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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Karen Johana Maldonado-Caceres,

Petitioner,

v.

Scotty Rhoden, *et al.*

Respondents.

NO.: 2:25-cv-04598-KML-MTM

**REPLY TO RESPONSE TO
ORDER TO SHOW CAUSE AND
PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner, Karen Johana Maldonado-Caceres, by and through undersigned counsel *pro hac vice* and pursuant to this Court's Order dated December 29, 2025 (DE-21), replies to Respondents' response ("**Response**") to the order to show cause why the 28 U.S.C. § 2241 petition (DE-1) should not be granted, and states:

I. INTRODUCTION

Respondents' Response confirms rather than defeats the core premise of the Petition: Petitioner's continued detention is unlawful because it is not governed by INA § 1225(b)(2), and Respondents have no other lawful basis to detain her without a bond hearing or release. Further, Respondents do not assert any argument to rebut Petitioner's claim that her substantive and procedural due process rights were

violated because DHS had no lawful authority for Petitioner's detention in the first instance, for which reason Petitioner's immediate release is warranted.

Rather than defending the legality of Petitioner's custody, Respondents largely seek to (1) preserve a detention theory that has been rejected by multiple district courts, including within this Circuit; (2) avoid the consequences of a binding nationwide class determinations recognizing § 1226(a) as the governing detention statute; and (3) limit the remedy for unlawful detention to a future bond hearing. None of these positions withstands scrutiny under § 2241.

II. THIS COURT HAS JURISDICTION AND THE FAILURE TO NAME THE SOLE PROPER RESPONDENT DOES NOT REQUIRE DISMISSAL

Respondents first argue that the Petition should be denied for lack of jurisdiction because Petitioner did not name the warden of the Eloy Detention Center as the sole respondent. Respondents' argument is unavailing because jurisdiction now properly lies in this Court following transfer by the Middle District of Florida. At the time of filing, Petitioner was in transit to an undisclosed location due to Respondents' unilateral transfer decisions. Once it was confirmed that Petitioner was confined at the Eloy Detention Center, within this judicial district, the case was transferred to this district pursuant to 28 U.S.C. § 1631, which permits transfer in the interest of justice where jurisdiction was initially lacking. (DE-17). This case is therefore properly before this Court for adjudication of the habeas petition on the merits.

Petitioner does not dispute that, in challenges to present physical confinement, the immediate-custodian rule ordinarily governs and that courts may dismiss or transfer immigration habeas petitions when the proper respondent is not named at filing. *See, e.g., Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024). Respondents' reliance on the immediate-custodian rule, however, is misplaced at this stage. This case has already been transferred to the district of confinement pursuant to 28 U.S.C. § 1631, Petitioner is presently detained within this District,

this Court has exercised its screening authority under 28 U.S.C. § 2243 to require a response, and Respondents have fully litigated the merits in response to the Court's Order to Show Cause. Respondents have appeared through the United States Attorney for the District of Arizona, who routinely defends habeas petitions challenging the custody of detainees confined within this District, including challenges to detention at the Eloy Detention Center, where Warden Fred Figueroa is the immediate custodian and properly named respondent. Under these circumstances, dismissal would serve no jurisdictional purpose and would merely delay adjudication of an ongoing detention claim. To the extent the Court concludes that amendment is necessary to conform the caption to Petitioner's current custodian, Petitioner does not oppose such amendment in the interest of judicial economy.¹

III. RESPONDENTS EFFECTIVELY CONCEDE THAT § 1225(b)(2) DOES NOT GOVERN PETITIONER'S DETENTION

Respondents "respectfully preserve" their position that Petitioner is subject to mandatory detention under INA § 1225(b)(2)(A). (DE-24, at 2). Preservation, however, is not persuasion. Respondents simultaneously acknowledge that this position has been rejected by controlling and persuasive authority.

Most notably, Respondents concede that Petitioner is a member of the nationwide *Bautista* bond-eligible class, for which a binding final judgment holds that § 1226(a), not § 1225(b)(2), governs detention. Respondents further concede that the Seventh Circuit recently concluded in *Castanon-Nava* that the Government is "not likely to succeed on the merits" of its § 1225(b)(2) theory. Although

¹ See, e.g., Lopez-Arevelo v. Ripa, --- F. Supp. 3d ---, 2025 WL 2691828, at *5-6 (W.D. Tex. Sept. 22, 2025) (declining to dismiss immigration habeas petition based solely on initial misidentification of custodian where petitioner was unsure of immediate custodian at time of filing and the original defect arose from government-controlled transfers).

Respondents emphasize that *Castanon-Nava* is not binding, they do not dispute that the § 1225 detention theory has likewise been rejected in this District.

These concessions foreclose Respondents' attempt to justify Petitioner's mandatory detention under § 1225(b)(2).

IV. THE SUSTAINED DEPRIVATION OF PETITIONER'S CONSTITUTIONAL RIGHTS WARRANTS HER IMMEDIATE RELEASE

The Court's Order to Show Cause required Respondents to justify Petitioner's continued detention or to show cause why her release—or, in the alternative, a bond hearing under 8 U.S.C. § 1226(a)—was not warranted. Respondents' Response offers no legal argument support their conclusory statement that “[i]f the Court grants the Petition, the Court should order that Petitioner be given a bond hearing by the immigration court under 8 U.S.C. § 1226(a), not direct Petitioner's immediate release from immigration detention.” Moreover, Respondents fail to address Petitioner's constitutional claims, which independently compel her immediate release.²

First, after the filing of the Petition for Habeas Corpus, which alleged upon information and belief that ICE had sent a Form I-200, *Warrant for Arrest of Alien*, to the Charlotte County Sheriff's Office, (DE-1 at ¶ 56), Charlotte County has produced evidence (in response to a public records request) that it received only a DHS Form I-247A *Immigration Detainer – Notice of Action*, and not a warrant. **Exhibit 1.** This distinction is not technical or clerical. Congress conditioned detention authority under § 1226(a) on a *lawful arrest*, not merely the initiation of removal proceedings. A civil immigration detainer (Form I-247A) is not a warrant, does not authorize arrest by ICE, and cannot substitute for the executed Form I-200

² Because Respondents have placed the adequacy of bond proceedings squarely at issue, Petitioner submits the following newly-discovered evidence to address remedy and to confirm the absence of lawful detention authority, demonstrating why a bond hearing would not provide meaningful relief in this case.

that § 1226(a) presupposes. Absent proof that an I-200 was contemporaneously duly executed at the time ICE assumed custody, Respondents have failed to establish lawful statutory basis for Petitioner's detention.

Independently, Petitioner's detention violates substantive due process. Petitioner is the recipient of a bona fide determination of *prima facie* eligibility for a U-Visa and a grant of deferred action under 8 C.F.R. § 214.14(d)(2), reflecting an affirmative executive determination that detention and removal are not in the public interest. Detaining her notwithstanding that determination is arbitrary, capricious, and not narrowly tailored to any legitimate governmental interest. DE-1, at ¶ 116; *see also Leon v. Noem*, No. 3:23-cv-01495-SEC (W.D. La. Oct. 30, 2025) (granting habeas relief and ordering immediate release of Petitioner who was detained despite valid grant of ongoing deferred action). These are precisely the circumstances – where there exists no authorized basis for detention at all—in which immediate release is the only meaningful remedy.

The essence of habeas corpus is to secure release from unlawful custody. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Where detention is unauthorized or unconstitutional, habeas relief is not limited to ordering future process. The Court possesses broad authority to order release as the only effective remedy. *See, e.g., Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. Aug. 13, 2025). Continued custody cannot be countenanced while Respondents schedule remedial proceedings at their convenience.

V. **A BOND HEARING IS NOT AN ADEQUATE REMEDY UNDER THE PRESENT ENFORCEMENT FRAMEWORK**

Respondents' contention that the appropriate remedy for unlawful detention is merely an order directing a future bond hearing assumes that bond proceedings provide a reliable and sufficient safeguard against continued unconstitutional custody. In the current enforcement environment, however, that assumption is unwarranted.

Bond determinations under § 1226(a) are wholly discretionary, and an Immigration Judge's weighing of flight risk, danger, credibility, and equities is insulated from district court review. See 8 U.S.C. § 1226(e). Recent developments demonstrate that these discretionary determinations are increasingly subject to institutional pressures that frequently result in continued detention even where habeas relief has been granted. *See, e.g., Alicia A. Caldwell & Jimmy Jenkins, Judges Are Getting Fired as Trump Pursues Immigration Purge*, Bloomberg (Dec. 15, 2025). Even assuming *arguendo* that Petitioner's equities weigh overwhelmingly in favor of release, an adverse or jurisdiction-declining determination could effectively nullify the relief which this Court may order.

Where, as here, detention is unlawful *ab initio*—because DHS lacked statutory arrest authority and acted in disregard of Petitioner's protected liberty interests—prolonged administrative processes cannot cure constitutional violations that have already occurred. Ordering a bond hearing does not necessarily remedy the constitutional injury. It merely postpones it.

Habeas courts are not required to entrust the vindication of constitutional rights to future discretionary proceedings, particularly where the record demonstrates a substantial risk that those proceedings will not cure the illegality. Under such circumstances, immediate release is not only appropriate; it is necessary to ensure meaningful relief. *See, e.g., Mathon v. Searls*, 623 F. Supp. 3d 203 (2022) (conditional release, not remand for a second bond hearing, warranted where IJ failed to apply correct evidentiary standard).

WHEREFORE, Petitioner, **KAREN JOHANA MALDONADO CACERES**, respectfully requests that this Honorable Court grant her Petition for Habeas Corpus and order her immediate release, or, in the alternative, if the Court deems a bond hearing appropriate, to impose fixed deadlines and enforceable safeguards sufficient to ensure that administrative proceedings do not perpetuate the constitutional violations already established.

DATED this 2nd day of January, 2026.

Respectfully submitted,

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