

**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.

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**REPLY TO RESPONDENTS' RESPONSE IN OPPOSITION**

Petitioner, LUCIANO ZANELLA CASTILLO, by and through undersigned counsel, respectfully moves this Court to enforce its prior Habeas Order and to order Petitioner's immediate release from

custody, and submits this Reply to Respondents' Response In Opposition (Doc 11), and in support thereof states the following:

### **I. INTRODUCTION**

Respondents describe the Motion as a "do over" by a party "unhappy" with the Immigration Judge's decision. That framing mischaracterizes the issue. Petitioner is not seeking reconsideration of a discretionary bond denial. He seeks enforcement of this Court's Habeas Order (Doc 6) and its Paperless Order (Doc 10). The question is whether Respondents provided an individualized bond hearing consistent with section 1226(a) and whether they complied with the Court's directive to file all evidence the government relied upon.

This is a procedural question squarely within the Court's jurisdiction. *Tang v. U.S. Attorney General*, 578 F.3d 1270, 1275 (11th Cir. 2009); *Lapaix v. U.S. Attorney General*, 605 F.3d 1138, 1143 (11th Cir. 2010); *Indrawati v. U.S. Attorney General*, 779 F.3d 1284, 1297 (11th Cir. 2015).

### **II. RESPONDENTS DID NOT COMPLY WITH THE PAPERLESS ORDER (Doc 10)**

The Paperless Order directed Respondents to file by December 5, 2025, all evidence the government relied upon at the bond hearing,

including any evidence of gang affiliation and any evidence of child sexual abuse material, and permitted filing under seal. (Doc 10). Respondents did not do so.

**A. Respondents filed no individualized evidence of gang affiliation**

Respondents submitted only generalized materials: a State Department designation of [REDACTED] an Insight Crime article, and a Texas DPS flyer showing generic tattoo imagery. None of this constitutes individualized evidence that Petitioner is a gang member.

Neither version of the I-213 contains evidence tying Petitioner to any gang. The habeas I-213 contains no such allegation. The later I-213 includes gang-related fields but no supporting evidence. No photographs of Petitioner's tattoos, no HSI notes, and no documentation linking Petitioner to [REDACTED] were filed.

Thus, Respondents did not file evidence they relied upon to claim gang affiliation, contrary to this Court's Paperless Order (Doc 10).

**B. Respondents did not file evidence supporting the child sexual abuse material allegation**

Respondents filed only one item touching on this allegation: a redacted [REDACTED]

 The “entered by” field is redacted. No forensic report, no photograph, no consent form, no chain-of-custody record, and no supporting documentation was produced. Respondents did not provide any evidence actually relied upon by the Immigration Judge.

Given that the Paperless Order specifically required filing “any evidence of child sexual abuse material,” Respondents’ failure to produce the underlying materials is a violation of the Paperless Order (Doc 10).

### **III. THE NOVEMBER 24 HEARING WAS NOT AN INDIVIDUALIZED BOND HEARING UNDER SECTION 1226(a)**

A valid section 1226(a) hearing requires meaningful notice and a meaningful opportunity to be heard. *Tang*, 578 F.3d at 1275; *Lapaix*, 605 F.3d at 1143. The November 24 hearing did not meet these requirements.

#### **A. Counsel had no meaningful notice and no opportunity to prepare**

The only evidence counsel was able to access before the hearing was the newly submitted I-213 filed minutes prior. Based on that document, which contained no reference to any alleged child sexual abuse material, counsel stated he was ready to proceed. (Tr. 2:25).

After counsel stated readiness, DHS introduced for the first time the allegation that Petitioner possessed child sexual abuse material. (Tr. 3:10–3:13). This allegation had never been disclosed, was not contained in any filed document, and was not served on counsel. Petitioner was deprived of any opportunity to review, investigate, or rebut this allegation.

**B. DHS’s certificate of service demonstrates lack of meaningful notice**

ACC Gadea’s certificate of service is dated November 23, 2025. It references ECAS service (which Petitioner cannot access) and delivery through a deportation officer. Counsel received nothing. The certificate predates the hearing yet no communication from DHS to counsel occurred. The sequence reinforces that counsel did not receive meaningful notice.

**C. The IJ declined to review the only rebuttal evidence offered**

Counsel offered to show Petitioner’s tattoos to rebut DHS’s reliance on a Texas DPS flyer. (Tr. 7:5–7:8). The Immigration Judge declined to review them. The refusal to consider the only rebuttal evidence available demonstrates that the hearing was not

individualized and that the IJ relied on allegations rather than admissible evidence.

**D. The IJ relied on unsupported allegations**

No evidence of gang affiliation was filed. No evidence supporting the CSAM allegation was filed. The IJ relied solely on DHS assertions. Procedural defects of this type are reviewable constitutional errors. *Indrawati*, 779 F.3d at 1297.

**E. The IJ relied on a legally impossible inference regarding asylum filing**

The IJ stated Petitioner was a flight risk because he “did not file asylum within one year.” Petitioner could not have filed an asylum application with EOIR before jurisdiction vested, which occurred only when DHS filed the NTA on October 16, 2025. (Ex. A). He instead filed with USCIS under procedures then available. Treating an impossible filing as a factor against Petitioner underscores the lack of individualized analysis.

**IV. DUE PROCESS REQUIRES RELIEF**

Respondents argue that section 1226(e) bars review. It does not bar review of procedural defects, due process violations, or failures

to comply with a federal court order. *Tang*, 578 F.3d at 1275; *Indrawati*, 779 F.3d at 1297.

The November 24 hearing was structurally defective. Counsel had no meaningful notice. DHS introduced a new allegation only after counsel stated readiness. The IJ refused to consider rebuttal evidence. Respondents did not comply with this Court's Paperless Order (Doc 10). These errors defeated the individualized determination mandated under section 1226(a) and this Court's Order entered November 21, 2025 (Doc 6).

## **V. CONCLUSION**

Because Respondents did not comply with the Paperless Order and because the November 24 proceeding was not an individualized hearing consistent with section 1226(a), Petitioner respectfully requests that this Court order his immediate release. Respondents have demonstrated they cannot comply with section 1226(a) or the Court's directives. In the alternative, Petitioner requests any other relief the Court deems proper.

Respectfully submitted,

By: /s/Joel Alexis Caminero  
Joel Alexis Caminero, Esq.  
Florida Bar # 127294

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 December 8, 2025.

DATED this 8th day of December, 2025.

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