

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

**Henry Waldimir Beltrand Landaverde,**

Petitioner,

v.

Case No.: 0:25-cv-62474 LEIBOWITZ

**Garrett Ripa, ICE ERO Miami Field  
Office Director,**

Respondents.

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**PETITIONER'S REPLY TO RESPONDENT'S RETURN IN OPPOSITION TO THE  
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, by and through the undersigned counsel, hereby files his Reply to Respondent's Return in Opposition to the Petition for Writ of Habeas Corpus (ECF No. 9).

Respondent argues that Petitioner is an applicant for admission subject to detention pursuant to INA § 235, 8 U.S.C. § 1225 and that his current detention is pursuant to the mandatory detention authority in this statute. However, the documents submitted by Respondent show that Petitioner's detention in 2023 and his current detention were carried out pursuant to INA § 236, 8 U.S.C. § 1226.

On October 28, 2025, a Warrant for Arrest of an Alien was issued regarding Petitioner (ECF No. 9-8). The Warrant for Arrest of an Alien clearly states that it is being addressed to an "immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act." Therefore, Petitioner's current arrest was conducted under the provisions of 8 U.S.C. § 1226 and not 8 U.S.C. § 1225 as alleged by Respondent. His detention and release in December 2023 was also pursuant to 8 U.S.C. § 1226 as evidenced by the Warrant for Arrest of Alien, Notice of Custody Determination, and Order of Release on Recognizance issued to him on December 7, 2023, which are part of Respondent's records (ECF No. 9-3, 9-4, and 9-5). These documents clearly state that the

Department of Homeland Security was acting pursuant to the authority of 8 U.S.C. § 1226 when it detained Petitioner.

WHEREFORE, Petitioner respectfully requests that this Court grant his Petition for Habeas Corpus and order his immediate release for the reasons stated in the Petition.

Dated: December 12, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a Notice of Electronic Filing to all counsel of record.

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