

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: 26-cv-22837-BLOOM

Adrian Alejandro Abdul Khalek Salazar

Petitioner

v.

E.K. CARLTON, Warden for Federal Detention Center Miami, U.S. Immigration and Customs Enforcement (“ICE”); **GARRETT RIPA**, Director of Miami Field Office, ICE, Enforcement and Removal Operations; **TODD M. LYONS**, Acting Director of ICE; **MARKWAYNE MULLIN**, Secretary of the U.S. Department of Homeland Security; and **TODD BLANCHE**, Deputy Attorney General of the United States, in their official capacities.

Respondents.

PETITIONER’S TRAVERSE

The Petitioner hereby submits his Traverse in Response to the Respondent’s Return [ECF No. 5], and in support of his Petition for Writ of Habeas Corpus [ECF No. 1].

Introduction

In his Writ of Habeas Corpus [ECF No. 1], the Petitioner challenges his designation and subjection to continued mandatory detention under 8 U.S.C. § 1225(b)(2) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). He argues that while he is statutorily defined as an “applicant for admission” under 8 U.S.C. § 1225(a)(1), he was not “seeking admission” at the time of his most recent arrest by the Department of Homeland Security (“DHS”) Office of Immigration and Customs Enforcement (“ICE”) on or about February 24, 2026—after having been initially released from DHS custody on his own recognizance and having resided in the United States for nearly five (5) years—and is therefore outside the ambit of § 1225(b)(2)(A)’s mandatory detention provision. Instead, he contends that his redetention is controlled by § 1226, he is entitled to a full

custody redetermination hearing on the merits before an immigration judge (“IJ”),¹ and his continued detention without a full custody redetermination hearing before an IJ is unlawful, as it violates the Administrative Procedure Act, the Immigration and Nationality Act (INA), and the Due Process Clause. U.S. Const. Amend. V. [ECF No. 1, pp. 14-19].

In its Return, the government presents various arguments regarding exhaustion and jurisdiction, in addition to responding to some of the merits of the Petitioner’s arguments. [ECF No. 5]. The government submitted a “Record of Deportable/Inadmissible Alien” that purportedly supports its position that Petitioner is detained pursuant to a valid statutory authority. [ECF No. 5-2].² The document also shows that Petitioner had a juvenile charge on October 11, 2023. A juvenile conviction, much less a juvenile charge, is not a conviction for immigration purposes and should not be a determinative factor in the Petitioner’s detention.³ The Petitioner submits evidence that the juvenile charge resulted in a nolle prosequi and maintains that he has no criminal convictions. Exhibit L, Nolle Prosequi for Case No. 48-2023-CJ-002001.

ARGUMENT

I. This Court Has Habeas Jurisdiction Because Petitioner Challenges Detention, Not a Removal Order or the Commencement of Proceedings.

Respondents invoke 8 U.S.C. §§ 1252(g), 1252(a)(5), and 1252(b)(9), but none strips this Court of jurisdiction over Petitioner’s habeas claim. Section 1252(g) is narrow. It applies only to

¹ “An alien requesting a redetermination of his or her custody status under section 236(a) [8 U.S.C. § 1226(a)] must establish to the satisfaction of the Immigration Judge and the Board that he or she does not present a danger to persons or property, is not a threat to the national security, and does not pose a risk of flight.” *Matter of R-A-V-P*, 27 I&N Dec. 803 (BIA 2020). *But see J.G. v. Warden, Irwin County Detention Center*, 501 F. Supp. 3d 1331 (M.D. Ga. 2020) where the court held that due process requires the government to bear the burden at an immigration bond hearing, by clear and convincing evidence, to show flight risk or danger.

² The Petitioner points out that the government’s exhibit contains a name other than the Petitioner’s, where it claims the basis for removal. [ECF No. 5-2, p. 2, “Basis for Removal: Garcia-Rodriguez, Francis. . .”].

³ Juvenile delinquency is not a conviction for immigration purposes. INA § 101(a)(48)(A), 8 U.S.C. § 1101(a)(48)(A), defines “conviction” as a formal judgment of guilt or, where adjudication is withheld, a plea/finding/admission plus punishment, penalty, or restraint. The BIA has long held that juvenile delinquency proceedings are not criminal proceedings, acts of juvenile delinquency are not crimes, and juvenile delinquency findings are not convictions for immigration purposes. *Matter of Devison-Charles*, 22 I&N Dec. 1362, 1365–66, 1373 (BIA 2001). Thus, even a juvenile adjudication generally would not constitute an immigration conviction; a juvenile arrest is even further removed.

claims arising from three discrete actions: the decision or action to “commence proceedings, adjudicate cases, or execute removal orders.” *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999). Petitioner is not challenging DHS’s decision to commence removal proceedings, the adjudication of his removability, or execution of a removal order. He challenges the legal authority for his continued mandatory detention and the denial of any meaningful bond hearing. The Eleventh Circuit has recognized that § 1252(g) does not bar claims challenging the “underlying legal bases” for detention rather than discretionary commencement or execution decisions. *Madu v. U.S. Att’y Gen.*, 470 F.3d 1362, 1368 (11th Cir. 2006); *Acosta v. Field Office Dir.*, 26-cv-60687-BLOOM, at *2 (S.D. Fla. Apr 10, 2026) (dismissing the government’s 8 U.S.C. § 1252(g) and 8 U.S.C. § 1252(b)(9) jurisdictional bar arguments as an initial matter).

Respondents’ reliance on *Alvarez v. ICE*, 818 F.3d 1194 (11th Cir. 2016) is misplaced. *Alvarez* involved damages claims tied to ICE’s decision to commence proceedings and take the plaintiff into custody in that context. Petitioner brings a habeas claim challenging the statutory and constitutional basis for ongoing mandatory detention without a bond hearing. That is precisely the kind of claim federal courts have historically reviewed under § 2241.

Sections 1252(a)(5) and 1252(b)(9) likewise do not apply because Petitioner is not challenging a removal order. “Because section 1252(b)(9) applies only ‘with respect to review of an order of removal,’ and this case does not involve review of an order of removal, we find that section 1252(b)(9) does not apply to this case.” *Madu*, 470 F.3d at 1367 (emphasis added); *see also Canal A. Media Holding, LLC*, 964 F.3d 1250, 1257 (11th Cir. 2020) (“The zipper clause is not intended to cut off claims that have a tangential relationship with pending removal proceedings. ... [it] promotes judicial economy by consolidating “challenges to any action related to removal proceedings ... with the review of a final order of removal.”) (citation omitted).

Petitioner is not asking this Court to review, vacate, or interfere with any removal order. Indeed, if habeas relief is granted, his removal proceedings will continue; only his unlawful detention status will change. The Supreme Court in *Jennings v. Rodriguez* held that § 1252(b)(9) should not be read in an “extreme” manner and did not bar detention claims where the detainees were not asking for review of a removal order, were not challenging the decision to seek removal, and were not challenging the process for deciding removability. *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018). The same is true here.

Respondents’ contrary theory would transform every detention challenge into an

unreviewable removal-related claim. That is not the law. Habeas review remains available to test whether the Executive is detaining a person pursuant to lawful authority and with constitutionally adequate process. Therefore, neither §§ 1252(a)(5) nor (b)(9) bars this Court from reviewing the Petitioner's habeas claim of unlawful detention.

II. Exhaustion Is Not Required Because § 2241 Contains No Statutory Exhaustion Requirement and Administrative Review Would Be Futile.

Respondents argue that Petitioner must first exhaust administrative remedies before seeking habeas relief. [ECF No. 9, p. 6]. That argument fails. Section 2241 does not impose a statutory exhaustion requirement. *Santiago-Lugo v. Warden*, 785 F.3d 467, 474–75 (11th Cir. 2015). Any exhaustion requirement in this context is prudential, not jurisdictional, and may be excused where administrative remedies are inadequate, futile, or incapable of providing relief commensurate with the claim. *See Haitian Refugee Ctr., Inc. v. Nelson*, 872 F.2d 1555, 1561 (11th Cir. 1989); *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir. 2001).

This is such a case. Petitioner challenges DHS's and the BIA's legal position that he is subject to mandatory detention under § 1225(b)(2)(A) and categorically ineligible for an IJ bond hearing. The BIA has already adopted that position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Requiring Petitioner to appeal to the BIA would require him to ask the agency to overrule its own binding precedent while he remains detained.

This Court, among others in this District, has excused exhaustion requirements due to futility because immigration judges are bound by the BIA's precedential decision in *Yajure Hurtado*. "Since the result of Petitioner's custody redetermination and any subsequent bond appeal to the BIA is nearly a foregone conclusion under *Matter of Yajure Hurtado*, any prudential exhaustion requirements are excused for futility." *Puga v. Ass't Field Office Director*, Case No. 25-24535-CIV-ALTONAGA, 2025 WL 2938369, at *2 (S.D. Fla. Oct. 15, 2025); *Castro v. Parra*, Case No. 26-cv-20422-BLOOM (S.D. Fla. Mar. 20, 2026) (agreeing on the futility of administrative exhaustion).⁴

Nor can the BIA provide full relief on Petitioner's constitutional claims. The BIA does not

⁴ See also *Zamora Policarpo v. Parra*, Case No. 25-25236-CIV-COHN, ECF No. 8 (S.D. Fla. Dec. 22, 2025) (finding good cause to excuse Petitioner's failure to exhaust administrative remedies where it is evident the BIA will reject Petitioner's request for a bond hearing or release and that Petitioner is subject to detention under § 1226(a) and entitled to a bond hearing before an immigration judge); and *Mejia v. Lyons*, 26-60258-CIV-DAMIAN (S.D. Fla. Apr 03, 2026) (concurring that administrative exhaustion would have been futile under *Yajure Hurtado*).

sit as an Article III court and cannot invalidate the statutory or agency framework under which Petitioner is being detained. Petitioner is therefore not required to exhaust administrative remedies before seeking habeas relief.

III. The Petitioner was not “seeking admission” at the time of his most recent arrest by ICE, and his detention is therefore governed by 1226(a) and not by § 1225(b)(2)(A).

Respondents’ argument rests on the premise that because Petitioner entered without inspection and was never admitted, he is forever an “applicant for admission” detained under § 1225(b)(2)(A). That interpretation collapses two distinct statutory concepts: being an “applicant for admission” under § 1225(a)(1) and being an alien “seeking admission” for purposes of § 1225(b)(2)(A)’s inspection-and-detention scheme.

District Courts have overwhelmingly rejected the government’s assertion that individuals like Petitioner are both an applicant for admission as defined in 8 U.S.C. § 1225(a)(1) and an alien seeking admission, such that they are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for a bond redetermination hearing before an IJ.⁵ Respondents rely on

⁵ The overwhelming majority of United States Federal District Courts, including those in the Eleventh Circuit, have drawn the same conclusion. *See, e.g., Antonio Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 LX 442534, at *35-36 (S.D. Ga. Nov. 4, 2025) (“I conclude Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) . . . Thus, Petitioner’s detention based on 8 U.S.C. § 1225(b)(2) is unlawful. Any immigration court order which has relied on this misinterpretation to continue to detain Petitioner is contrary to the INA, and therefore, § 2241 relief is proper.”); *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL), 2025 LX 418115, at *14-16 (M.D. Ga. Nov. 1, 2025) (rejecting the government’s arguments, which largely parrot the rationale in *Yajure Hurtado* . . . [to] conclude[] that § 1226(a), not § 1225(b)(2), applies” to immigrants like Petitioner, and ordering the immigration court to grant a bond hearing); *Garcia v. Noem*, No. 2:25-cv-00879-SPC-NPM, 2025 LX 400655, at *11 (M.D. Fla. Oct. 31, 2025) (“Since DHS’s change in policy, courts in this District and around the country have rejected its new interpretation of the INA. This Court agrees with the growing consensus.”); *Hernandez Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM, 2025 U.S. Dist. LEXIS 212865, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Aguilar Guerra v. Joyce*, 2:25-cv-534-SDN, 2025 U.S. Dist. LEXIS 208608, 2025 WL 2986316 (D. Maine Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-cv-13004, 2025 U.S. Dist. LEXIS 208752, 2025 WL 2985256 (D. N.J. Oct. 23, 2025); *Gomez Garcia v. Noem*, No. 5:25-cv-02771-ODW (PDx), 2025 U.S. Dist. LEXIS 209286, 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 U.S. Dist. LEXIS 208290, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Ochoa Ochoa v. Noem*, No. 25-CV-10865, 2025 U.S. Dist. LEXIS 204142, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *N.A. v. Larose*, No. 25-cv-2384-RSH-BLM, 2025 U.S. Dist. LEXIS 198688, 2025 WL 2841989 (S.D. Cal. Oct. 7, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 U.S. Dist. LEXIS 175513, 2025 WL 2607924 (D. Mass. Sept. 9, 2025).

Buenrostro-Mendez v. Bondi, 166 F.4th 494 (5th Cir. Feb. 6, 2026) and *Herrera Avila v. Bondi*, No. 25-20496, 25-40701 (8th Cir. Mar. 25, 2026), but those out-of-circuit decisions are not binding here and have been rejected by substantial contrary authority, including courts in this District. Importantly, the Fifth Circuit only addressed the statutory interpretation of 8 U.S.C. § 1225 and, therefore, does not foreclose the argument that an immigrant detained under that provision is entitled to a bond hearing or to release, as a matter of constitutional law.

The Second Circuit has also rejected the government's interpretation, holding that § 1225(b)(2)(A) does not authorize mandatory detention of a long-term interior resident who entered without inspection and was not apprehended at or near the border at the time of entry. *Cunha v. Freden*, No. 25-4141 at *2-3 (2d Cir. Apr. 28, 2026). The Second Circuit explicitly disagreed with the Fifth Circuit's decision in *Buenrostro-Mendez* and the Eighth Circuit's decision in *Avila v. Bondi*, finding the statutory analysis in both "unpersuasive." *Id.* at *11.

Although the Eleventh Circuit has not ruled on this issue, the government itself acknowledges that judges in this District have repeatedly disagreed with the Fifth and Eighth Circuits that § 1226(a), not § 1225(b)(2)(A), governs detention of noncitizens like Petitioner.⁶ [ECF No. 5, p.3, fn. 2]. The government presents no reason why the Court should depart from the jurisprudence of the majority of decisions in this District. Thus, the Court should once again reject the government's contention that this Petitioner is properly detained pursuant to § 1225(b)(2)(A). *Acosta v. Field Office Dir.*, 26-cv-60687-BLOOM, at *7 (S.D. Fla. Apr 10, 2026) ("The Court determines that finding Petitioner is subject to detention pursuant to § 1226(a) rather than § 1225 gives meaning to each provision of the statutes, whereas Respondents' proposed construction does not."); *Palma v. Charles*, 1:26-cv-21923-GAYLES, at *5 (S.D. Fla. Apr 09, 2026) (same, finding that the detention of habeas petitioner living in the U.S. since 2018 was governed by 1226(a)); *Similien v. Warden, Fed. Det. Ctr. Miami*, 26-cv-21739-BLOOM, at *7 (S.D. Fla. Apr 02, 2026) (same, noting that "the Supreme Court has treated foreign nationals who, like Petitioner, are already in the United States as being governed by 1226(a)); *Puga*, 2025 WL 2938369, at *5 (S.D. Fla. Oct. 15, 2025) (same, finding that the habeas petitioner was entitled to an individualized bond

175513, 2025 WL 2607924 (D. Mass. Sept. 9, 2025).

⁶ Petitioner acknowledges that a minority of other courts in this District have agreed with the government's position. See *Rocha Vargas v. Miami Federal Detention Center*, No. 25-CV-25966-RAR, 2026 WL 911291, at *2 (S.D. Fla. Apr. 2, 2026) (concluding that habeas petitioner was an applicant for admission because he entered the country without inspection); *Gomez Varela v. Nunez*, 26-60414-CIV-SINGHAL (S.D. Fla. Apr 08, 2026) (same); *Briceno v. Warden, Fed. Det. Ctr., Miami*, 25-CV-25586-RAR (S.D. Fla. Apr 14, 2026) (same).

hearing under section 1226(a)).

IV. Petitioner's Prior Release on Recognizance Confirms That His Detention Is Not Limited to § 1182(d)(5) Parole.

Respondents argue that applicants for admission may be released only through parole under 8 U.S.C. § 1182(d)(5). But Petitioner was previously released by DHS on his own recognizance under § 1226 [ECF No. 1, ¶ 2].

The BIA has recognized that conditional parole under § 1226(a)(2)(B) is distinct from parole under § 1182(d)(5)(A). *Matter of Castillo-Padilla*, 25 I&N Dec. 257, 261 (BIA 2010). Respondents' reliance on *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), is therefore misplaced. *Q. Li* involved a noncitizen previously released on § 1182(d)(5) parole and then re-detained after termination of that parole. Petitioner was released on his own recognizance. Although there are arguments as to a release on own recognizance is a parole as matter of law, this issue is not on point here. His case is not governed by *Q. Li*'s parole analysis.

Petitioner's prior release reflects the statutory reality: DHS treated him as eligible for release under the ordinary interior detention framework. DHS cannot now avoid § 1226(a)'s bond protections by relabeling him, years later, as an arriving-style applicant subject to categorical detention under § 1225(b)(2)(A).

Contrary to the government's position, custody determinations for individuals like the Petitioner in 1229a removal proceedings are governed by 8 U.S.C. § 1226. *See* 8 U.S.C. 1229a. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances. Moreover, detention is not the only means to ensure appearance at future removal proceedings hearings. Alternatives to detention can be put in place to help mitigate flight risk. *See Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).⁷ As such, Petitioner is entitled to an individualized bond hearing under § 1226(a) where an

⁷ Such alternatives to detention are extremely effective, as recognized by the Ninth Circuit. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) ("As the American Bar Association explains in its amicus brief, the Intensive Supervision Appearance Program—which relies on various alternative release conditions—resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings."). "[DHS] has no legitimate interest in detaining

Immigration Judge properly considers alternatives to detention to mitigate flight risk.

V. Due Process Requires a Meaningful Individualized Custody Hearing; Jennings Did Not Hold Otherwise.

Respondents argue that Petitioner's due process claim fails because § 1225(b)(2)(A) is a valid detention statute. That argument assumes the very statutory point in dispute and ignores the independent constitutional claim.

Although Congress possesses broad authority to establish immigration and naturalization rules, including rules that might be impermissible if applied to citizens, that authority is not without constitutional limits. The Supreme Court has repeatedly recognized that the political branches' plenary power over immigration remains subject to the constraints of the Constitution. *Demore v. Kim*, 538 U.S., 510, 521-23 (2003).

Most fundamentally, noncitizens physically present in the United States are entitled to the protections of the Fifth Amendment's Due Process Clause, regardless of immigration status. Whether a noncitizen has received constitutionally adequate process in a bond hearing is a matter of reviewable discretion. It is a constitutional question squarely within the province of the judiciary. *Jennings* did not hold that due process permits indefinite or prolonged mandatory detention without an individualized hearing, nor did it decide that the government never bears the burden of proof in immigration bond proceedings. *Jennings* rejected the Ninth Circuit's statutory construction that read periodic bond hearings and a government-burden requirement into §§ 1225(b), 1226(a), and 1226(c). 583 U.S. at 296–304. The Supreme Court remanded for consideration of constitutional arguments. Thus, *Jennings* does not foreclose Petitioner's due process claim; it confirms that any bond-hearing requirement must be grounded in the Constitution where the statute does not provide one.

Petitioner is physically present in the United States and, therefore, protected by the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Civil immigration detention is constitutionally permissible only when reasonably related to legitimate governmental purposes—principally ensuring appearance and protecting the community. Detention without any meaningful opportunity to test those purposes before a neutral decisionmaker creates an intolerable risk of erroneous deprivation of liberty.

Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the private interest here is the most basic individuals . . . whose appearance at future immigration proceedings can be reasonably ensured by a lesser bond or alternative conditions.” *Hernandez*, 872 F.3d at 994.

liberty interest: freedom from physical confinement. The risk of erroneous deprivation is substantial where detention is mandatory, categorical, and insulated from an individualized hearing. The additional safeguard Petitioner seeks—a prompt custody redetermination before an IJ—is ordinary, administrable, and already built into the § 1226(a) framework. The government’s interests in ensuring appearance and protecting the public are legitimate, but those interests are advanced, not undermined, by an individualized hearing that determines whether detention is actually necessary.

Several courts of appeals have recognized that due process may require meaningful procedural protections in immigration bond hearings, including placing the burden on the government to justify detention in appropriate circumstances. See *Velasco Lopez v. Decker*, 978 F.3d 842, 856 (2d Cir. 2020); *Hernandez-Lara v. Lyons*, 10 F.4th 19, 39, 45–46 (1st Cir. 2021). Although the Eleventh Circuit has not adopted a binding rule placing the burden on the government in this context, due process principles support requiring the government to justify continued civil detention where the liberty deprivation is severe and where detention turns on alleged dangerousness or flight risk.

At minimum, Petitioner is entitled to a meaningful custody redetermination under § 1226(a). To be constitutionally adequate, that hearing should require reliable evidence, individualized findings, and consideration of alternatives to detention. If this Court orders a bond hearing, it should direct that the hearing meaningfully assess whether Petitioner is a flight risk or danger and should not permit continued detention based on unsupported assumptions, dismissed allegations, or categorical labels.

VI. The APA Count Does Not Defeat Habeas Relief.

Respondents argue that Petitioner lacks standing to proceed under the APA because habeas is the proper vehicle for challenges implying the invalidity of confinement. To the extent the Court concludes that habeas provides the proper and adequate vehicle for relief, Petitioner’s request for relief under § 2241 remains fully available. Respondents’ APA argument is not a basis to deny the writ.

The central claim is straightforward: Petitioner is unlawfully detained under an erroneous statutory classification and without constitutionally adequate process. Habeas is designed to test the legality of custody. If the Court grants relief under § 2241, it need not reach any independent APA theory.

CONCLUSION

For the reasons stated herein, the Court should grant the Petitioner's Writ of Habeas Corpus [ECF No. 1], and Order that he be immediately released, or, in the alternative, be provided a custody redetermination hearing before the Immigration Judge within a reasonable time determined by the Court, award the Petitioner fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and grant any additional relief this Court deems just and proper.

Dated: April 30, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 30, 2026, the foregoing was electronically filed with the Clerk of Court by causing a copy to be electronically filed via the CM/ECF system, which will send notice of the filing to all attorneys of record.

/s/ Vanessa McCarthy

Vanessa McCarthy

Attorney for Petitioner