IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

YOVANY JOSE VILLANUEVA, *Petitioner*, vs. **KRISTI NOEM**, *et al* *Respondents*.	CASE NO. 1:26-cv-21965-DPG

PETITIONER'S MOTION TO REOPEN CASE AND ENFORCE THE COURT'S JUNE 10, 2026 ORDER, AND FOR IMMEDIATE RELEASE

Petitioner, Yovany Jose Villanueva ("Petitioner"), through undersigned counsel, respectfully moves this Court to reopen Petitioner's case and enforce its June 10, 2026 Order. Because Respondents failed to afford Petitioner the individualized bond hearing ordered by the Court on or before June 19, 2026, and because Respondents have not otherwise released him, Petitioner respectfully requests that this Court enforce its Order and direct Respondents to immediately release Petitioner from immigration detention. In support, Petitioner states as follows:

1. On June 10, 2026, this Court entered an Order granting, in part, Petitioner's Emergency Petition for Writ of Habeas Corpus. [DE 7].
2. The Court ordered that "Respondents shall afford Petitioner an individualized bond hearing on or before June 19, 2026 or otherwise release Petitioner." *Id.*
3. The Court further ordered that, on or before June 23, 2026, Respondents file a Status Report informing the Court whether Petitioner was given an individualized bond hearing,

the outcome of that bond hearing, and the status of other matters relevant to the Petition. *Id.*

4. Although the Court administratively closed this matter, it expressly retained jurisdiction "to address matters that may arise with respect to the Petition." *Id.*
5. The Court further provided that either party may file a motion to reopen the case should any additional relief be sought relating to the Petition or the Court's Order. *Id.*
6. At the time the Petition was filed, and at the time this Court entered its June 10, 2026 Order, Petitioner was detained at the Krome North Service Processing Center in Miami-Dade County, Florida, within the Southern District of Florida.
7. On June 11, 2026, Respondents scheduled an individualized bond hearing for Petitioner to take place on June 16, 2026, at 8:00 a.m., before the Miami Krome Immigration Court.
8. On June 16, 2026, the scheduled date of the individualized bond hearing, Respondents had already placed Petitioner on a bus to transport him out of the Krome facility.
9. As a result, when the matter was called before the Immigration Judge, Petitioner was not present in the courtroom for his own bond hearing.
10. Only after the matter was called and Petitioner failed to appear did Respondents remove Petitioner from the bus and bring him into the courtroom.
11. By the time Respondents produced Petitioner, counsel had already been required to take No Action on the bond motion because Petitioner was not present when his matter was called.
12. Following the June 16, 2026 hearing, counsel re-filed the bond motion.
13. The Miami Krome Immigration Court scheduled a new bond hearing for June 29, 2026, at 8:00 a.m.

14. On June 29, 2026, the scheduled date of the re-filed bond hearing, the Immigration Judge again called for Petitioner to be produced.

15. Petitioner was again not present in the courtroom because Respondents had transported him to the State of Mississippi.

16. As a direct result of Petitioner's absence on June 29, 2026, counsel was again compelled to take No Action on the bond motion.

17. The Immigration Judge stated on the record that he wants Petitioner to be present in the courtroom for the bond hearing.

18. Therefore, on two consecutive occasions on which Petitioner's bond hearing was scheduled, Respondents' own conduct in transporting Petitioner away from the hearing location prevented the individualized bond hearing ordered by this Court from going forward.

19. The June 19, 2026 deadline set by this Court has passed.

20. Petitioner has not received the individualized bond hearing this Court ordered.

21. Petitioner has not been released.

22. Petitioner remains in Respondents' custody and is now detained in the State of Mississippi, outside the Southern District of Florida.

23. Respondents' transfer of Petitioner from the Krome facility to Mississippi occurred after this Court entered its June 10, 2026 Order and after Respondents were directed to afford Petitioner an individualized bond hearing by June 19, 2026 or otherwise release him.

24. Respondents' transfer of Petitioner frustrated Petitioner's ability to obtain the very hearing this Court ordered.

25. This Court's jurisdiction over this matter attached when the Petition was filed while Petitioner was detained within the Southern District of Florida.

26. Respondents' subsequent transfer of Petitioner to a detention facility outside this District does not divest this Court of jurisdiction. Because Petitioner was detained within the Southern District of Florida when this action was commenced, jurisdiction attached upon the filing of the Petition and continues notwithstanding his subsequent transfer. *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004).

27. This Court also expressly retained jurisdiction to address matters arising with respect to the Petition and expressly authorized either party to file a motion to reopen should additional relief be sought relating to the Petition or the Court's Order. [DE 7].

28. Accordingly, this Court retains jurisdiction to enforce its June 10, 2026 Order.

29. The Court's June 10, 2026 Order was clear and unambiguous: Respondents were required to afford Petitioner an individualized bond hearing on or before June 19, 2026, or otherwise release him.

30. Respondents did neither.

31. Scheduling a bond hearing is not the same as affording Petitioner an individualized bond hearing.

32. To afford Petitioner an individualized bond hearing, Respondents were required to ensure that Petitioner could meaningfully appear for the hearing and be heard by the Immigration Judge. Respondents failed to do so.

33. Petitioner's hearing did not proceed on June 16, 2026 because Respondents placed him on a transport bus before his hearing and did not timely produce him when the matter was called.

34. Petitioner's re-filed bond hearing did not proceed on June 29, 2026 because Respondents had transported him to Mississippi and did not produce him for the hearing.
35. The failure of both hearings was not attributable to Petitioner.
36. Rather, both hearings failed to proceed because Respondents' own transport decisions prevented Petitioner from being present when his bond matters were called.
37. Because Respondents failed to afford Petitioner the individualized bond hearing required by this Court by June 19, 2026, the alternative relief ordered by this Court is now operative.
38. Respondents were required to release Petitioner if they did not afford him the ordered individualized bond hearing by the Court's deadline.
39. Petitioner does not seek sanctions or a contempt finding through this Motion.
40. Petitioner seeks enforcement of the relief this Court already ordered.
41. Expedited consideration is necessary because Petitioner remains detained despite the expiration of the Court's compliance deadline and despite Respondents' failure to provide the individualized bond hearing ordered by this Court.
42. Each additional day of detention prolongs Respondents' noncompliance with this Court's Order.
43. Petitioner therefore respectfully requests that this Court reopen this case and enforce its June 10, 2026 Order, and direct Respondents to immediately release Petitioner from immigration detention.

WHEREFORE, Petitioner respectfully requests that this Court enter an Order:

1. Reopening this matter for the limited purpose of enforcing the Court's June 10, 2026 Order;

2. Finding that Respondents failed to comply with the Court's June 10, 2026 Order;
3. Directing Respondents to immediately release Petitioner from immigration detention, and no later than twenty-four (24) hours after entry of the Court's Order;
4. Requiring Respondents to file a Notice of Compliance confirming the date, time, and manner of Petitioner's release;
5. Requiring any response to this Motion to be filed on an expedited basis; and
6. Granting any other relief this Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF GOOD-FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3), undersigned counsel certifies that on July 1, 2026, counsel contacted counsel for Respondents, Assistant United States Attorney Carolina Perez Schmerold, regarding the relief sought in this Motion. Counsel advised that Petitioner intended to seek enforcement of the Court's June 10, 2026 Order, and Petitioner's immediate release from immigration detention. As of the filing of this Motion, Respondents oppose the requested relief.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2026, I electronically filed the foregoing document with the Clerk of Court using PACER. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties, either via transmission of Notices of Electronic Filing generated by PACER or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

Respectfully submitted,

/s/ Eduardo R. Soto, Esq.
Eduardo R. Soto, Esq.