

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

VICENTE MARTINEZ-RIOS,

Petitioner,

v.

Case No. 2:25-cv-1090

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; Matthew MORDANT, Warden of South Florida Detention Center,

Respondents.

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**PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE**

Petitioner, VICENTE MARTINEZ-RIOS, through undersigned counsel, submits this Response to the Court's Order directing the parties to show cause why this habeas action should not be

dismissed as moot in light of the recent orders issued in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.)(D5).

The Court's Order notes that the Central District of California granted partial summary judgment on November 20, 2025 and certified a class on November 25, 2025, and that Petitioner appears to fall within that class definition. The Court therefore suggests that Petitioner may have "secured relief through the California case," potentially rendering this action moot. *Id.*

Respectfully, Petitioner has not received any relief as a result of *Bautista*, and the practical and legal realities of how EOIR is treating *Bautista* place Petitioner in what can only be described as a legal paradox and a legal quagmire.

**I. PETITIONER HAS NOT RECEIVED ANY RELIEF FROM BAUTISTA**

Following the November 20 and November 25 *Bautista* orders, undersigned counsel has appeared in multiple immigration bond matters involving individuals who fall within the same general category addressed in *Bautista*. These hearings took place after November 25, 2025.

As an example, on December 2, 2025, undersigned counsel represented Petitioner's sister in an Immigration Bond Hearing in Louisiana. (See Ex. A). During the Bond Hearing, the IJ indicated that it was not bound by the decision of a United States District Court in California, and thus it lacked jurisdiction to grant Petitioner's sister a bond. (See Ex. A). Subsequently, the IJ entered an Order, finding that it lacked jurisdiction and denied Petitioner's sister's request for a bond. (See Ex. A).

In every one of these post-*Bautista* hearings, Immigration Judges have stated on the record that they do not interpret *Bautista* as granting them jurisdiction to conduct bond hearings for detainees outside the Central District of California. Immigration Judges have instead taken the position that *Bautista* is limited to that district and has no effect on cases pending in Florida.

As a result, *Bautista* has not created any mechanism by which Petitioner can obtain a bond hearing. Petitioner remains detained without the relief sought in his habeas petition. The core injury alleged in this case is therefore ongoing.

## **II. THE CASE CANNOT BE MOOT WHERE NO RELIEF EXISTS AND NO TRIBUNAL WILL PROVIDE IT**

The intersection of *Bautista* and EOIR's stated lack of jurisdiction creates a direct and unresolved legal paradox.

If Petitioner were to accept that this case is moot because *Bautista* supposedly provides him relief, Immigration Judges will still decline to exercise jurisdiction and will still refuse to hold a bond hearing. If Petitioner argues that this case is not moot, and even if the Government argues that it is moot, Immigration Judges will still decline jurisdiction. Thus, whether Petitioner agrees with mootness or disputes it, no Immigration Judge will conduct a bond hearing.

This is the legal quagmire Petitioner now faces:

1. The federal court suggests that *Bautista* may have already provided relief.
2. Immigration Judges, almost, uniformly state that *Bautista* provides no jurisdiction and no relief.
3. Petitioner remains detained without a bond hearing.
4. No administrative or judicial body is providing any remedy.

### **III. ONLY THIS COURT CAN PROVIDE EFFECTIVE RELIEF**

Petitioner would welcome a stipulation from the Government acknowledging that Immigration Judges in Florida have jurisdiction to conduct a bond hearing under *Bautista*. However, such a stipulation would have no effect because Immigration Judges have clearly stated they do not view *Bautista* as conferring jurisdiction upon them. A stipulation cannot override an Immigration Judge's independent determination that jurisdiction is lacking.

Only an order from this Court can resolve the jurisdictional barrier and ensure that Petitioner receives a bond hearing, which is the precise relief sought in the habeas petition.

Because Petitioner has not received any actual relief, and because the injury at issue continues unabated, the case is not moot. The Court retains full authority to adjudicate the petition and to grant effective relief.

### **IV. CONCLUSION**

For the reasons above, Petitioner respectfully requests that the Court find that this action is not moot and proceed to adjudicate the merits of the habeas petition, or in the alternative, order the

Government to provide Petitioner a bond hearing or to release him unless such a hearing is promptly afforded.

DATED this 3rd day of December, 2025.

Respectfully submitted,

By: /s/Joel Alexis Caminero /  
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Attorney for Petitioner

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 3, 2025.

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

Attorney for Petitioner