

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

LUCIANO ZANELLA CASTILLO,

Petitioner,

v.

Case No. 1:25-CV-25296

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; E. K. CARLTON, Warden of Miami Federal Detention Center,

Respondents.

**PETITIONER'S RESPONSE TO ORDER GRANTING IN PART
PETITION FOR WRIT OF HABEAS CORPUS**

COMES NOW, the Petitioner, LUCIANO ZANELLA CASTILLO, by and through undersigned counsel, and respectfully submits this

Response to this Court's Order, and in support thereof shows the following:

1. The Immigration Judge conducted a bond hearing on November 24, 2025 in response to this Court's Order requiring a bond determination under 8 U.S.C. section 1226(a).

2. Counsel received no notice of the hearing from EOIR or from any Government entity. This occurred despite counsel having previously filed an EOIR-28 for custody representation and having provided full contact information throughout the federal habeas proceedings. DHS uploaded its exhibits at 08:14:39 AM Eastern Standard Time on November 24, 2025 from Base City KRO, but no notice was provided.

3. Counsel did not learn of the hearing until 9:28 AM, when Petitioner, LUCIANO ZANELLO CASTILLO, called and stated he was being moved to the video location for a bond hearing. Counsel was driving, returned to the office, contacted the Krome Immigration Court to confirm the presiding Immigration Judge, logged in, and submitted evidence that had already been filed in the earlier bond request.

4. During the hearing, the Immigration Judge made several statements that directly relate to compliance with this Court's Order. Counsel's contemporaneous notes reflect that the Immigration Judge stated:

"This case was put on my docket today at the last second. This is one of those habeas cases where the Judge has given the court 24 hours to hear it. Obviously this has to be set for today. I have not had a chance to review anything that has been filed. Someone should inform the Honorable Judge Williams that she needs to give everyone more than 24 hours because no one is able to prepare properly in 24 hours. In fact, it is almost impossible to set it down for that time period. So yeah, this is Judge Williams and I will do the best I can to comply with Judge Williams's order."

5. These statements reflect not only that the Immigration Judge had no opportunity to prepare, but that he was visibly frustrated with this Court's directive. His remarks conveyed irritation toward the Court's order itself and demonstrated a reluctance to fully engage with the record. This level of frustration, combined with the admitted lack of review, undermined the fairness and completeness of the bond redetermination that this Court intended.

6. DHS introduced a second Form I-213 immediately before the hearing. Both the original I-213 filed in the habeas record and the newly introduced I-213 are dated October 2, 2025. However, the

version submitted to this Court contains no gang allegations and confirms that Petitioner has no criminal history.

7. The version introduced at the bond hearing contains new allegations including gang affiliation, gang-related tattoos, and an assertion that HSI determined Petitioner was gang affiliated. These allegations do not appear in the original I-213 and were never disclosed to this Court or to counsel during the habeas process.

8. Counsel objected based on Matter of Barcenas, 19 I and N Dec. 609 (BIA 1988), because the existence of two conflicting I-213s dated the same day eliminates any presumption of reliability and raises concerns about when and how the second document was created.

9. DHS further asserted during the hearing that HSI located child sexual abuse material on Petitioner's phone. DHS provided no evidence of any kind. There were no exhibits, affidavits, forensic reports, chain of custody documentation, or written summaries. Neither I-213 references this allegation.

10. The Immigration Judge denied bond on the basis of danger, flight risk, and discretion, as reflected in the written order (IJ Order, Exhibit XX). During the hearing, the Immigration Judge

questioned why an asylum application had not been filed within one year. Counsel explained that Petitioner could not file an I-589 with EOIR because the Notice to Appear had not been docketed, which is a common occurrence, and that Petitioner had filed with USCIS and intended to seek a one year exception. The Immigration Judge acknowledged Petitioner remained eligible for withholding of removal and Convention Against Torture protection.

11. The original I-213 confirms that Petitioner has no criminal history.

12. Petitioner has resided in the United States since 2020.

13. Based on the lack of notice, the Immigration Judge's admitted lack of preparation, his expressed frustration with this Court's Order, the introduction of a new and conflicting I-213 immediately before the hearing, and the reliance on unsupported allegations, Petitioner submits that the proceeding did not constitute meaningful compliance with this Court's mandate.

14. Petitioner remains available to provide any additional information requested by the Court.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court issue a Writ of Habeas Corpus in the above-styled cause.

DATED this 24th day of November, 2025.

By: /s/Joel Alexis Caminero
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I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to all counsel in this case on November 24, 2025.

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