

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

MIGUEL ANGEL OCEGUEDA  
GONZALEZ,

Case No. 25-62261-CIV-DMM

Plaintiff,

v.

SECRETARY, KRISTI NOEM, et al.,

Defendants,

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**PETITIONER'S RESPONSE TO RESPONDENT'S OBJECTIONS TO  
THE REPORT AND RECOMMENDATION**

The Petitioner files this response to the Respondents' Objections to the Report and Recommendation on the Amended Petition for Habeas Corpus. The Petitioner agrees with the Magistrate's Report and Recommendation on Petitioner's Amended Petition for Habeas Corpus ("R&R") [ECF No. 25], pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrate Rule 4(b).

In support, Respondents state as follows:

To clarify, the Petitioner only seeks this Court to GRANT the Writ of Habeas Corpus to allow the Petitioner to be heard on an individualized bond hearing. The Petitioner is not asking this court to whether he has been admitted or paroled. The sole issue at hand is whether the Immigration Judge has the jurisdictional authority to hear the Petitioner's bond case.

Although, the Petitioner need not exhaust administrative remedies if “the administrative body is shown to be biased or has otherwise predetermined the issue before it” as stated in *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), the Petitioner, through his Immigration Court Counsel, filed a new bond request, which was heard on January 2, 2026.

As expected, the Immigration Judge denied bond stating specifically that “The Court’s current understanding is that *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), is controlling and this Court does not have jurisdiction over these bond proceedings.” **(Exhibit A)**

For the foregoing reasons, the Petitioner requests the Court to Grant the Amended Habeas Petition, as recommended by United States Magistrate Judge Agustin Birch.

Respectfully submitted this 6<sup>th</sup> day of January 2026.

/s/ Juliana G. Lamardo, Esq.  
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# Exhibit A



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
MIAMI KROME IMMIGRATION COURT

Respondent Name:

OCEGUEDA GONZALEZ, MIGUEL

To:

Ramirez, Aida Marta  
1622 N 9TH AVE  
PENSACOLA, FL 32503

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/02/2026

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
  - The Court's current understanding is that Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), is controlling and this Court does not have jurisdiction over these bond proceedings.
- Granted. It is ordered that Respondent be:
  - released from custody on his own recognizance.
  - released from custody under bond of \$
  - other:
- Other:

Ab

Immigration Judge: BURGESS, ABRAHAM 01/02/2026

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 02/02/2026

**Certificate of Service**

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Respondent Name : OCEGUEDA GONZALEZ, MIGUEL | A-Number :



Riders:

Date: 01/02/2026 By: BURGESS, ABRAHAM, Immigration Judge