

Andrew W. Clopman, Esq.
Florida Bar No. 0087753
aclopman@clopmanlaw.com
Andrew W. Clopman, P.A.
P.O. Box 86
Fort Covington, NY 12937
Telephone: (772) 210-4337
Attorney for Petitioner Lilian Roxana VALLEJO

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE No. 0:25-cv-62148-MD

LILIAN ROXANA VALLEJO,

Petitioner,

v.

DIRECTOR, U.S. DHS ICE ERO Miami
Field Office, *et al.*,

Respondents.

**PETITIONER'S REPLY TO RESPONDENT'S RESPONSE TO
PETITIONER'S MOTION TO ENFORCE**

The Petitioner, Lilian Roxana Vallejo, by and through undersigned counsel, hereby files the instant Reply to the Respondent's Response to the Petitioner's Motion to Enforce (ECF No. [18]) ("Response") and respectfully states as follows:

1. In the Response, the Respondent relies on a recent decision from the District Court for the Northern District of Georgia in *Hernandez v Udzenski* to argue that the Respondent has authority to impose additionally conditions on a petitioner after releasing the petitioner from detention pursuant to an immigration judge ("IJ") order in custody redetermination proceedings. See ECF No. [18], at **2-6 (citing to *Udzenski*, No. 2:25-cv-373, 2025 WL 4093557 (N.D. Ga. Dec. 15, 2025)).

2. Although the Respondent acknowledges that “a smattering of district courts around the country have found ICE’s requirement that some habeas petitioners released on bond comply with ICE’s ISAP program is akin to them remaining ‘in custody,’” the Respondent urges the Court to these cases and focuses on the holding in *Udzinski*. See ECF No. [18], at *4, ¶¶13-15; ECF No. [16], at **2-3, ¶¶8-9 (listing cases where Courts have found unlawful detention following IJ bond and release orders when Respondents require Petitioners to submit to an ankle monitor despite it not being a condition set by the IJ); see also *Cortes v. Guadian*, Case No. 1:26-cv-00294-CNS, 2026 WL 265688, *2 n* (D. Colo. Feb 2, 2026) (finding same and also stating that “[i]ndeed, absent any intervening change in law or material – and the Court means *material* – change in fact, the Court will require no argument in the future as to whether the after-the-fact imposition of conditions that exceed or contradict an immigration judge’s bond order amount to a petitioner’s due process violations”).

3. The decision in *Udzinski* is distinguishable from the other cases that the Petitioner has cited and to the claims in the instant matter, however, because “[t]he parties [in *Udzinski*] concede[d] that IJs lack the power to unilaterally set conditions of release” and the Judge further found that neither regulations nor Board of Immigration Appeals (“BIA”) precedent provided any explicit grant of such power to an IJ. *Udzinski*, 2025 WL 40935557, at *2.

4. In *Udzinski*, the Court noted that “[t]his concession is interesting given the weight of caselaw suggesting that IJs do have this power.” *Id.* at *2, n.2 (citing to *J.G. v. Warden, Irwin Cnty. Det. Center*, 2021 WL 5413661, at *2 (M.D. Ga. Jan. 15, 2021)). In *J.G.*, the Court found that “[t]he IJ may also set conditions of release such as subjection the noncitizen to electronic monitoring.” *Id.*, 2021 WL 5413661, at *2 (citing 8 U.S.C. § 1226(a)(2)).

5. In *Udzinski*, the Court noted that the other cases that Petitioner did not involve the concession that IJs do not have power to set any conditions beyond the bond. *Udzinski*, 2025 WL 40935557, at *3 (“the parties did not concede as they do here that IJs lack the power to set conditions at all” and “[b]ecause the parties here agree that the IJ lacked authority under the regulations to set conditions on Petitioner, it makes sense that ICE had an opportunity to set them after Petitioner was released”).

6. In the instant matter, the Petitioner never claimed that IJs lack authority to impose release conditions on a Petitioner in a bond order. *See* ECF No. [16]. The plain language in 8 U.S.C. § 1226(a)(2)(A) provides IJs with this authority. *See id.* (“the Attorney General [...] may release the alien on [] bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General [...]” (cleaned up)). Additionally, the IJ in the instant matter included in his bond order the condition of “[n]o further arrests.” *See* ECF No. [16-1] (Order).

7. Accordingly, this Honorable Court should enter an order finding that the Respondent’s actions have violated her due process rights and requiring the Respondent to comply with the IJ’s order.

Respectfully submitted this 20th day of February, 2026,

By: /s/ Andrew W. Clopman
Andrew W. Clopman, Esq.
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aclopman@clopmanlaw.com
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Fort Covington, NY 12937
Telephone: (772) 210-4337
Attorney for Petitioner Lilian Roxana VALLEJO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Court Clerk and to the best of my knowledge a true and correct copy of the foregoing, along with a Notice of Electronic Filing, will be served through the Court's ECF system to all counsel of record this 20th day of February, 2026.

Respectfully submitted,

By: /s/ Andrew W. Clopman

Andrew W. Clopman, Esq.

Florida Bar No. 0087753

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Attorney for Petitioner Lilian Roxana VALLEJO