

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

ISIDRO ACANDA CEBALLO)
Petitioner,)
v.)
CHARLES PARRA, in his official capacity as)
Assistant Field Office Director, Krome North)
Service Processing Center; GARRET RIPA, in his)
official capacity as Miami Field Office Director,)
Immigration and Customs Enforcement's)
Enforcement and Removal Operations; TODD)
LYONS, in his official capacity as Acting Director)
of Immigration and Customs Enforcement;)
KRISTI NOEM, in her official capacity as Secretary)
of the Department of Homeland Security; and)
PAMELA BONDI, in her official capacity as)
Attorney General; EXECUTIVE OFFICE FOR)
IMMIGRATION REVIEW.)
Respondents.)

)

Case No. 1:25-cv-25271-JB

PETITIONER'S REPLY

INTRODUCTION

Counsel is responding within the three days of service of Respondents' Response, Doc. 11, in accordance with the Order from this Court, Doc 6. While Respondents are still in the process of providing the entire record, those records currently provided with their Reply show that the Department of Homeland Security's inconsistent and contradictory paperwork cannot sustain Respondents' reliance on § 1225(b)(1).

ARGUMENT

When a noncitizen is deemed inadmissible under 8 U.S.C. § 1182(a)(7), the immigration officer must order the noncitizen's removal, unless the noncitizen indicates an intention to apply for asylum or fear of persecution. *See* 8 U.S.C. § 1225(b)(1)(A)(i). The noncitizen may be placed in "expedited removal" proceedings, which contain a condensed asylum process and require that the noncitizen remain detained throughout the process. *See* 8 U.S.C. § 1225(b)(1). The noncitizen also may be placed in 8 U.S.C. § 1229a removal proceedings, which have more robust due process protections. Section 1182, however, has a subsection, which allows noncitizens, even those in mandatory detention, to be "paroled" into the United States. 8 U.S.C. § 1182(d)(5)(A).

In the present case, Mr. Acanda was released under Respondents' parole authority. Respondents themselves acknowledged that parole was the only legal mechanism available to effectuate his release following his detention upon entry into the United States. Doc. 11 at 8.

Mr. Acanda's records are riddled with contradictory determinations regarding the basis for his removal proceedings. On December 27, 2022, the Department of Homeland Security initially processed Mr. Acanda under 8 U.S.C. § 1225. Yet the Alien Booking Record indicates he was

placed into standard removal proceedings, not expedited removal as Respondents now assert. The Department of Homeland Security then released Mr. Acanda, citing a “lack of bed space.”

Respondents issued a Notice of Custody Determination invoking 8 U.S.C. § 1226 (in connection with 8 U.S.C. § 1229a) as the statutory authority for Mr. Acanda’s detention. Although Respondents now contend in their Reply that this custody determination was cancelled, the cancellation conveniently occurred on the very day their Reply was filed. Doc. 11 at 3.

Despite Respondents’ claim that Mr. Acanda is detained pursuant to 8 U.S.C. § 1225(b)(1), their own exhibits show they detained him under 8 U.S.C. § 1226. Doc. 11 at Exh. C. The record thus squarely undermines Respondents’ assertions and demonstrates that the statutory basis for Mr. Acanda’s custody is both inconsistent and legally unsupported.

The conflicting documentation prevents the government from now anchoring itself exclusively to § 1225(b)(1). The Court should therefore recognize Mr. Acanda’s placement in 8 U.S.C. § 1229a proceedings and order that he be afforded a bond hearing under 8 U.S.C. § 1226.

CONCLUSION

For the foregoing reasons and those expressed in the Petition for Habeas Corpus and Request for Order to Show Cause, this Court should grant the petition.

Respectfully submitted,

/s/ Vivianna Tijerino

Vivianna Inez Tijerino, Esq.
Florida Bar No. 102561
Garcia & Qayum Law Group, P.A.
3475 West Flagler Street
Miami, FL 33135
(305) 230-4020 Tel
(305) 503-7370 Fax
Vivianna@GQLawGroup.com
Counsel for Petitioner

Dated: November 20, 2025

CERTIFICATE OF SERVICE

On November 20, 2025, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court for the Southern District of Florida, using the electronic case filing system of the Court. I hereby certify that I have served all parties electronically or by another manner authorized by the Federal Rule of Civil procedure 5(b)(2)

Dated this 20th day of November 2025.

/s/Vivianna Tijerino
Vivianna Inez Tijerino