) copy of the immigration judge’s order granting his motion for deferral of removal under the CAT. Doc. 1-1 at 13. 2 The primary distinction between a temporary restraining order and a preliminary injunction is that the former is issued ex parte, while the latter requires “notice to the adverse party.” Fed.

R. Civ. P. 65(a), (b); see also M.D. Fla. R. 6.01, 6.02. 2 2016) (quoting *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000)). To demonstrate entitlement to injunctive relief, a movant must show the following four prerequisites: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that entry of the relief would serve the public interest.

Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225–26 (11th Cir. 2005). A *Zadvydas* claim requires an alien to “show post-removal order detention in excess of six months [and]... evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir.

2002). To the extent Petitioner will be imminently deported to a country other than Venezuela, Petitioner would be unable to establish that “there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* Petitioner’s wife’s fear that the Government would violate the order prohibiting Petitioner’s removal to Venezuela is speculative, and the relevant regulations provide that a deferral of removal order is country-specific and does not “prevent the Service from

removing an alien to a third country other than the country to which removal has been... deferred.” See 8 C.F.R. §§ 1208.16(f), 1208.17(a), 1208.22.

See also *Johnson v. Guzman Chavez*, 594 U.S. 523, 537 3 (2021) (“[A]s the ‘regulations make clear,’ a grant of withholding ‘does not prevent the DHS from removing an alien to a country other than the one to which removal has been withheld.’”).

Finally, from the face of the petition, it appears Petitioner may not be able to satisfy the other Zadvydas element— detention in excess of six months—because he says he was re-detained on November 24, 2025, and he filed the action two months later. See Doc. 1 at 2, 6.

Because the movant has not established a likelihood of success on the merits of the underlying claim, the emergency motion (Doc. 3) is DENIED. DONE AND ORDERED in Jacksonville, Florida, on February 11, 2026. JORDAN E. PRATT UNITED STATES DISTRICT JUDGE Jax-6 C: Marcos Jose Barbosa Vallenilla, #A078409321 Osmay C. Pirela Simancas