

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ANDRES DIAZ LOPEZ,

Petitioner,

v.

Case No. 3:25-cv-01313

Garrett RIPA, Field Office Director of Enforcement and Removal Operations, Miami, Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Ronnie WOODALL, Warden of Baker Correctional Institution,

Respondents.

/

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner ANDRES DIAZ LOPEZ is in the physical custody of Respondents at the Baker Correctional Institution. He now faces unlawful detention because the Department of Homeland Security

(DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, *inter alia*, having entered the United States without admission or inspection. *See 8 U.S.C. § 1182(a)(6)(A)(i).*

3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under *8 U.S.C. § 1225(b)(2)(A)* and therefore ineligible to be released on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado, 29 I. & N. Dec. 216* (BIA 2025). The Board determined that such

individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

6. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that He be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Baker Correctional Institution, in Sanderson, Florida.

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Florida, the judicial district in which Petitioner currently is detained.

12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the

petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

15. Petitioner ANDRES DIAZ LOPEZ is a citizen of Mexico who has been in immigration detention since September 30, 2025. After arresting Petitioner in Orlando, Florida, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

16. Respondent Garrett Ripa is the Director of the Miami Field Office of ICE's Enforcement and Removal Operations division. As such, Mr. Ripa is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

18. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

19. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

20. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

21. Respondent Ronnie Woodall is the Warden of Baker Correctional Institution and is the Chief Correctional Officer of the Baker Correctional Institution, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

22. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see 8 C.F.R. §§ 1003.19(a), 1236.1(d)*, while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see 8 U.S.C. § 1226(c)*.

24. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

25. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)-(b).

26. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

27. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

28. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal

of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

29. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See 8 U.S.C. § 1252(a)* (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

30. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

31. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and

affects those who have resided in the United States for months, years, and even decades.

32. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

33. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

34. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

35. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose*

J.O.E. v. Bondi, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also*, e.g., *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

36. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

37. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

38. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See 8 U.S.C. § 1226(c)(1)(E)*. Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

39. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

40. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people

who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

41. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

FACTS

42. Petitioner has resided in the United States since April 6, 2017 and lives in Orlando, Florida.

43. On September 30, 2025, Petitioner was arrested by the ICE-ERO Miami/Orlando Fugitive Operations Unit (FUGOPS) unit inside the USCIS Office located at 6680 Corporate Drive, Orlando, FL, 32822 without any incident. Petitioner was detained at the USCIS Field Office, during his I-130 (Petition for Alien Relative) interview, that was filed on his behalf by his U.S. citizen wife. This petition was subsequently approved, later the same day that he was taken into

custody but he is now unable to utilize it to move forward in processing his lawful status, due to his detention. (Attached hereto and incorporated herein is I-130 Approval Form I-797C, from September 30, 2025, as Petitioner's Exhibit "A"). Petitioner is now detained at the Baker Correctional Institution. Petitioner is a native of Mexico and a citizen of Mexico. Petitioner was admitted to the United States at Laredo, Texas on or about April 6, 2017 as a H2A (TEMPORARY AGRICULTURAL WORKER) with authorization to remain in the United States for a temporary period not to exceed July 10, 2017. Although Petitioner initially entered the United States with H2A status, he subsequently departed and reentered without inspection after his voluntary departure in 2021.

44. DHS placed Petitioner in removal proceedings before the Miami Krome Immigration Court, pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)¹ as someone who entered the United States without admission or inspection.

¹ ICE originally represented that Petitioner was inadmissible and ineligible for Bond/Bail under INA § 237(a)(1)(B), however at the Bond Hearing, ICE represented that they were amending the charging instrument to INA § 212.

45. Mr. Diaz has every reason to return to the Immigration Court, as he intends to pursue fear-based claims related to Withholding of Removal and/or CAT protection. Mr. Diaz has secured a custodial sponsor, Mrs. Odalis Soriano, who has pledged to provide support and assistance as needed throughout the immigration proceedings. Mr. Diaz is married to a U.S. citizen, Dulce Hernandez, who he shares a home and a two-year-old daughter with Mrs. Hernandez in the United States. Mr. Diaz has a fixed address to stay, should he be released on a monetary bond. Mr. Diaz intends to comply with any terms of release on monetary bond. Mr. Diaz will be represented by the undersigned during these proceedings. Mr. Diaz has friends and family that have pledged to provide transportation for him. Mr. Diaz has a history of traffic related offenses, however the sole allegation of driving under the influence from 2020 was dismissed by the State of Florida through the filing of a nolle prosequi, and therefore the DUI offense does not constitute a conviction or an ongoing concern. Petitioner is neither a flight risk nor a danger to the community.

46. Following Petitioner's arrest and transfer to Baker Correctional Institution, ICE issued a custody determination to

continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

47. Petitioner subsequently requested a bond redetermination hearing before an IJ. (Attached hereto and incorporated herein is Petitioner's Motion for Bond Redetermination as Petitioner's Exhibit "B").

48. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider Petitioner's bond request. (Attached hereto and incorporated herein is Final Order Denying Petitioner's Motion for Bond Redetermination, entered October 23, 2025, as Petitioner's Exhibit "C").

49. As a result, Petitioner remains in detention. Without relief from this court, He face the prospect of months, or even years, in immigration custody, separated from their family and community.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

50. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

51. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

52. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II

Violation of the Bond Regulations

53. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

54. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or

paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

55. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

56. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Violation of Due Process

57. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

58. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention,

or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

59. Petitioner has a fundamental interest in liberty and being free from official restraint.

60. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Florida while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner’s detention is unlawful;
- f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

DATED this 30th day of October, 2025.

By: /s/ Joel Alexis Caminero
Joel Alexis Caminero, Esq.
Florida Bar # 127294
Caminero Law, PLLC
5728 Major Blvd, STE 750
Orlando, FL 32819
Tel. (407) 409-2529
Email: joel@caminerolawfirm.com
Attorney for Petitioner

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system on October 30, 2025.

/s/ Joel Alexis Caminero
Joel Alexis Caminero, Esq.
Florida Bar # 127294
Attorney for Petitioner

JS 44 (Rev. 03/24) The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
ANDRES DIAZ LOPEZ

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Joel Alexis Caminero, Esq.
Florida Bar # 127294
Caminero Law, PLLC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

| | |
|---|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | PTF | DEF | PTF | DEF |
|---|----------------------------|----------------------------|---|---|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|---|---|
| <input type="checkbox"/> 110 Insurance | PERSONAL INJURY | PERSONAL INJURY | INTELLECTUAL PROPERTY RIGHTS | <input type="checkbox"/> 375 False Claims Act |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 4100 Banks and Banking |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 430 Commerce | <input type="checkbox"/> 450 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 460 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 470 Consumer Credit (15 USC 1681 or 1692) |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 355 Motor Vehicle | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 480 Telephone Consumer Protection Act | <input type="checkbox"/> 485 Protection Act |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 360 Other Personal Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 850 Securities/Commodities/ Exchange |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 365 Personal Injury - Medical Malpractice | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 190 Other Contract | | | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 195 Contract Product Liability | | | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 196 Franchise | | | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 895 Freedom of Information Act |
| | | | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 896 Arbitration |
| | | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| | | | | <input type="checkbox"/> 871 IRS—Third Party |
| | | | | <input type="checkbox"/> 26 USC 7609 |
| | | | | <input type="checkbox"/> 900 Administrative Procedure Act/Review or Appeal of Agency Decision |
| | | | | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | IMMIGRATION | |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 440 Other Civil Rights | Habeas Corpus: | <input type="checkbox"/> 462 Naturalization Application | |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 463 Alien Detainee | <input type="checkbox"/> 465 Other Immigration Actions | |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 510 Motions to Vacate Sentence | | |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 530 General | | |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 535 Death Penalty | | |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | Other: | | |
| | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 540 Mandamus & Other | | |
| | | <input type="checkbox"/> 550 Civil Rights | | |
| | | <input type="checkbox"/> 555 Prison Condition | | |
| | | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | |

[Click here for: Nature of Suit Code Descriptions.](#)
V. ORIGIN (Place an "X" in One Box Only)

| | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

Petitioner is challenging the pre-trial detention order entered by the immigration judge in his removal proceedings.

VII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Oct 30, 2025

/s/ Joel Caminero, Esq.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1335 and 1338. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1333, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



| | | |
|--|-----------------------------|---|
| Case Number [REDACTED] | | Case Type I130 - PETITION FOR ALIEN RELATIVE |
| Received Date 12/13/2022 | Priority Date 12/13/2022 | Petitioner HERNANDEZ, DULCE MANUELA |
| Notice Date 09/30/2025 | Page 1 of 1 | Beneficiary [REDACTED] DIAZ LOPEZ, ANDRES |
| HERNANDEZ, DULCE MANUELA [REDACTED] | | Notice Type: Approval Notice Section: Husband or wife of U.S Citizen, 201(b) INA |

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. This is a courtesy copy, not the official notice.

What the Official Notice Said

The above petition has been approved. As the petitioner requests, we have sent the petition to the U.S. Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909. The NVC processes all approved immigrant visa petitions that need consular action, including the collection of necessary forms and documents. It also determines which consular post is appropriate to complete visa processing. The NVC will then transfer the approved petition to the consular post once processing has been completed and an interview has been scheduled at the Embassy or Consulate.

The NVC will contact the beneficiary of this petition with further information about immigrant visa processing steps.

You should allow a minimum of 45 days for U.S. Department of State processing before contacting the NVC. If you have not received any correspondence from NVC within 45 days, you may contact the NVC at <https://nvc.state.gov/inquiry>.

For more information about NVC processing, please visit <https://nvc.state.gov>.

THIS NOTICE IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

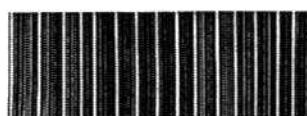
The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

SCOPS TEXAS FACILITY
U.S. CITIZENSHIP & IMMIGRATION SVC
6046 N BELT LINE RD.
IRVING TX 75038-0001
USCIS Contact Center: www.uscis.gov/contactcenter



Joel Alexis Caminero, Esq.
Caminero Law
5728 Major Blvd
Suite 750
Orlando, FL 32819
joel@caminerolawfirm.com
407-409-2529

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ORLANDO IMMIGRATION COURT

IN THE MATTER OF)
) File No.: 
DIAZ Lopez, Andres)
)
Respondent,)
)
IN BOND PROCEEDINGS)
)

Hon. Pedro Espinal

Next Hearing: N/A

MOTION FOR BOND REDETERMINATION

COMES NOW, the Respondent, **Andres Diaz Lopez** (“Mr. Diaz”), by and through undersigned counsel, asserts that he is not subject to mandatory detention pursuant to INA § 236(c); and pursuant to INA § 236(a), as he is neither a flight risk, nor a danger to the community.

Respondent is currently detained by U.S. Immigration and Customs Enforcement (ICE) at Florida Baker Correctional Institute, located at 20706 US 90 W, Sanderson Fl, 32807, which is under the jurisdiction of the Miami-Krome Immigration Court. *See TAB E*. To the best of the undersigned counsel’s knowledge, the Department of Homeland Security has set the Respondent’s bond at none.

STATEMENT OF FACTS

1. Respondent, Mr. Diaz, is a citizen of Mexico, and a native of Mexico.

STATEMENT OF LAW AND ARGUMENT

The Department has not alleged, has evidence of such, nor is counsel aware of any criminal convictions that would render the Respondent subject to mandatory detention under INA § 236(c).

Therefore, this Court has jurisdiction to grant a bond pursuant to INA § 236(a). *See Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006) and *Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999). It is generally recognized that the purpose of continued detention under INA § 236 must be to facilitate the detention statute’s goals of ensuring that an alien attend removal proceeding and that his release will not pose a danger to the community.

The Board has discussed several factors generally considered by Immigration Judges in determining whether an alien merits a discretionary release on bond. *Id.* These factors include: (1) whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's familial ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recentness of such activity, and the

seriousness of the offenses; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner of entry to the United States. *Id.* The Immigration Judge also has “wide discretion in deciding factors that may be considered.” *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Furthermore, Respondent is neither a current flight risk nor a current danger to the community.

1. *Mr. Diaz is not a Flight Risk*

Mr. Diaz has every reason to return to the Immigration Court. He is married to a U.S. citizen, Dulce Hernandez, with whom he shares a stable home and a two-year-old daughter in the United States, and their bona fide marriage has been confirmed through the approval of a Form I-130 petition on his behalf. Mr. Diaz custodial sponsor, Mrs. Odalis Soriano, has agreed to assume responsibility for Mr. Diaz after he is release from ICE custody

Mr. Diaz has relief available to him, including the filing of an I-589, Application for Withholding of Removal and Protection under the Convention Against Torture. The availability of these forms of relief provides him with a strong incentive to remain engaged in his proceedings, thereby substantially mitigating any risk of flight.

2. *Mr. Diaz Is Not a Current Danger to the Community*

While Mr. Diaz has had a history of traffic-related violations, his record does not demonstrate that he poses a danger to the community. The sole allegation of driving under the influence, from 2020, was ultimately dismissed by the State of Florida through a nolle prosequi, and therefore does not constitute a conviction or ongoing concern.

To proactively address these concerns, Mr. Diaz has secured the support of his family and community members, who have committed to ensuring that he will not be driving without proper

authorization. They have pledged to provide him transportation to all court hearings, immigration appointments, and other obligations, eliminating any risk of recurrence. His strong family support and commitment to compliance make clear that Mr. Diaz does not present any present or future danger to the community.

3. Positive Discretionary Factors that Merit a Release on Bond

1. Mr. Diaz has a fixed address to stay, should he be released on a monetary bond.
2. Mr. Diaz intends to comply with any terms of release on monetary bond.
3. Mr. Diaz will be represented by the undersigned during these bond proceedings.
4. Mr. Diaz has friends and family that has pledged to provide transportation for him.

WHEREFORE, counsel respectfully requests that this Court grant Mr. Diaz's request for a bond redetermination as Respondent is neither a flight risk nor a danger to the community.

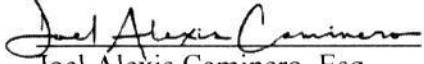
TABLE OF CONTENTS

| TAB | DESCRIPTION | PAGE |
|---|---|-------------|
| <u>Flight Risk / Family + Community Ties</u> | | |
| A | Respondent's Records: | |
| | Copy, Respondent's Mexican Passport | 1 |
| | Copy, Respondent's Mexico Consular Id Card | 2-3 |
| | Copy, Respondent's Birth Certificate with Certified Translation | 4-6 |
| | OUC Bill and Bank Statements as Proof of Address | 7-10 |
| | Copy, USC Wife, Dulce Hernandez's Birth Certificate | 11 |
| | Copy, USC Wife, Dulce Hernandez's US Passport | 12 |
| | Copy, USC Wife, Dulce Hernandez's ID | 13 |
| | USC Wife, Dulce Hernandez's Statement of Support | 14 |
| | I-130 Petition Approval Notice | 15 |
| | Copy, Respondent and USC Wife's Marriage Certificate | 16 |
| | Respondent and USC Wife's Joint Tax Filings 2022-2024 | 17-67 |
| B | Custodial Sponsor | |
| | Signed Letter of Support from Odalis Soriano, Sponsor | 68 |

| | |
|--|-------|
| Sponsor's Florida ID and Passport | 69-70 |
| Sponsor's Most Recent PayStubs | 71-72 |
| C Signed/Notarized Letters from Family, Friends, Colleagues: | |
| Signed Letter of Support from Felix De La Cruz, USC Employer | 73 |
| Signed Letter of Support from USC Friend, Carlos Becerra | 74 |
| Signed Letter of Support from Harley Sierra Mendez, USC Friend | 75 |
| Signed Letter of Support from Julio C Sevillano, USC Friend | 76 |
| Signed Letter of Support from Melvin Ruiz, USC Friend | 77 |
| <u>Danger / Criminal History</u> | |
| D Certified Court Record Showing DUI Charge Dismissed via Nolle Prosequi | 78 |
| E ICE Detainee Locator Information Showing Respondent's Detention at Florida Baker Correctional Institute. | 79 |
| F Family Photographs | 80-99 |

Dated: October 16, 2025

Juan Carlos Diaz Lopez
by counsel,


Joel Alexis Caminero, Esq.
Caminero Law

To the Honorable Immigration Judge

I write this letter with all the respect you deserve, Your Honor. I am Dulce Manuela Hernandez. I am a citizen of the United States of America and I am wife Andres Diaz Lopez, I have been Andres' partner since November 30, 2021 and I have spent many happy moments by his side. We got married on September 12, 2022, although it was not a big wedding. That day was the happiest for both of us since we came together to be one person and that happiness was much greater when it came to us in October 2022. The great news that we would be parents of a beautiful girl. Our girl was born on [REDACTED] 2023, and we decided to call her [REDACTED] and everything it was perfect we decided that I would stay at home to be able to raise our daughter fruit of this love he works and is the livelihood of our family I know that he could not work because of his legal status in this country but he did not hurt anyone he paid his Taxes like any responsible person in this beautiful country and he only dedicated himself to working and returning home to be able to be with family again, he does not take since the year 2021 he is a quiet person he likes to go for a walk on his days off and he is a very hardworking person that's why I tell him that he does not represent any danger for this beautiful country that has given us so many opportunities and so much happiness. but our whole life was truncated on September 30, 2025 when we attended an interview with USCIS regarding the 1130 he was arrested by the immigration authorities and since then I have seen myself back in many problems in stress and in fear of not knowing what to do because my Husband was the only one who worked in our house. I don't have a job and I don't have money to be able to pay my rent and my basic needs. I have a girl of only two years old and I'm alone. That's why I ask you, Honorable Judge, to allow my husband to leave on bail. I know that he is no danger to this great nation of the U.S. I am more than sure that if you let him out he will attend all the court hearings they give him that is why I ask your Honor to allow my husband to leave on bail and be able to pass his process to side of his family.

Sincerely...

Signature

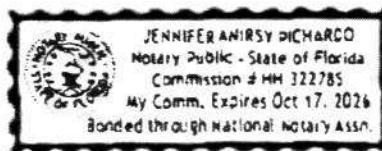
Name: Dulce Manuela Hernandez

Phone:

Email: dulcehernandez6126@gmail.com

Date: 10/10/2025

Address:



Jennifer Aniston Richards

To the Honorable Immigration Judge

Through this letter, I support Andres Diaz Lopez, who is being held by Immigration authorities and is requesting release on bond.

I am a U.S. citizen and am willing to act as his custodial sponsor upon his release. I understand that this means providing him with housing, transportation, and any assistance necessary to comply with the requirements of the Immigration Court.

Andres Diaz Lopez will live with me at [REDACTED] and I promise to help him attend all his hearings and appointments.

I will also support him in finding employment and maintaining stability while his case is pending.

I am confident that he will comply with all the Court's instructions and does not pose a danger to anyone.

I ask, Your Honor, that you consider his release on bond so that he can return to his family and prepare his case.

Sincerely,

Signature Odalis Osorio

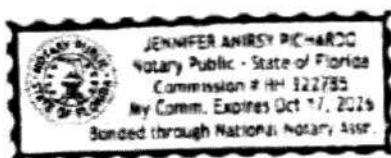
Name: ODALIS OSORIO

Address: [REDACTED]

Phone: [REDACTED]

Email: 1992odalis@gmail.com

Date: 10/09/2025



Jennifer Anisay Richard