UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-25763-ALTMAN

FIDENCIO FLORIES,

Petitioner,

v.

CHARLES PARRA, *et al.*,

Respondents.
_____/

ORDER

Fidencio Flories's Amended Petition for Writ of Habeas Corpus (the "Petition") [ECF No. 1] presents a question of statutory interpretation that has divided judges across the country: Is an alien who's living in the United States without having been lawfully admitted subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), or is he entitled to a bond hearing under 8 U.S.C. § 1226(a)? After a careful review of the Petition, the Government's Response ("Response") [ECF No. 6], and the Petitioner's Reply ("Reply") [ECF No. 9], we **DENY** the Petition.

BACKGROUND

Our Petitioner, Fidencio Flories, is a Mexican citizen who's been charged with entering the United States without admission or inspection. Petition ¶ 1. "He is currently detained by Respondents at the Krome Detention Center in Miami, FL[.]" *Ibid.* The "Petitioner is being held under mandatory detention without eligibility for a bond hearing[.]" *Id.* ¶ 2.

The Petitioner now seeks habeas relief in our Court, arguing that the Respondents have misinterpreted the detention provisions of the Immigration and Nationality Act ("INA") and asking us to "[o]rder [the] Respondents to immediately hold a bond hearing for the Petitioner, where he can demonstrate that he is neither a danger to the community o[r] a flight risk," or, "[i]n the alternative,

order [the] Respondent[ ]s to release [the] Petitioner from their custody[.]" *Id.* at Prayer for Relief. The Petitioner also raises a due-process claim, arguing that "his continued detention is statutorily unreasonable and therefore unlawful." *Id.* ¶ 15.

THE LAW

Section 2241 allows district courts to grant relief to petitioners who are held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). This jurisdiction extends to petitioners challenging their detention under our immigration laws. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

ANALYSIS

I. The Petitioner's Detention is Governed by 8 U.S.C. § 1225

The Petitioner argues that "§ 235(b)(2) is limited to those in the process of 'seeking admission'" and "excludes noncitizens[,]" like the Petitioner, who are "apprehended in the interior, because they are no longer in the process of arriving in or seeking admission to the United States." Petition ¶ 7. Section 1225 governs the inspection and removal of a specific subset of aliens—"applicants for admission." 8 U.S.C. § 1225(a). Subsection (a)(1) defines "applicant[s] for admission" as "alien[s] present in the United States who [have] not been admitted *or* who arrive[ ] in the United States[.]" § 1225(a)(1) (emphasis added). An alien hasn't been "admitted" to the United States until he's obtained "lawful entry . . . into the United States after inspection and authorization by an immigration officer." § 1101(a)(13)(A). An applicant for admission who isn't "clearly and beyond a doubt entitled to be admitted" to the United States "shall be detained" for removal proceedings. § 1225(b)(2)(A).

The Petitioner contends that he's not an "applicant for admission" subject to mandatory detention under § 1225. In the Petitioner's view, his detention is governed by § 1226, under which aliens are generally entitled to a bond hearing at the outset of their detention, because § 1226 "is for

aliens who are apprehended within the US[.]" Petition ¶ 2. The Respondents disagree, arguing that, "[u]nder the plain language of § 1225(b)(2), DHS is required to detain all aliens, like [the] Petitioner, who are present in the United States without admission and are subject to removal proceedings—regardless of how long the alien has been in the United States or how far from the border they ventured." Response at 4.

This question—whether an alien who's lived in the United States unlawfully for years is an "applicant for admission" under § 1225—has divided the judges in our District. *Compare Morales v. Noem*, 2026 WL 236307, at *8 (S.D. Fla. Jan. 29, 2026) (Singhal, J.) ("Because Petitioner is present without admission, he is an 'applicant for admission' governed by section 1225."); *with Ardon-Quiroz v. Assistant Field Dir.*, 2025 WL 3451645, at *7 (S.D. Fla. Dec. 1, 2025) (Becerra, J.) (holding that a petitioner like ours was "governed by section 1226(a) and, therefore, . . . entitled to an individualized bond hearing"). And the Eleventh Circuit hasn't resolved this split—although two relevant appeals are pending in that court. *See Alvarez v. Warden*, No. 25-14065 (11th Cir.); *Perez v. Parra*, No. 25-14075 (11th Cir.).

The Fifth Circuit, however, *has* addressed this precise question in a recent (and thorough) opinion. *See Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026). In that case, the Fifth Circuit concluded that "[t]he text and context of § 1225 contradict[ed]" the Petitioner's position and held that aliens "present in the United States [that] [have] not been admitted" are unambiguously "applicants for admission within the meaning of § 1225(a)(1)." *Id.* at *4.

After careful review, we think the Fifth Circuit and our own Judge Singhal have the better view. *See generally ibid.*; *Morales*, 2026 WL 236307. The plain text of § 1225(a)(1) defines aliens, like our Petitioner, as "applicants for admission" notwithstanding their distance from the border or the time they've spent in the United States without admission. And, while the text of the statute resolves the question presented in our case, we also agree with the Fifth Circuit that the contrary view would yield

some bizarre results. As the Fifth Circuit observed: "It seems strange to suggest that Congress would have preserved bond hearings exclusively for unlawful entrants." *Buenrostro-Mendez*, 2026 WL 323330, at *9.

We thus conclude that the Petitioner is an "applicant for admission" and that his detention is governed by § 1225, which doesn't grant him the right to an individualized bond hearing. *See id.* at *4 ("Nor do the petitioners dispute that if § 1225(b)(2)(A) applies to them, it would require their detention without eligibility for bond. The statute unambiguously provides for mandatory detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings." (cleaned up)).[1]

II. The Petitioner's Detention Doesn't Violate Due Process

The Petitioner also advances a perfunctory due-process claim. Here's all he says in advancing this claim:

> To avoid serious constitutional problems, courts have consistently read an implicit reasonableness limitation into immigration detention statutes. The INA does not authorize arbitrary detention. Given Petitioner's pending Cancellation of Removal claim and lack of any criminal history, his continued detention is statutorily unreasonable and therefore unlawful.

Petition ¶ 15. We reject this argument with little difficulty. *First*, the Petitioner says that "[he] is eligible for and applied for Cancellation of Removal to adjust his legal status in the US to permanent resident." *Id.* ¶ 13. But he doesn't explain *how* this violates his due-process rights. And he doesn't cite *any* caselaw for his position. "By failing to identify any legal authority to support [his] [due-process] claim, [the

[1] We recognize that we've adopted what is currently the minority view among district courts. *See Beunrostro-Mendez*, 2026 WL 323330, at *3 ("Since DHS began to detain unadmitted aliens under § 1225(b)(2)(A), well over a thousand aliens have filed habeas corpus petitions seeking bond hearings. In most of these cases, the district court found in favor of the petitioner."). Still, many judges across the country agree with the position we've taken here. *See, e.g.*, *Ulu v. Warden*, 2026 WL 412204 (E.D. Cal. Feb. 13, 2026) (Shubb, J.); *Arana v. Arteta*, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.); *Lopez v. Dir. of Enf't & Removal Operations*, 2026 WL 261938 (M.D. Fla. Jan. 26, 2026) (Pratt, J.); *Gutierrez Sosa v. Holt*, 2026 WL 36344 (W.D. Okla. Jan. 6, 2026) (Wyrick, J.). And we think that number will grow once these cases reach the circuit courts.

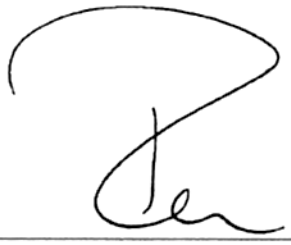
Petitioner] provides us with no way of understanding the legal relevance of [his] proffered evidence." *Inversiones YV3343, C.A. v. Lynx FBO Fort Lauderdale, LLC*, 2024 WL 2938805, at *5 (S.D. Fla. June 11, 2024) (Altman, J.). We could reject the Petitioner's claim on this basis alone. *See Belony v. Amtrust Bank*, 2011 WL 2297669, at *2 (S.D. Fla. June 8, 2011) (Marra, J.) ("Defendant's failure to cite any authority for this principle makes it difficult for the Court to rule in its favor . . . [and] is itself a basis to deny its motion."); *see also NLRB v. McClain of Ga., Inc.*, 138 F.3d 1418, 1422 (11th Cir. 1998) ("Issues raised in a perfunctory manner, without supporting arguments and citation to authorities, are generally deemed to be waived."). *Second*, even if the Petitioner did provide support for his argument, the Supreme Court has already held that the government needn't conduct individualized bond hearings to determine an alien's flight risk and may detain aliens in removal proceedings to combat the risk of widespread flight. *See Demore v. Kim*, 538 U.S. 510, 528 (2003) (upholding § 1226(c)'s mandatory-detention scheme against a challenge that alien detainees had a due-process right to individualized bond hearings); *cf. Morales*, 2026 WL 236307, at *9 (rejecting a due-process claim in circumstances very similar to ours). Put simply, the Petitioner isn't entitled to an individualized determination of his flight risk and can't raise a due-process claim on this basis.

CONCLUSION

After careful review, therefore, we **ORDER and ADJUDGE** as follows:

1. The Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**.
2. All pending deadlines are **TERMINATED**, and any pending motions are **DENIED as moot**. The Clerk is directed to **CLOSE** this case.

DONE AND ORDERED in the Southern District of Florida on March 3, 2026.



ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

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