

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

RAYMUNDO FLORES CASTIZO,)

Petitioner)

vs.)

Case No.: 2:25-cv-1087-SPC-DNF

PAMELA BONDI, in her official capacity)
as Attorney General of the United States,)
et. al.)

Respondents.)

**PETITIONER’S REPLY TO RESPONDENTS’ RESPONSE TO HABEAS
PETITION**

INTRODUCTION

Petitioner filed a Petition for Writ of Habeas Corpus and Request for Order to Show Cause on November 24, 2025. (Doc. 1). This Court issued an Order to Show Cause on December 1, 2025, which required Respondents to respond on or before December 8, 2025. (Doc. 4). Respondents filed a Response on December 8, 2025. (Doc 6). Petitioner is replying to Respondent’s Response. (Doc. 6).

ARGUMENT

I. 8 U.S.C. § 1252(g) and §1252(b)(9) Do Not Bar Review of Petitioner’s Claim.

The questions of law presented in this case, and the challenges to the government’s policy and practice, “substantially overlap” with *Garcia v. Noem*, et

al., No. 2:25-cv-00879-SPC-NPM, Doc. 14 at 4-5, (M.D. Fla. Oct. 10, 2025) and other cases, in which this Court already rejected the same arguments the Respondents now advance. Nevertheless, Mr. Flores Castizo addresses each contention briefly.

Respondents argue that title 8 U.S.C. § 1252(g) bars review of Mr. Flores Castizo’s claims. But this Court already held in *Garcia v. Noem* that § 1252(g) does not bar review of the precise question presented here. *Garcia v. Noem*, et al., No. 2:25-cv-00879-SPC-NPM, Doc. 14 at 4-5, (M.D. Fla. Oct. 10, 2025). The jurisdictional bar at 8 U.S.C. § 1252(g) is narrow – it applies only “to three discrete actions that the Attorney General may take: her ‘decision or action’ to ‘commence proceedings, adjudicate cases, or execute removal orders.’” *Id.* at 4-5 (quoting *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) and *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018)). Mr. Flores Castizo is not challenging any of those actions. Instead, like the petitioner in *Garcia* “he asks the Court to answer a legal question—whether he is subject to mandatory detention under Section 1225(b)(2) or discretionary detention under Section 1226(a).” *Id.* at 4. Therefore, section 1252(g) does not apply.

Next, Respondents argue that title 8 U.S.C. § 1252(b)(9) bars review of Mr. Flores Castizo’s claims. Section 1252, titled “Judicial Review of Orders of Removal,” outlines certain matters not subject to judicial review. *See* 8 U.S.C. §

1252. Subsection (b), titled “Requirements for Review of Orders of Removal,” channels review of “final orders of removal” to federal courts of appeals. 8 U.S.C. § 1252(b). There is no such order here, nor is Mr. Flores Castizo seeking review of one. Therefore, this Court should find that § 1252(b)(9) does not bar this Court from reviewing Mr. Flores Castizo’s claims.

II. Petitioner is Being Detained Pursuant to 8 USC § 1226, Which Affords Him the Right to Bond.

As to Respondents’ third and fourth arguments regarding exhaustion of remedies and detention under 8 U.S.C. § 1225, Petitioner incorporates by reference the arguments in his initial habeas petition.

CONCLUSION

For these reasons, and the reasons stated in the Petition, the Court should GRANT the Petition for Writ of Habeas Corpus and order Petitioner’s immediate release or, in the alternative, a bond hearing.

Respectfully submitted,

/s/ Liliana Gomez
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