

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,

**SUPPLEMENTAL REPLY TO SUPPLEMENTAL RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

COMES NOW, the Petitioner, HIFIS EDGARDO CABALLERO-MURILLO, by and through undersigned counsel, and respectfully submits this Supplemental Reply to Respondents' Supplemental Response to Petition for Writ of Habeas Corpus, and in support thereof shows the following:

I. INTRODUCTION

Respondents' Supplemental Response does not cure the core defect identified in the Petition. It confirms it.

Respondents contend that “[a]n Immigration Judge granted Caballero-Murillo a \$5,000 bond on May 6, 2012.” *See* Doc 15 at 2.

Petitioner does not dispute that he was released on bond.

However, “[o]n 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.” *Id.* Respondents Supplemental Response fails to acknowledge the fact that Petitioner, after being released on bond, was subsequently subject to an Order of Withholding of Removal on August 2, 2022 and “released” under an Order of Supervision following the entry of the Order of Withholding of Removal, which superseded any bond pending removal. (Doc. 11-1 at 21-25).

II. Bond under 8 U.S.C. § 1226 is Moot after Entry of a Final Order of Removal.

An order of supervision issued after removal proceedings supersedes any prior bond order because the legal authority and purpose differ fundamentally. As the Eleventh Circuit explained in *United States v. Chinchilla*, “an order of supervision does not change an alien's immigration status—he maintains an unlawful immigration status and he remains subject to the final order of removal.” *United States v. Chinchilla*, 987 F.3d 1303, 1309 (11th Cir. 2021). Nevertheless, the noncitizen is no longer pending removal proceedings, and therefore cannot be on bond.

The order of supervision “is the only document issued by the federal government memorializing the fact that the government is permitting the alien to remain at large in the United States pending removal. In order to remove an unlawful alien subject to an order of supervision, immigration officials must first revoke the order of supervision, *see* 8 C.F.R. § 241.4(l), and must notify the alien of ‘the reasons for revocation,’ *see id.* § 241.13(i)(3).” *United States v. Chinchilla*, 987 F.3d 1303, 1310 (11th Cir. 2021).

The regulation at 8 C.F.R. § 241.5(b) specifically provides that “[a]n officer authorized to issue an order of supervision may require the posting of a bond in an amount determined by the officer to be sufficient to ensure compliance with the conditions of the order.” *See* 8 C.F.R. § 241.5. This authority exists independently of and subsequent to any bond set during removal proceedings.

Respondents’ argument, that a noncitizen who had a final order of removal entered against him and is still subject to the bond requirements issued while he was pending removal proceedings, would entitle everyone under 8 U.S.C. § 1231 to be released, so long as they had a pre-existing bond issued under 8 U.S.C. § 1226, creating an absurd result.

III. CONCLUSION

In summary, when removal proceedings are withheld and an order of supervision is issued, the order of supervision controls because it operates

under the post-removal statutory framework of 8 U.S.C. § 1231, while bond orders issued during removal proceedings derive authority from 8 U.S.C. § 1226 and terminate when an order of supervision is issued under 8 C.F.R. § 241.5

For these reasons, Petitioner respectfully requests that the Court grant the writ and order his immediate release; in the alternative, order Respondents to demonstrate lawful compliance with 8 C.F.R. § 241.4 before further detention continues.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court grant the writ and order his immediate release, or alternatively order Respondents to demonstrate lawful compliance with: 8 U.S.C. § 1231 *et al.*, and 8 C.F.R. § 241.4, *et al.*, before further detention continues.

DATED this 27th day of February 2026.

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