UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN DERIS REYES UMANZOR,

Petitioner,

v.

SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY, et al. (all official capacity),[1]

Respondents.
_____/

Case No. 2:26-cv-606-JES-DNF
A No. [redacted]
El Salvador

Response to Petition for Writ of Habeas Corpus

Petitioner Juan Deris Reyes Umanzor challenges his detention by U.S. Department of Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE"), arguing he is entitled to a bond hearing under 8 U.S.C. § 1226. The Federal Respondents disagree. This is a standard § 1225 v. § 1226 with detention at the border.

Reyes Umanzor was detained at the border after his illegal entry, so the Court should deny the Petition. *Duenas Garcia v. ICE*, No. 2:25-cv-1004-KCD-NPM, 2025 WL 3277163 (M.D. Fla. Nov. 25, 2025). That analysis is in Section A below.

[1] Under its Inter-Governmental Services Agreement for Glades County Detention Center, ICE requests Warden of Glades County Detention Center David Hardin be terminated from this case. See Inter-Governmental Services Agreement for Glades County Detention Center, https://www.ice.gov/doclib/foia/detFacContracts/DROIGSA070017_P00001_GladesCoMooreHavenFL.pdf, at 53; *Mota-Constanzo v. Noem*, 2:26-cv-369-KCD-DNF, 2026 WL 681819, at *2 & n.2 (M.D. Fla. Mar. 11, 2026).

Given his detention at the border, any issues related to a class action lawsuit in California are irrelevant because Reyes Umanzor isn't a member of that class. *Aranda Garcia v. Warden*, No. 2:25-cv-1053-KCD-DNF, 2025 WL 3537592, at *2 n.2 (M.D. Fla. Dec. 10, 2025). This is addressed in Section B.

Alternatively, while reserving all rights—including a right to appeal—the Federal Respondents submit this abbreviated brief in lieu of exhaustive, duplicative briefing on the § 1225(b)(2) v. § 1226 issue. This is an effort to preserve Respondents' arguments and conserve scarce judicial resources. Should the Court prefer a fulsome discussion or entertain reconsidering its rulings on § 1226, Respondents request leave to submit additional briefing. Otherwise, these standard preservation arguments are included below in Section C.

Background

Reyes Umanzor is a citizen and national of El Salvador who illegally entered the United States without admission or parole. (Ex. 1 at 1, 3). He entered this country in May 2019 and was detained at the border. (Ex. 1 at 3).

Certified Habeas Return

ICE is detaining Reyes Umanzor under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). *See* 28 U.S.C. § 2243 ("The person to whom the writ or order is directed shall make a return certifying the true cause of the detention."). Reyes Umanzor bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021).

Discussion

A. Detention at Border

As stated, Reyes Umanzor was first detained at the border when he illegally entered the United States. Given his detention at or near the border upon entry, § 1225(b)(2) applies to Reyes Umanzor. Judge Dudek consistently explains this reasoning. *Alfonso Parra v. DHS*, No. 2:25-cv-1116-KCD-DNF, 2026 WL 21243, at *2 (M.D. Fla. Jan. 5, 2026); *Aranda Garcia*, 2025 WL 3537592, at *1; *Duenas Garcia*, 2025 WL 3277163, at *2; *Pirto v. Warden*, No. 2:25-cv-966-KCD-DNF, Doc. 13 (M.D. Fla. Nov. 13, 2025). Likewise, the Court should deny the Petition.

B. Class Action Component

Reyes Umanzor argues he is entitled to relief based on developments in a class action lawsuit. *Maldonado Bautista v. Noem*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025); *Maldonado Bautista v. Noem*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025). He is mistaken. Simply put, he isn't a member of the class definition.

Maldonado Bautista defined the certified class as follows:

> **Bond Eligible Class:** All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

2025 WL 3288403, at *9 (emphasis added). Reyes Umanzor is not a member of the

Maldonado Bautista class. He entered the United States without inspection. He was, however, possibly subject to detention under § 1225(b)(1) (i.e., expedited removal) at the time DHS made its initial custody determination. But regardless of that, Reyes Umanzor was undisputedly "apprehended upon arrival." So by its own terms, the *Maldonado Bautista* class definition does not extend to Reyes Umanzor. *Aranda Garcia*, 2025 WL 3537592, at *2 n.2.

In short, Reyes Umanzor concedes he was apprehended at the border upon arrival. So he is not a class member. *Aranda Garcia*, 2025 WL 3537592, at *2 n.2.

C. Standard § 1225 v. § 1226 Argument

Alternatively, *In re Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), the Board of Immigration Appeals ("BIA") examined the plain language of § 1225, the Immigration and Nationality Act's ("INA") statutory scheme, Supreme Court and BIA precedent, the legislative history of the INA and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and ICE's prior practices. After doing so, the BIA held that "under a plain language reading of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), immigration judges lack authority to hear bond requests or to grant bond to aliens, like the respondent, who are present in the United States without admission." 29 I&N Dec. at 225.[2] This Court should rule the same.

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[2] Recently, a Judge in California issued an order purporting to vacate *Yajure Hurtado* "as contrary to law under the APA." *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *12 (C.D. Cal. Feb. 18, 2026). For a variety of reasons, that decision has no preclusive effect here and directly violates the INA. The Ninth Circuit temporarily stayed the order pending an emergency motion for a stay pending appeal to the

Respondents acknowledge that questions of law in this case substantially overlap with *Patel v. Hardin*, No. 2:25-cv-870-JES-NPM, 2025 WL 3442706 (M.D. Fla. Dec. 1, 2025). Courts have struggled with the interpretive question of applying § 1225(b)(2) or § 1226(a) in these instances. Even courts disagreeing with Respondents note this "statutory-interpretation issue is difficult and close." *Ahmed v. Bondi*, No. 25-cv-4711 (ECT/SGE), 2026 WL 25627, at *1 (D. Minn. Jan. 5, 2026).

It should be noted, however, that growing numbers of courts recently ruled in Respondents' favor on this issue. *Iraheta Morales v. Noem*, No. 25-62598-CIV-SINGHAL, 2026 WL 236307, at *3-9 (S.D. Fla. Jan. 29, 2029); *Diaz Lopez v. ICE*, No. 3:25-cv-1313-JEP-SJH, 2026 WL 261938, at *1-12 (M.D. Fla. Jan. 26, 2026).[3]

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extent that judgment extends beyond the Central District of California. *Maldonado Bautista v. DHS*, No. 26-1044, Doc. 5 (9th Cir. 2026). *Yajure Hurtado* remains persuasive authority in this Court regarding the proper interpretation of 8 U.S.C. § 1225(b)(2). That said, the Court is free to disagree with *Yajure Hurtado* on its own terms. And the Court need not decide the issue of *Bautista*'s preclusive effect. *See Avendano v. Warden*, No. 2:25-CV-01221-SPC-NPM, 2026 WL 145499, at *1 (M.D. Fla. Jan. 20, 2026) (declining to rule on Bautista's preclusive effect).

[3] *E.g.*, ***Perez Ramirez v. Holt***, No. 2:25-cv-00156-SCM, 2026 WL 226964, at *2-7 (E.D. Ky. Jan. 28, 2026); ***Vidal Alvacora v. Olson***, No. 0:26-cv-00675-DMT-SGE, 2026 WL 220417, at *1-3 (D. Minn. Jan. 28, 2026); ***Qiwei Weng v. Genalo***, No. 25 Civ. 09595 (JHR), 2026 WL 194248, at *3-6 (S.D.N.Y. Jan. 25, 2026); ***Hernandez v. Olson***, No. 25-cv-1670-bhl, 2026 WL 161509, at *3-7 (E.D. Wis. Jan. 21, 2026); ***Singh v. Albarran***, No. 1:26-cv-00244-WBS-CSK, 2026 WL 124881, at *1-2 (E.D. Cal. Jan. 16, 2026); ***J.E.P.M. v. Wofford***, No. 1:26-cv-00316-WBS-CKD, 2026 WL 125270, at *1 (E.D. Cal. Jan. 16, 2026); ***Martinez v. Villegas***, No. 1:25-CV-256-H, 2026 WL 114418, at *3-8 (N.D. Tex. Jan. 15, 2026); ***Sargsyan v. Bondi***, No. 1:26-cv-00259-WBS-CKD, 2026 WL 114665, at *1-2 (E.D. Cal. Jan. 15, 2026); ***Cutiopala v. Noem***, No. 1:25-cv-00211-MAL, 2026 WL 113567, at *2-5 (E.D. Mo. Jan. 15, 2026); ***Chen v. Almodovar***, No. 25 Civ. 9670 (JPC), 2026 WL 100761, at *7-14 (S.D.N.Y. Jan. 14, 2026); ***Choudhary v. Albarran***, No. 1:26-cv-00119-WBS-CKD, 2026 WL 102708, at *2 (E.D. Cal. Jan. 14, 2026); ***Singh v. Noem***, No. 1:26-cv-00224 WBS CSK, 2026 WL 91787, at *2 (E.D. Cal. Jan. 13, 2026); ***Singh v. Noem***, No. 2:25-cv-00157-SCM, 2026 WL 74558, at *3-7 (E.D. Ky. Jan. 9, 2026); ***Garibay-Robledo v. Noem***, No. 1:25-cv-00177-H, 2026 WL 81679, at *3-9

Significantly, the Fifth Circuit ruled that aliens who have not been admitted to the United States are subject to mandatory detention under 8 U.S.C. § 1225(b)(2) regardless of whether the alien is already present in the United States. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). Some decisions have even started recognizing that there is no jurisdiction over this question to begin with:

> For this reason, the Court finds that Congress has not conferred jurisdiction on federal district courts to interpret or apply Section 1225 or Section 1226 of the INA. Divesting federal district courts of jurisdiction over such determinations makes sense. After all, Congress created an administrative process intended to act quickly (though in practice its actions have been anything but) in a field requiring specialized knowledge generally outside the experience of the inferior federal courts.

Munoz Nataren v. Raycraft, No. 4:26-cv-212, 2026 WL 214368, at *2 (N.D. Ohio Jan.

(N.D. Tex. Jan. 9, 2026); ***Rodriguez v. Olson***, No. 1:25-cv-12961, 2026 WL 63613, at *5-8 (N.D. Ill. Jan. 8, 2026); ***Gutierrez Sosa v. Holt***, No. CIV-25-1257-PRW, 2026 WL 36344, at *3-5 (W.D. Okla. Jan. 6, 2026); ***Gomez Hernandez v. Lyons***, No. 1:25-CV-216-H, 2026 WL 31775, at *2-8 (N.D. Tex. Jan. 6, 2026); ***Ugarte-Arenas v. Olson***, No. 25-C-1721, 2025 WL 3514451, at *1-4 (E.D. Wis. Dec. 8, 2025); ***Suarez v. Noem***, No. 1:25-cv-00202-JMD, 2025 WL 3312168, at *2-3 (E.D. Mo. Nov. 28, 2025); ***Manzo Valencia v. Chestnut***, No. 1:25-cv-01550 WBS JDP, 2025 WL 3205133, at *1-4 (E.D. Cal. Nov. 17, 2025); ***Cortes Alonzo v. Noem***, No. 1:25-cv-01519 WBS SCR, 2025 WL 3208284, at *1-5 (E.D. Cal. Nov. 17, 2025); ***Altamirano Ramos v. Lyons***, No. 2:25-cv-09785-SVW-AJR, 2025 WL 3199872, at *4-9 (C.D. Cal. Nov. 12, 2025); ***Montoya Cabanas v. Bondi***, No. 4:25-cv-04830, 2025 WL 3171331, at *3-7 (S.D. Tex. Nov. 13, 2025); ***Olalde v. Noem***, No. 1:25-CV-00168-JMD, 2025 WL 3131942, at *2-5 (E.D. Mo. Nov. 10, 2025);***Oliveira v. Patterson***, No. 6:25-cv-01463-DCJ-DJA, 2025 WL 3095972, at *2-6 (W.D. La. Nov. 4, 2025); ***Sandoval v. Acuna***, No. 6:25-cv-01467, 2025 WL 3048926, *2-6 (W.D. La. Oct. 31, 2025); ***Rojas v. Olson***, No. 25-cv-1437-bhl, 2025 WL 3033967, at *2-10 (E.D. Wis. Oct. 30, 2025); ***Kum v. Ross***, No. 6:25-cv-00451-DCJ-CBW, 2025 WL 3113646, at *1-2 (W.D. La. Oct. 22, 2025); ***Vargas v. Lopez***, No. 25-CV-526, 2025 WL 2780351, at *4-9 (D. Neb. Sept. 30, 2025); ***Chavez v. Noem***, No. 25-CV-23250CAB-SBC, 2025 WL 2730228 at *4-5 (S.D. Cal. Sept. 24, 2025); ***Pipa-Aquise v. Bondi***, No. 1:25-cv-01094-MSN-WBP, 2025 WL 2490657, at *1-2 (E.D. Va. Aug. 5, 2025).

28, 2026); *Amaya-Velis v. Raycraft*, No. 4:26-cv-73, 2026 WL 100596, at *2-3 (N.D. Ohio Jan. 14, 2026).

As the battle of the string cites builds, there is clearly a countrywide district split on applying § 1225 or § 1226 in these instances. Other circuits—including the Eleventh—have active appeals on the matter. *Pizzaro Reyes v. ERO*, No. 25-1982 (6th Cir.); *Hernandez Alvarez v. Warden*, No. 25-14065 (11th Cir.).[4] The Fifth Circuit already heard oral argument on the issue. Soon, there will be more appellate clarity one way or the other on this question. Until that time, courts nationwide will continue struggling with this interpretive issue.

Respondents respectfully disagree with the Court's decision in *Patel* and believe appeals on this legal question will be in their favor. That said, in the interest of judicial economy and to expedite the Court's consideration of this matter, Respondents make the following arguments for preservation purposes:

1. 8 U.S.C. § 1252(g) bars review of the Reyes Umanzor's claims. *Patel*, No. 2:25-cv-870-JES-NPM (Doc. 15 at 4-7) (M.D. Fla.).[5]
2. 8 U.S.C. § 1252(b)(9) bars review of these claims. *Id.* at 7-8.
3. Reyes Umanzor failed to exhaust administrative remedies. *Id.* at 8-9.

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[4] *Pizzaro Reyes v. ERO*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) *Alvarez v. Morris*, No. 0:25-cv-24806, Doc. 6 (S.D. Fla. Oct. 27, 2024).

[5] Respondents acknowledge Local Rule 3.01(h) prohibits incorporation by reference of any other motion, legal memorandum, or brief. To achieve the purpose of efficiency, Respondents respectfully request the Court to suspend application of the rule in this instance. *See* M.D. Fla. Local R. 1.01(a)-(b); Fed. R. Civ. P. 1.

4. Reyes Umanzor is properly detained under 8 U.S.C. § 1225. *Id.* at 10-16.

Should the Court determine Reyes Umanzor's detention is subject to § 1226, the only appropriate remedy is to begin the process for a bond hearing—not outright release—during which an IJ can determine whether Reyes Umanzor is a flight risk or danger to the community. *Vasquez Carcamo*, 2025 WL 3119263, at *5-6. Again, only EOIR can provide a bond hearing. That said, if ordered, ICE would do what is in its power to facilitate a hearing. *See Mirando Bravo*, No. 2:25-cv-1046, Doc. 8 at *3.

Conclusion

Reyes Umanzor's Petition for Writ of Habeas Corpus should be denied. Even if the Court grants relief under § 1226, the only appropriate relief would be a bond determination by ICE and submission to an actual IJ bond hearing as set by EOIR.

Date: March 13, 2026

Respectfully submitted,

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