

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN CARLOS GUILLEN GARCIA,

Petitioner,

Case No. 2:26-cv-01540-JES-NPM

v.

WARDEN, GLADES COUNTY
DETENTION CENTER et al.,

Respondents.

**FEDERAL RESPONDENTS' OPPOSITION
TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Juan Guillen Garcia challenges his detention by U.S. Immigration and Customs Enforcement ("ICE"), arguing he is entitled to immediate release. Federal Respondents acknowledge that the Eleventh Circuit decision issued in *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026) controls this case.¹ Guillen Garcia is therefore entitled to an individualized bond hearing under 8 U.S.C. §1226(a). Nevertheless, because Guillen

¹ Pursuant to its Inter-Governmental Services Agreement for Glades County Detention Center, U.S. Immigration and Customs Enforcement requests Warden of Glades County Detention Center be terminated from this case. *See* Inter-Governmental Services Agreement for Glades County Detention Center, Ex. 2 at 12; *Mota-Constanzo v. Noem*, 2:26-cv-00369-KCD-DNF, 2026 WL 681819, at *2 & n.2 (M.D. Fla. Mar. 11, 2026).

Garcia has not requested a bond hearing before an Immigration Judge, his petition should be denied for failure to exhaust his administrative remedies.

BACKGROUND

Guillen Garcia is a national and citizen of Honduras who last entered the United States on October 11, 2022. (Composite Exhibit, Ex. 1 at 1.) He was paroled into the United States through October 10, 2023. *Id.* at 17. On May 23, 2023, he was served with a Notice to Appear. *Id.* at 13. Guillen Garcia was placed in immigration custody on April 15, 2026. *Id.* at 1.

On May 7, 2026, Guillen Garcia filed a petition for writ of habeas corpus alleging his custody violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. (Doc. 1.)

CERTIFIED HABEAS RETURN

Pursuant to 28 U.S.C. § 2243, “[t]he person to whom the writ or order is directed shall make a return certifying the true cause of the detention.” Petitioner 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). Under the Eleventh Circuit’s precedential ruling in *Hernandez Alvarez*, Guillen Garcia is detained under 8 U.S.C. § 1226(a). *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026).

ARGUMENT

I. This case is controlled by *Hernandez Alvarez*.

Federal Respondents acknowledge that the Eleventh Circuit’s decision issued in *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026) controls this case. There, the court held that “[t]he text of [8 U.S.C.] § 1225(b)(2)(A) is clear that mandatory detention applies only to a narrower category of applicants for admission: those seeking lawful entry into the United States . . . [not] to other present aliens not seeking admission.” *Id.* at *13. In short, “§ 1225 applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully in the interior.” *Id.* at *14. Following the Eleventh Circuit’s decision in *Hernandez Alvarez*, Guillen Garcia is entitled to an individualized bond hearing under 8 U.S.C. §1226(a).

The Eleventh Circuit’s decision will necessarily apply with equal force to Immigration Courts located within the Eleventh Circuit’s territory of Florida, Georgia, and Alabama. *See Matter of Garcia*, 28 I. & N. Dec. 693, 698 (BIA 2023) (“We are bound to follow the law of the circuit court of appeals with jurisdiction over the region where an Immigration Court is located.”) Where immigration proceedings implicate multiple circuits, “[t]he circuit law that applies in Immigration Court proceedings is the law governing the geographic location of the Immigration Court where jurisdiction vests and proceedings commence.” *Id.* at 707. “This circuit law

controls regardless of where the parties and the Immigration Judge are physically located and may only change where an Immigration Judge grants a motion to change venue.” *Id.* As such, there should be no impediment to requiring petitioners to exhaust their administrative remedies by seeking bond hearings with the Immigration Courts. *See Bohorquez-Valencia v. Ripa*, Case No. 3:25-cv-1383-MMH-LLL, 2026 WL 662980, at *2 (M.D. Fla. Mar. 9, 2026) (citing *Santiago-Lugo v. Warden*, 785 F.3d 467, 475 (11th Cir. 2015)) (“A petitioner must exhaust all available administrative remedies before filing a [28 U.S.C.] § 2241 petition in federal court.”).

II. Guillen Garcia has failed to exhaust his administrative remedies.

Federal regulations give an alien the ability to seek review of ICE’s initial custody determination before an immigration judge. 8 C.F.R. § 1003.19(a). This is not an automatic process; rather, an alien must specifically request it. *Id.* § 1003.19(b). Should an alien be dissatisfied with an Immigration Judge’s ultimate decision—including one in which the alien is found subject to mandatory detention—he has the opportunity to appeal the Immigration Judge’s order to the Board of Immigration Appeals. *Id.* § 1003.1(b)(7). Guillen Garcia has not availed himself of either opportunity before turning to this Court for intervention.

The principle of exhaustion protects administrative agency authority and promotes judicial efficiency, recognizing that agencies “ought to have primary responsibility for the programs that Congress has charged them to administer.”

McCarthy v. Madigan, 503 U.S. 140, 145 (1992). The Eleventh Circuit has not adopted a futility exception in the habeas context. *See e.g., McGee v. Warden, FDC Miami*, 487 F. App'x 516, 518 (11th Cir. 2012) (finding that the district court lacked jurisdiction to consider a Section 2241 petition where the petitioner failed to exhaust remedies, notwithstanding his argument that doing so would be futile); *Morris v. Warden, FCC Coleman - Low*, No. 5:22-CV-527-WFJ-PRL, 2023 WL 3931928, at *2 (M.D. Fla. June 9, 2023) (expressing doubt as to whether the futility exception applies in the context of Section 2241 habeas petitions); *Gonzalez-Velez v. Warden, FCC Coleman - Low*, No. 5:22-CV-509-WFJ-PRL, 2023 WL 3584113, at *2 (M.D. Fla. May 22, 2023) (“[a]t the outset, it should be noted that an ‘exception’ to administrative exhaustion based on futility in the § 2241 setting has not been adopted by the Eleventh Circuit.”); *but see Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *3 (M.D. Fla. Oct. 31, 2025) (stating that exhaustion may be excused if an administrative body is biased or otherwise predetermined the issue before it).

Exhaustion of administrative remedies would also likely provide the benefit of a written decision from an Immigration Judge regarding Guillen Garcia’s custody status. *See* Executive Office for Immigration Review, Policy Manual, 8.3 Bond Proceedings, § (e)(7) (“If either party appeals, the Immigration Judge prepares a written decision based on notes from the hearing”), *available at* <https://www.justice.gov/eoir/policy-manual-eoir/part-II/icpm/chapter-8-3> (last

visited May 5, 2026). Guillen Garcia should therefore be required to exhaust his administrative remedies.²

In the alternative, in the event the Court orders a bond hearing be conducted by an Immigration Judge under 8 U.S.C. § 1226(a), Federal Respondents request a reasonable period of seven days to arrange an individualized bond hearing.

CONCLUSION

Federal Respondents respectfully request that Guillen Garcia's petition be denied.

DATED this 18th day of May, 2026.

Respectfully submitted,

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² But see *Gonzalez v. Warden*, No. 2:26-CV-1281-KCD-DNF, 2026 WL 1345910, at *1 n.2 (M.D. Fla. May 14, 2026) (excusing exhaustion when petition was filed before *Hernandez Alvarez*).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 18, 2026, the foregoing document was
served via U.S. mail to:

Juan Carlos Guillen Garcia
Glades County Detention Center
1297 E SR 78
Moore Haven, FL 33471

/s/ Chad C. Spraker
Assistant United States Attorney