

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 26-cv-61123-LEIBOWITZ**

ANGEL GABRIEL ROBLERO-FIGUEROA,

Petitioner,

v.

FIELD OFFICE DIRECTOR, Broward
Transitional Center, U.S. Immigration and
Customs Enforcement (ICE);

Respondent.

_____ /

PETITIONER'S MOTION TO ENFORCE

On April 21, 2026, the Court ordered that "Respondent shall provide Petitioner an individualized bond hearing, consistent with 8 U.S.C. § 1226(a) within fourteen (14) days of the entry of this Order, or otherwise release Petitioner. . . Counsel for Petitioner must be afforded a meaningful opportunity to prepare for and attend the bond hearing. No less than 72 hours prior to the time the bond hearing is set to commence." (D.E. 8 (emphasis in original.)).

On April 22, 2026, the day after this Court granted the habeas petition in part, the undersigned attorney reached out via email to the government attorney assigned to this case to inquire as to when the custody redetermination hearing before the immigration judge ("IJ") would be scheduled, so that our non-profit organization could assign Petitioner with an immigration attorney with sufficient notice (D.E. 11-1, p.1). No response to that email was ever received.

On Saturday, May 2, 2026, the Petitioner's immigration attorney received a Notice of Custody Redetermination Hearing that was set for Tuesday, May 5, 2026, at 9:00AM (D.E. 11-1, p.2). As the notice fell over a weekend to just-barely meet the 72-hour minimum notice requirement, the Petitioner's immigration attorney filed an evidentiary packet in support of bond on Monday, May 4, 2026.

On May 5, 2026, the morning of the custody redetermination hearing, the attorney representing the Department of Homeland Security ("Department") stated to the IJ that they were not ready to move forward with the hearing because the Petitioner's evidentiary packet had been filed only the day before, thus, not affording the Department with sufficient time to review and take a position as to the bond. The IJ reprimanded the Petitioner's immigration attorney for the "late filing" but recessed the case to the afternoon docket to allow the Department an opportunity to review the record.

Finally, at approximately, 3:00PM, after the Petitioner and his immigration attorney had waited six hours, the IJ heard the custody redetermination request and granted the Petitioner bond in the amount of \$5,000.00 (D.E. 10-1). The bond order did not set forth any additional conditions or requirements of the release on bond. The Department reserved appeal (D.E. 10-1).

On May 7, 2026, the Petitioner successfully posted bond and was released from the Broward Transitional Center ("BTC") (D.E. 11-1, pp. 3-6). The Immigration and Customs Enforcement (ICE) officer that processed the Petitioner instructed him to appear the very next day, May 8, 2026, at a local ICE Office for to enroll him in the "Intensive Supervision Appearance Program" also referred to as "ISAP." (D.E. 11-1, p.7). The Petitioner complied and was placed on the ISAP program which includes a GPS ankle monitor, frequent in-person

reporting to the Miami ISAP Office, regular in-person reporting to the Miramar Enforcement Removal Operations-Office, and more.

Because ICE has unilaterally imposed custody conditions on the Petitioner, even after an IJ determined he was not a danger to the community or a flight risk, he remains in custody through the conditions of his release. Thus, Petitioner moves this Court to enforce the IJ bond order, which did not include any conditions, and order Respondent to immediately remove Petitioner from ISAP altogether.

LEGAL ARGUMENT

The continued custody of Petitioner is not consistent with due process. These intensive supervision and monitoring measures carry with them the potential for future adverse consequences for noncompliance and allows ICE to control Petitioner's daily life and subjects him to significant restraints that are not shared by the public generally. Thus, the Court should find that Petitioner's continued detention is in violation of this Court's order and the IJ's bond grant. *See A.B.D. v. Wamsley*, No. 6:25-CV-02014-AA, 2026 WL 178306, at *10 (D. Or. Jan. 22, 2026) ("Respondents deprived Petitioners of their liberty interest under the Fifth Amendment by holding them in custody with intensive supervision [GPS ankle monitors and more under ISAP] measures without pre-deprivation notice and hearing.") (collecting cases).¹

¹ *See Orellana Juarez v. Moniz*, No. 25-cv-11266-MJJ, 2025 WL 1698600, at *4 (D. Mass. June 11, 2025) ("conditions of release" that include a 24/7 GPS ankle monitor, enrollment in intensive supervision program, ISAP, required regular reporting to ICE, allowing ICE to enter petitioner's residence at home visits, a 10 PM curfew, and geographic restrictions on travel determined to be "analogous" to the parole conditions in *Jones v. Cunningham*, 371 U.S. 236, 242 (1963); *see also Hogarth v. Santacruz*, No. 5:25-CV-09472-SPG-MAR, 2025 WL 3211461, at *13 (C.D. Cal. Oct. 23, 2025) ("conditions of release" that included electronic monitoring and "multiple check-ins with ICE every month" were "sufficient to demonstrate that [the petitioner] is in custody"); *Meysam Khabazha, v. United States Immigration and Customs Enforcement*, No. 25-CV-5279 (JMF), 2025 WL 3281514, at *3 (S.D.N.Y. Nov. 25, 2025) ("conditions of release" including requirements that petitioner "wear an ankle monitor

If Respondent wanted to impose further conditions of release, it had opportunity to request it before the IJ at the custody redetermination hearing on May 5, 2026, where it would have had to meet their burden of proving these conditions were warranted. For Respondent to do impose conditions of release after an IJ already determined the conditions of release from detention violates regulations concerning bond as well as the Due Process Clause of the Constitution. *See* 8 C.F.R. § 1003.19(f)-(g); *Ruiz-Rodriguez v. Field Office Director*, 1:27-cv-21606-LEIBOWITZ, at *7 (S.D. Fla. Mar. 27, 2026) (finding that respondents failed to abide by its own regulations in revoking the petitioner's Order of Release on Recognizance without affording him the process required by those regulations or otherwise affording him notice and an opportunity to be heard as required under the Fifth Amendment). Similar to *Ruiz-Rodriguez*, the Petitioner here is not contesting a removal order or the decision to place him in removal proceedings to begin with. The Petitioner is challenging the legality of his continued detention, specifically now after an IJ **already** determined his custody, and the Respondent's failure to follow that order. There is no action on behalf of the Petitioner that would warrant Respondent to seek alteration of the IJs bond order—the Petitioner had not even been released a full 24-hours before he was forced to wear an ankle monitor. In the future, if the Respondent has viable reasons for pursuing a redetermination of Petitioner's custody it may do so through proper procedures before an IJ. 8 C.F.R. § 1003.19(g).

Unilaterally subjecting Petitioner to GPS ankle monitoring and heightened reporting

at all times” and “check in at regular intervals[,]” “render[] him ‘in custody’ for purposes of his habeas petition”); *Alma Martinez Cruz v. Lyons*, No. 5:25-CV-02879-MCS-MBK, 2025 WL 3443146, at *3 (C.D. Cal. Dec. 1, 2025) (“the imposition of additional constraints on [the] [p]etitioner's liberty following her detention, including electronic monitoring, supports a conclusion that she remains in custody”).

requirements constitutes continued custody for purposes of habeas corpus and due process. *N-N- v. McShane*, No. CV 25-5494, 2025 WL 3143594, at *3 (E.D. Pa. Nov. 10, 2025) (finding the assertion that use of an ankle monitor did not constitute custody “not persuasive in the slightest”); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 68 (D. Mass. 2025) (finding habeas petitioner subject to 24/7 GPS device on his ankle “remains in custody in violation of the Due Process Clause of the Fifth Amendment”); *Campbell v. Almodovar*, No. 1:25-CV-09509 (JLR), 2025 WL 3626099, at *1 (S.D.N.Y. Dec. 15, 2025) (“any form of re-detention — including electronic monitoring and mandatory reporting — violates Petitioner’s due process rights”). Thus, Respondent’s use of a GPS monitor and other measures in lieu of physically confining Petitioner in BTC makes no difference. *Merchan-Pacheo v. Noem*, No. 1:25-CV-03860-SBP, 2026 WL 88526, at *17 (D. Colo. Jan. 12, 2026) (ordering immediate release from custody notwithstanding potential automatic stay under 8 C.F.R. § 1003.6(c)(4)).

CONCLUSION

For these reasons, the Court should enforce the immigration judge’s bond order which released Petitioner on bond, and order Respondent to immediately remove the Petitioner’s GPS ankle monitor device and remove him from the ISAP program altogether.

Dated: May 12, 2026

Respectfully submitted,

s/ Maitte Barrientos

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