



Second, as set forth in the Petition for Writ of Habeas Corpus and Application for Issuance of an Order to Show Cause, Petitioner's detention is unlawful regardless of how long it lasts. Petitioner has resided in the United States for more than twenty-five years. Under the statutory scheme and its implementing regulations, Petitioner may be detained only pursuant to 8 U.S.C. § 1226(a), which entitles him to an individualized bond hearing before an immigration judge. Yet Petitioner has never received such a bond hearing; instead, the immigration judge denied jurisdiction based solely on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). As the *Maldonado Bautista* orders now make clear, noncitizens in Petitioner's position are detained under § 1226, not § 1225(b)(2)(A), and are therefore bond-eligible [D.E. 17]. There is no lawful basis to continue to detain Petitioner, much less without a bond hearing, and certainly no justification for delaying this Court's review of his habeas claim.

Third, Petitioner's continued detention substantially impairs his ability to assist counsel in preparing his defense in removal proceedings. Petitioner is pursuing cancellation of removal under 8 U.S.C. § 1229b(b) before the immigration court. That form of relief will require extensive evidence of his long residence in the United States, his good moral character, and the exceptional and extremely unusual hardship that his removal would inflict on his lawful permanent resident wife, Adalgisa Castillo. Preparing such a case demands Petitioner's active participation: working with counsel to identify and contact witnesses, gathering records from Puerto Rico, organizing documentary evidence, and preparing his own testimony, while also collaborating with the preparation of his wife's testimony. Detention at Broward Transitional Center sharply limits his access to records, his ability to coordinate with his wife, and his opportunity to meet with counsel in a meaningful way to prepare for his merits hearing. Delaying the federal habeas hearing date

only prolongs these impediments and further prejudices his ability to present his case in immigration court.

Fourth, Petitioner's prolonged absence has had, and continues to have, a severe detrimental impact on Mrs. Castillo. Petitioner has been married to Mrs. Castillo for over a decade. She suffers from Major Depressive Disorder (Severe), Generalized Anxiety Disorder, and Insomnia, among other conditions, and has long relied on Petitioner for emotional, physical, and financial support [D.E. 7-2].

Before his arrest, Petitioner was gainfully employed, providing significant economic support for Mr. Castillo. His ongoing detention has destabilized Mrs. Castillo's mental health, left her financially and emotionally vulnerable, and thwarted the couple's years-long effort to regularize his status through her spousal visa petition [D.E. 7-2].

Every additional week that Petitioner remains detained exacerbates Mrs. Castillo's psychiatric symptoms and financial insecurity. The equities thus strongly favor entering a ruling on the papers or maintaining the existing December 19, 2025 hearing date and resolving Petitioner's habeas petition without further delay.

For all of these reasons — Petitioner's prolonged and unlawful detention, the prejudice to his ability to assist in his removal defense, and the severe hardship to his LPR wife — Respondents' motion to reset the hearing date should be denied..

## **II. UNOPPOSED MOTION FOR RULING ON THE PAPERS**

Petitioner moves for a ruling on the papers.

On December 3, 2025, undersigned counsel conferred by email with government counsel, Assistant U.S. Attorney Chantel Doakes Shelton, who confirmed that Respondents do not oppose this Court resolving the habeas petition on the papers, without oral argument or an in-person evidentiary hearing.

A ruling on the papers is appropriate because there are no material factual disputes requiring an evidentiary hearing. The relevant facts are undisputed: Petitioner entered the United States without inspection in 1999; he has lived here continuously for more than twenty-five years; he has no criminal history; ICE arrested him in front of his home in Puerto Rico on August 12, 2025 and transferred him to detention in the Southern District of Florida; he requested a bond hearing; and the immigration judge denied jurisdiction solely based on *Matter of Yajure Hurtado*. Respondents do not contest these core facts in their response to the Court's Order to Show Cause.

What remains is a purely legal dispute: whether Petitioner's detention is governed by 8 U.S.C. § 1226(a), entitling him to an individualized bond hearing, or by 8 U.S.C. § 1225(b)(2)(A), as Respondents claim; and, following the *Maldonado Bautista* declaratory judgment, whether Respondents may continue to detain a member of the Bond Eligible Class like Petitioner without affording him a bond hearing. Those questions turn on statutory interpretation and the effect of binding declaratory relief — not on any disputed facts. They can and should be resolved on the written record.

Moreover, numerous district courts confronting the same or closely related statutory questions — whether long-resident noncitizens who entered without inspection are detained under § 1226(a) or § 1225(b)(2)(A), and whether detention without a bond hearing under the latter provision is lawful — have resolved those habeas petitions on the papers. *See, e.g., Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV (S.D. Fla.).

Finally, 28 U.S.C. § 2243 directs that a court entertaining a habeas petition “shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,” and “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.” In light of the fully developed written record, the absence of material factual

disputes, and the purely legal nature of the issues presented, “law and justice” are best served by deciding the petition on the papers rather than postponing relief through further delay.

Because the motion is unopposed and the statutory and constitutional questions can be resolved on the existing record, Petitioner respectfully requests that the Court vacate the currently scheduled hearing and issue a prompt ruling on the papers.

### **III. CONCLUSION**

Accordingly, this Court should vacate the hearing currently scheduled for December 19, 2025, and issue a prompt ruling on the papers granting the Petition [D.E. 1] and ordering Petitioner’s immediate release or, in the alternative, an individualized bond hearing.

Respectfully submitted,  
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Dated: December 9, 2025

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on December 9, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

*/s/ Javier Micheo Marcial*  
Javier Micheo Marcial, Esq.