

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-25506-GAYLES

VICTOR RUBIO-ORTEGA

Petitioner,

v.

PAM BONDI¹, in her official capacity as the
Attorney General of the United States, *et. al.*

Respondents.

RESPONDENTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Respondents, by and through the undersigned Assistant U.S. Attorney, pursuant to Local Rule 7.8, provide notice to this Court of the decision from the Fifth Circuit Court of Appeals, decided on February 6, 2026, holding that noncitizen petitioners in removal proceedings were subject to mandatory detention under 28 U.S.C. § 1225(b)(2) because they were present in the

¹ A writ of habeas corpus must “be directed to the person having custody of the person detained.” *See* 28 U.S.C. § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that “the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.” *Id.* at 439. As Petitioner is currently detained at Krome Service Processing Center (“Krome”), a detention facility in Miami, Florida, the immediate custodian in charge of Krome is Assistant Field Director (“AFOD”) Charles Parra. Accordingly, the only proper Respondent in this case is AFOD Parra, in his official capacity.

United States without being admitted or paroled, despite having entered illegally years ago. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 25-40701, ___ F. 4th ___, 2026 WL 323330 (5th Cir. Feb. 6 2026). Respondents also provide notice of the decision from Judge Dimitrouleas, decided February 9, 2026, adopting the analysis of the Fifth Circuit majority opinion in *Buenrostro-Medina. Perez Morales v. Noem*, et al., No.26-60251-CIV DIMITROULEAS, [ECF No. 15 (S.D. Fla. Feb. 9, 2026), in denying petitioner's habeas petition. These two decisions concern the same legal premises argued in the case at hand and were entered after Respondents filed their Response to the Petition. Copies of these decisions are attached to this Notice as Exhibits A and B.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 11, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Chantel Doakes Shelton
Chantel Doakes Shelton
Assistant United States Attorney