

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.

_____ /

SUPPLEMENTAL RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Hifis Edgardo Cabellero-Murillo petitions for writ of habeas corpus arguing that U.S. Customs and Immigration Enforcement unlawfully revoked his order of supervision. Respondents filed a response on February 3, 2026, arguing that ICE had met the requirements to revoke an order of supervision while also acknowledging ICE was unable to retrieve Caballero-Murillo's A-file at the time of the filing. Following the response, ICE was able to retrieve documents indicating that Caballero-Murillo was not released on an order of supervision. Rather, Cabellero-Murillo was released on bond but failed to report to the ICE-ERO Washington Field Office on April 9, 2025, for removal purposes after a notice to his bond obligor was returned to ICE as undeliverable. Because Caballero-Murillo's

detention is lawful following his arrest by Orlando Fugitive Operations and U.S. Border Patrol on December 29, 2025, his petition for writ of habeas corpus should be denied.

FACTS

Caballero-Murillo is a 49-year-old citizen of Honduras entered the United States at an unknown place and time. (Composite Exhibit, Ex. 1 at 15.) On April 29, 2004, he was convicted of simple battery family violence. *Id.* at 3. On April 10, 2012, he was convicted of driving while intoxicated. *Id.*

On April 10, 2012, petitioner was issued a Notice to Appear (NTA). (Composite Exhibit, Ex. 1 at 5.) An Immigration Judge granted Caballero-Murillo a \$5,000 bond on May 6, 2012. (Torrens Decl., Ex. 3 ¶ 10.) Caballero-Murillo posted bond on May 11, 2012. *Id.* ¶ 11. His bond contains the following conditions:

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(1) BOND CONDITIONED UPON THE DELIVERY OF AN ALIEN. In consideration of the granting of the application of the above alien for release from custody under a warrant of arrest issued by the Attorney General charging that he/she is unlawfully in the United States, provided there is furnished a suitable bond as authorized by Section 236 and/or Section 241 of the Immigration and Nationality Act, the obligor hereby furnishes such bond with the following conditions if: (1) the alien is released from custody and if the obligor shall cause the alien to be produced or to produce himself/herself to an immigration officer or an immigration judge of the United States, as specified in the appearance notice, upon each and every written request until exclusion/deportation/removal proceedings in his/her case are finally terminated; (2) the said alien is accepted by the DHS for detention or deportation/removal; or (3) the bond is otherwise canceled, this obligation shall terminate. If, however, the obligor fails to surrender the alien in response to a timely demand while the bond remains in effect, the full amount of the bond (see Paragraph C above) becomes due and payable. The obligor further agrees that no order issued by or under the authority of the Attorney General or Secretary of Homeland Security by virtue of which issuance or execution of any order of deportation/removal is or may be deferred, shall be in any manner construed to impair or render void this obligation or any part thereof.

(Bond Records, Ex. 2 at 6) (highlights added).

The bond's obligor, Rocio Veliz Bustamante, reported an address of 9617 Aspen Place, Manassas, VA 20110. (Torrens Decl., Ex. 3 ¶ 11; Bond Records, Ex. 2 at 3.) Bustamante was explicitly informed of the obligor's obligation to keep ICE advised of his current address. (Bond Records, Ex. 2 at 3, 6-9.)

On August 2, 2022, an Immigration Judge found Caballero-Murillo inadmissible under INA 212(a)(6)(A)(i) (8 U.S.C. § 1182(a)(6)(A)(i)) and ordered him removed to Honduras while also withholding removal to Honduras. (Composite Exhibit, Ex. 1 at 22; Torrens Decl., Ex. 3 ¶ 12.)

On February 26, 2025, an ICE Form I-340, Notice to Obligor to Deliver Alien (Form I-340) was sent to Bustamante at the [REDACTED] address via USPS Certified Mail. (Bond Records, Ex. 2 at 11-13, Torrens Decl., Ex. 3 ¶ 13.) The notice contained a report date for Caballero-Murillo of April 9, 2025. (Bond Records, Ex. 2 at 11-12; Torrens Decl., Ex. 3 ¶ 13.) On March 12, 2025, the Form I-340 was returned as undeliverable. (Bond Records, Ex. 2 at 15; Torrens Decl., Ex. 3 ¶ 13.)

Caballero-Murillo failed to report on April 9, 2025. (Bond Records, Ex. 2 at 17; Torrens Decl., Ex. 3 ¶ 16.) On April 11, 2025, an ICE Form I-323, Notice – Immigration Bond Breached (Form I-323) was mailed to Bustamante for the missed appointment on April 9, 2025. (Bond Records, Ex. 2 at 17; Torrens Decl., Ex. 3

¶ 17.) On May 27, 2025, the mailing containing the Form I-323 came back as “return to sender[.]” (Torrens Decl., Ex. 3 ¶ 18.)

Due to breach of the bond agreement, Caballero-Murillo became a target of Orlando Fugitive Operations. *Id.* ¶ 19. On December 29, 2025, Caballero-Murillo was apprehended by Orlando Fugitive Operations and U.S. Border Patrol. *Id.* ¶ 20; Composite Exhibit, Ex. 1 at 16.

ARGUMENT

Caballero-Murillo is properly detained following breach of his bond conditions.

Title 8 U.S.C. § 1226(a) provides, in pertinent part,

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General—

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on—
 - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General
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Subsection 1226(b) adds, “The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.” Subsection 1226(e) continues, “The Attorney General’s discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General

under this section regarding the detention of any alien or the revocation or denial of bond or parole.”

As stated by § 1226(a), an alien detained pending a decision on whether he should removed may be released on a bond “containing conditions” Title 8 C.F.R. § 103.6(e) further provides, “A bond is breached when there has been a substantial violation of the stipulated conditions.” Here, Murillo-Caballero’s delivery to immigration officials goes to the heart of his conditions of release. Indeed, the bond’s first condition reads, “BOND CONDITIONED UPON THE DELIVERY OF AN ALIEN.” (Bond Records, Ex. 2 at 6.) Murillo-Caballero’s conditional release on bond was therefore properly revoked following his failure to report on April 9, 2025.

U.S. Immigration and Customs Enforcement was authorized to arrest Murillo-Caballero following his failure to report to U.S. Customs and Immigration Enforcement. Subsection 1226(b) provides the Attorney General “at any time” may revoke a bond and rearrest the alien. As stated by the U.S. District Court of for the Western District of Washington, “[T]he terms if [sic] the bond do not limit when ICE may demand that [the alien] report.” *Mounaddif v. Ice Field Off. Dir.*, No. C16-1520-RSM-MAT, 2017 WL 521966, at *3 (W.D. Wash. Jan. 9, 2017), *report and recommendation adopted*, No. C16-1520-RSM, 2017 WL 516773 (W.D. Wash. Feb. 8, 2017) (denying petition for writ of habeas corpus).

Finally, while court may retain constitutional and statutory review in habeas proceedings, § 1226(e) strips courts of authority to review ICE's discretionary judgment regarding bond determinations. *See Al-Siddiqi v. Achim*, 531 F.3d 490, 494 (7th Cir. 2008) ("[Subsection 1226(e)] strips us of our jurisdiction to review judgments designated as discretionary but does not deprive us of our authority to review statutory and constitutional challenges."). Subsection 1226(e) therefore precludes review of ICE's decision to revoke Murillo-Caballero's release on bond and arrest him pursuant to § 1226(a).

CONCLUSION

Murillo-Caballero's petition for writ of habeas corpus should be denied.

DATED this 20th day of February, 2026.

Respectfully submitted,

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