

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

Case No. 2:25-CV-01152-JES-DNF

ANTONIO OCHOA BANEGA,

Petitioner,

v.

**WARDEN OF SOFT SIDE SOUTH FACILITY,
et al.;**

Defendants.

_____ /

**BRIEF OF AMICUS CURIAE FLORIDA IMMIGRANT COALITION
IN SUPPORT OF PETITIONER**

INTEREST OF AMICUS CURIAE

Florida Immigrant Coalition (FLIC) is a non-profit organization and statewide coalition of 85 member organizations and over 100 allies, founded in 1998 and formally incorporated in 2004. FLIC is led by its membership, including grassroots and community organizations, farmworkers, youth, advocates, lawyers, union members, and people impacted by immigration detention. FLIC works towards the fair treatment of all people, including immigrants. The organization's core constituency are immigrants whose marginalization exists at the intersection of immigration status and other vulnerabilities.

INTRODUCTION

Amicus FLIC submits this brief in support of Petitioner's third claim—that his detention at Alligator Alcatraz (“the facility”) is unlawful under the Immigration and Nationality Act (“INA”). FLIC's member organizations, and their individual members, have been deeply impacted by this facility, where many of them and their family members have been held in violation of federal law.

Alligator Alcatraz represents an unprecedented abdication of federal responsibility for federal immigration detainees. For decades prior to this facility, the Department of Homeland Security (“DHS”) maintained responsibility for *all* federal detainees by either detaining them directly, or through contractors that DHS holds to strict contractual terms and detailed oversight mechanisms. Alligator Alcatraz jettisons all of that. It is the first facility in the country to be run independently by state officers and private contractors who are not subject to the normal contractual and

oversight mechanisms. The result has been a litany of unprecedented and severe problems at the facility, with DHS responding only in a partial, slow, and ad hoc manner.

Federal law does not allow DHS to off-load detainees like this. Federal law requires that all federal immigration detainees be held by *federal* officers or contractors, not state officers or state contractors. Every prior facility in the country respected this requirement. Yet Defendants now claim, for the first time ever, that Florida can hold people independently at Alligator Alcatraz under 8 U.S.C. § 1357(g).

This brief further explains why Section 1357(g) does not authorize detention at this facility.¹

First, the statute does not allow state officers to operate their own long-term detention facility. To the contrary, in every detention statute, Congress required *federal* agencies, not states, to conduct all detention of noncitizens pending removal proceedings or removal itself. Section 1357(g), by contrast, simply allows delegation of certain policing functions, like interrogation, arrest, and transport, to individual state officers. Running detention operations—which requires a litany of complex tasks to manage thousands of detainees’ removal proceedings—is not one of the individual-officer policing functions that Section 1357(g) authorizes. That’s why no State has ever before tried to run its own facility under Section 1357(g).

¹ This same claim has been asserted in another habeas petition brought by a former detainee at the facility. *See M.A. v. Guthrie*, No. 2:25-cv-765 (M.D. Fla.); *see also id.* Dkt. 83 (denying motion for preliminary injunction solely based on a lack of irreparable harm).

Second, even if detention operations were an individual immigration-officer function that could be delegated to state police under Section 1357(g), detention at Alligator Alcatraz would still violate the statute, because the facility is run and staffed by *non*-deputized state officials, and by *private contractors* who are not and cannot be deputized under the statute. Section 1357(g) only provides authority to an “employee of the State.” And it does not allow deputized state officers to sub-delegate their authority to non-deputized individuals—again, something no state has tried before.

The Court should grant the habeas petition and order Petitioner released from Alligator Alcatraz.

BACKGROUND

DHS cannot delegate immigration authority to state officers absent permission from Congress. *Arizona v. United States*, 567 U.S. 387, 408 (2012). The authority that Defendants claim for Alligator Alcatraz is 8 U.S.C. § 1357(g). Section 1357(g) allows state and local agencies to sign agreements with DHS—called “287(g) agreements”—under which individual state and local officers can be deputized to perform “a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens.” *Id.* § 1357(g)(1). These agreements provide no authority to state agencies writ large, only to individual officers who undergo specified deputization procedures. *See Santos v. Frederick County*, 725 F.3d 451, 457, 465 (4th Cir. 2013).

Before they can perform any federal function, each deputized officer must have “knowledge” of the function and receive “adequate training,” 8 U.S.C. § 1357(g)(2), they must be “supervise[d] and direct[ed]” by a named DHS official, *id.* § 1357(g)(5),

(3), and DHS must specify the nature and duration of their authority, *id.* § 1357(g)(5). State activities under Section 1357(g) must be carried out “at the expense of the State.” *Id.* § 1357(g)(1).

Immigration detention is a complex and multifaceted undertaking that, until Alligator Alcatraz, was managed exclusively by DHS, which held all federal immigration detainees through its own employees and contractors. The officials who manage long-term immigration detention must ensure compliance with a number of complex rules and procedures:

- After a warrantless arrest, officers must determine whether there was probable cause for the arrest. 8 U.S.C. § 1357(a)(2); 8 C.F.R. § 287.3(a).
- Within 48 hours of an arrest, officers must decide whether to file a Notice to Appear (“NTA”) in immigration court. 8 C.F.R. § 287.3(d).
- Officers must determine whether the person meets the criteria for expedited removal, 8 U.S.C. § 1225(b)(1)(A)(i), and must refer any person who expresses fear of persecution for a Credible Fear Interview (CFI) or Reasonable Fear Interview (RFI). *Id.* §§ 1225(b)(1)(A)(ii), 1225(b)(1)(B), 1231(b)(3)(A).
- Detention officers must determine whether a new detainee is eligible for release or bond. *Compare, e.g., 8 U.S.C. § 1226(c)* (mandatory detention), *with id.* § 1226(a) (release and bond eligible). Within 48 hours of the arrest, officers must decide whether to detain or release the person, and whether to set bond (and in what amount). 8 C.F.R. §§ 236.1(c)(8), 287.3(d).

- Detainees must be assigned a detention and deportation officer, who manages their case, answers their questions, and communicates with their counsel. *See* ICE, Detention and Deportation Officer's Field Manual (Mar. 27, 2006) (629 pages), <https://tinyurl.com/29hehj58>.
- Immigration detention facilities must uphold a long list of standards required by DHS policies, federal law, and the Constitution. For instance, facilities must provide detainees with a list of pro bono legal counsel they can contact. *See, e.g.*, ICE, Performance-Based National Detention Standards of 2011, 388 (Rev. 2016) ("PBNDS"), <https://tinyurl.com/2e8ua5w9>. They must facilitate timely and confidential meetings with legal counsel. *See* PBNDS at 398-401. And they must adhere to a range of health and safety standards. *See generally* PBNDS (establishing standards for medical care, emergency planning, deaths in custody, and media visits); 29 U.S.C. § 794 (establishing protections for people with disabilities in immigration detention); 42 U.S.C. § 2000bb-1 (protecting free exercise of religion in immigration detention centers).

These immigration functions have never before been the responsibility of state officials. Indeed, prior to this facility, no State had ever claimed authority to run its own detention operations under Section 1357(g).

Alligator Alcatraz is a tent facility in the Everglades that was constructed in eight days. *Friends of the Everglades v. Noem*, 2025 WL 2423258, at *33 (S.D. Fla. Aug. 21, 2025), *stay pending appeal*, 2025 WL 2598567 (11th Cir. Sept. 4, 2025). Federal

officials have repeatedly stated that the facility operates pursuant Section 1357(g). *See* Giles Decl. ¶ 7, Ex. A; *C.M. Discovery Response* at 2, Ex. B.

Throughout its operations, and especially in the first few months, the facility has been mired in problems, many of which were previously unheard-of in the immigration system. These include detainees being held for days or weeks without immigration charges, detainees disappearing from ICE's detainee locator, immigration lawyers unable to communicate with their clients, and detainees unable to access immigration court to apply for bond. DHS has imposed partial responses to some of these problems on an ad hoc basis, but only after hundreds (and likely thousands) of detainees had already been deported despite these failures. In October, DHS paid Florida to detain people at the facility. *See* Churchill Ndonwie, *DHS approves Florida's \$608 million request to pay for Alligator Alcatraz*, Miami Herald (Oct. 5, 2025), <https://www.miamiherald.com/news/local/immigration/article312370946.html>.

ARGUMENT

I. Detention at Alligator Alcatraz Violates 8 U.S.C. § 1357(g).

Defendants lack authority to house detainees at Alligator Alcatraz under Section 1357(g) for two separate reasons. First, Section 1357(g) does not allow state agencies to carry out immigration detention—that authority belongs to DHS alone. Second, the facility is run by private contractors and state officials who lack any authority under Section 1357(g), and the statute does not allow deputized state officers to sub-delegate their federal authority to non-deputized individuals.

A. 8 U.S.C. § 1357(g) Does Not Authorize States to Operate Their Own Independent Detention Centers.

Alligator Alcatraz is a state-owned and -operated facility where Florida agencies hold civil immigration detainees. Giles Decl. ¶¶ 6-7, 10, Ex. A. But Section 1357(g) does not authorize state agencies to operate their own immigration detention facilities. Section 1357 as a whole simply specifies the *policing* functions that *individual* immigration officers can perform. And those functions do not include carrying out long-term detention operations. Detention during removal proceedings is governed by other statutes, which give detention authority to DHS as an agency, not to individual immigration officers.

Every single time the INA provides authority to detain noncitizens during the removal process, it provides that authority to DHS alone.² That is true for noncitizens who are in removal proceedings. See 8 U.S.C. § 1226(a) (“the Attorney General . . . may continue to detain”); *id.* § 1226(c) (detention by “the Attorney General”). It is true for noncitizens with final removal orders. See 8 U.S.C. § 1231(a)(2)(A) (“the Attorney General shall detain”). It is true for noncitizens who are arrested at the border. See 8 U.S.C. § 1225(b)(2)(A); *Jennings v. Rodriguez*, 583 U.S. 281, 287-91 (2018) (explaining these detention authorities). And it is true for all the specialized detentions

² “Though the statute refers to the Attorney General, that authority has been transferred to the Secretary of the Department of Homeland Security.” *Toro v. DHS Sec’y*, 2011 WL 13137354, at *5 n.8 (M.D. Fla. Nov. 16, 2011). The same is true for DOJ’s former sub-agency the Immigration and Naturalization Service (“INS” or “the Service”). *Tofade v. U.S. Att’y Gen.*, 236 Fed. App’x 526, 527 n.1 (11th Cir. 2007).

schemes in the INA. *See* 8 U.S.C. § 1226a(1)-(2); *id.* § 1228(a)(2); *id.* § 1536(a)(1); *id.* § 1537(b)(1), (c), (e)(1). Congress thus provided that all civil immigration detainees must be held in DHS’s custody. The detention statutes do not provide this authority to anyone else.

Congress confirmed this in directing “[t]he Attorney General” to “arrange for appropriate places of detention for aliens detained pending removal or a decision on removal.” 8 U.S.C. § 1231(g)(1). The statute provides DHS with three options for immigration detention, all of which require detention by DHS itself: (1) “United States Government facilities,” (2) “rental” facilities, or—if neither of these are available—(3) DHS can “acquire land” and “acquire, build, remodel, [or] repair” its own facilities. *Id.* Independent state facilities are absent from the list.

Congress expressed this same understanding in the one statute that speaks explicitly to immigration detention in state jails. The INA allows DHS to enter into a “a cooperative agreement with any State” for “detention services.” 8 U.S.C. § 1103(a)(11)(B).³ These are known as Intergovernmental Services Agreements (“IGSAs”), and there is none for Alligator Alcatraz. The statute specifies that these are merely rental agreements, with DHS paying for “bed space for persons *detained by the Service* [i.e. the INS].” *Id.* (emphasis added). In other words, Congress let DHS use states as *contractors* for DHS’s own detainees. But it did not authorize states to hold people independently. IGSAs contain a number of safeguards for detainees that DHS

³ DHS has not contracted “or otherwise procured any detention space” at Alligator Alcatraz. Giles Decl. ¶ 10, Ex. A.

has jettisoned here. *See infra* at 12-13. Neither Defendants nor Florida have ever explained why the facility has skirted the normal process for contracting with state jails.

In sum, every time Congress provided authority to detain people during removal proceedings or removal itself, it gave that authority to DHS alone.

Section 1357 is a different kind of statute. Instead of laying out agency-level authorities like detention and removal, it specifies “immigration officer functions” that can be assigned to individual officers. It is entitled “Powers of immigration officers and employees.” And its provisions lay out enforcement actions that can be taken by an individual “officer or employee of the Service,” 8 U.S.C. § 1357(a), or an individual “officer or employee of the State,” *id.* § 1357(g)(1). These individual functions are all about policing—things like searches and arrests. *See, e.g., id.* § 1357(a)(2) (arrest), *id.* § 1357(a)(3) (search). They do not involve broad programmatic activities like establishing and running a detention facility, because that is an *agency* authority, not a function of individual immigration officers.

Congress used this same distinction—between agency authorities and individual-officer functions—throughout the INA. Across dozens of statutes, Congress consistently referred to “the Attorney General,” “the Service,” and “the Secretary” when giving power to federal agencies writ large. *See, e.g., 8 U.S.C. § 1103(a); id.* § 1231(a)(3) (authority to issue “regulations”). By contrast, Congress consistently referred to “immigration officers” when assigning tasks to individual employees. *See, e.g., 8 U.S.C. § 1357(a); id.* § 1231(a)(3)(A) (task of supervising

individual noncitizens). By assigning detention authority to DHS as an agency writ large, Congress made clear that operating a detention center is not an individual-officer function that could be delegated to state officers under Section 1357(g).

That same conclusion is apparent from reading Section 1357(g) in the context of Section 1357 as a whole. The broader statute lists the “immigration officer functions” that individual federal officers, or deputized state officers, can perform. *See El Cenizo v. Texas*, 890 F.3d 164, 177 (5th Cir. 2018) (Section 1357 “specifies immigration-officer functions and describes circumstances under which state and local officers can perform those functions.”). This includes a number of policing actions that make perfect sense as individual-officer functions. *See* 8 U.S.C. § 1357(a)(1), (b) (interrogation); *id.* § 1357(a)(3), (c), (e) (search); *id.* § 1357(a)(2), (4), (5), (d) (arrest); *id.* § 1357(a)(5) (carrying firearms). And the statute’s implementing regulations list the same individual policing functions as the statute. 8 C.F.R. § 287.5(a)-(f). Yet critically, *none* of the functions described in Sections 1357(a)-(f) or 287.5(a)-(f) involve running a detention facility or detaining people pending removal proceedings or removal. Such detention operations simply are not an immigration officer function.

The statute and implementing regulations also identify two “detention” actions that are among the policing functions of individual officers, and are thus subject to delegation under Section 1357(g). One is the authority to conduct a brief “detention not amounting to arrest.” 8 C.F.R. § 287.8(b); *id.* § 287.8(b)(2) (“the immigration officer may briefly detain the person for questioning”). The other is a subsidiary of the “authority to arrest,” *id.* § 287.5(c): the authority “to take and maintain custody of and

transport any person who has been arrested by an immigration officer.” *Id.* § 287.5(c)(6); *see also* 8 U.S.C. § 1357(g)(1) (describing “the transportation of such aliens across State lines to detention centers”). These explicit but limited detention authorities do not include any authority for individual officers—or deputized state officers—to set up and operate a detention facility to hold hundreds of noncitizens during removal proceedings.

Decades of 287(g) agreements reflect this same understanding. For 30 years prior to last year, all 287(g) agreements have required deputized state officers to transport noncitizens to ICE facilities within 48 hours of an arrest. *See, e.g.*, Fla. Dep’t of Corrections 287(g) agreement, at 8, *available at* <https://tinyurl.com/4ff2zpyx>; Collier County 287(g) agreement at 8, *available at* <https://tinyurl.com/mweaj65d>. And the only “detention” authority they have described is “authority to detain and transport, 8 U.S.C. § 1357(g)(1) and 8 C.F.R. § 287.5(c)(6), arrested aliens subject to removal to ICE-approved detention facilities.” Dep’t of Corr. 287(g) agreement, at 9; Collier at 9. That matches the statute and regulations perfectly. And it excludes any authority to conduct large-scale detention during removal proceedings.

By contrast, *different* sets of regulations, outside of Section 1357, are what implement DHS’s authority to detain immigrants pending removal proceedings and removal. *See* 8 C.F.R. §§ 235.3, 236.1-236.3, 241.3-241.5. These detention authorities match the detention statutes described above—all separate from section 1357—which uniformly assign detention authority to DHS as an agency, not to individual officers.

By erroneously treating long-term detention operations as an individual-officer function that could be delegated under Section 1357(g), Defendants are evading the federal responsibility that is required when they use contractors. IGSA contracts—which, as described above, allow state jails to act as DHS contractors—contain a number of critical safeguards that are absent at Alligator Alcatraz. For instance, IGSAs require state facilities to “comply with one of several national detention standards,”⁴ which are detailed sets of rules “to ensure safe, secure, and humane confinement.”⁵ *See, e.g.*, IGSA, S. La. Detention Ctr., § IV.B (2015) (“Facility staff will be trained in accordance with the 2011 PBNDS [one of ICE’s detention standards].”), <https://tinyurl.com/28x2ku3r> (page 62 of the PDF). Yet Alligator Alcatraz has no detention contract imposing these requirements. Defendants have never identified a DHS national detention standard that the facility is legally obligated to comply with.

Another glaring difference is oversight. When ICE detains people through its own contractors, it must “employ a robust, multilevel oversight and compliance program” that includes “daily on-site compliance reviews.” ICE, Detention Management (Sept. 25, 2025), <https://tinyurl.com/ynrhvzc8>. This includes a detailed

⁴ *ICE Detention Standards*, ICE (Aug. 8, 2023), <https://www.ice.gov/detain/detention-management> (listing six sets of standards).

⁵ GAO, *Immigration Detention: DHS Should Define Goals*, 7 (May 2025), <https://www.gao.gov/assets/gao-25-107580.pdf>. These standards are detailed and comprehensive. *See, e.g.*, 2019 National Detention Standards for Non-Dedicated Facilities (used for many IGSA facilities), <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>.

“quality assurance surveillance plan” for each facility,⁶ *see* S. La. IGSA, PDF at 89, and onsite ICE officials who “continuously monitor compliance with ICE detention standards” and speak with detainees regularly.⁷ Alligator Alcatraz has *none* of these oversight mechanisms in place. Defendants have vaguely alluded to “inspections,” at least some of which occurred immediately after construction before detention had even begun. But it is clear that, with this facility, DHS has for the first time jettisoned the normal suite of oversight practices that are required for IGSA facilities.

Defendants have never explained why they are sidestepping the normal IGSA process to house people at Alligator Alcatraz. In doing so, they have subjected detainees to a wide range of problems, like people being held for days or weeks without any immigration charges, a series of unique barriers to attorney access, and an initial denial of access to immigration court. Regardless of any ad hoc responses Defendants have adopted, these anomalous problems underscore why Congress did not allow DHS to off-load detainees to other agencies, who are not bound by federal standards.

For all the reasons above, detention at the facility violates federal law. Congress required DHS to hold all immigration detainees through its own officers or contractors. And it did not provide large-scale detention operations as an individual

⁶ GAO, *Immigration Detention: Actions Needed to Improve Planning*, 9-10 (Jan. 2021), <https://www.gao.gov/assets/gao-21-149.pdf>.

⁷ GAO, *Immigration Detention: Facility Costs and Standards*, 2 (Feb. 2016), <https://tinyurl.com/bdfrn32y>; GAO, *Immigration Detention: Detainee Medical Care*, 61 (Feb. 2016), <https://tinyurl.com/bjy6f77a>

“immigration officer function” in Section 1357. The Court should therefore order Petitioner’s release from this facility.

B. Authority Under 8 U.S.C. § 1357 Cannot Be Sub-Delegated to the Contractors Who Operate Alligator Alcatraz.

Even if immigration detention were a function of individual immigration officers, and thus could be delegated to state officers, those officers could not *re-assign* that authority to non-deputized state officers and private contractors who are not and cannot be deputized under Section 1357(g). This presents an independent reason to order Petitioner’s release from the facility.

Detention operations at Alligator Alcatraz are primarily being carried out by private contractors and employees of the Florida Department of Emergency Management (FDEM)—which has no 287(g) agreement and therefore no deputized officers. As Florida has stated in a sworn declaration: “On any given day, there are about 115 state officials and between 800-1000 state contractors carrying out various activities at the site.” Gadea-Guidicelli *FOE* Decl. ¶ 24, Ex. C (“there are just four ICE officers present”). The facility is thus around 90% run by private contractors. The contractors are performing critical detention roles, including the facility’s “Warden,” “Manager,” and “Corrections Officer[s].” *See* CRS Invoice at 1-2, Ex. D. And Florida has made clear that FDEM is the agency that runs and manages the facility. Gadea-Guidicelli *M.A.* Decl. ¶¶ 5, 10-11, Ex. E.

This is an unprecedented and straightforward violation of 8 U.S.C. § 1357(g)(1). The statute’s text could not be clearer: Immigration functions can only be delegated to

“an officer or employee of the *State or subdivision*.” *Id.* (emphasis added); *id.* § 1357(g) (title). Private contractors are obviously not officers or employees of the State of Florida, and so under the plain terms of the statute, they *cannot* be delegated any immigration-officer authority under Section 1357(g). Just as a deputized state officer could not hire a private security company to make immigration arrests, they cannot hire a private company to carry out any detention function they have been delegated. No 287(g) agreement has ever provided for private contractors to perform immigration functions.

Because they cannot exercise authority under the statute or any 287(g) agreement, the private contractors who run Alligator Alcatraz also cannot satisfy any of the statute’s other requirements. They have not been assigned a DHS officer to “supervise and direct” their detention activities, despite the fact that Congress stated *twice* in Section 1357(g) that federal officials had to closely control the immigration activities of deputized officers. *Id.* § 1357(g)(5), (3). They have no “written agreement” with DHS which specifies their “specific powers and duties” or “the duration of the[ir] authority.” *Id.* § 1357(g)(5). They have not received “written certification” from DHS or “adequate training regarding the enforcement of relevant Federal immigration laws”—a key requirement for both federal immigration officers and officers deputized under Section 1357(g). *Id.* § 1357(g)(2). If immigration detention were really a function of individual immigration officers, re-assigning it to private contractors would violate nearly every aspect of the statute.

In addition to flouting these specific requirements, assigning immigration-officer functions to FDEM and private employees cannot be squared with the statute's overall design. "Section 1357 creates a highly regulated scheme for adopting 287(g) agreements," *El Cenizo*, 890 F.3d at 177, in which federal officials must train, direct, supervise, and certify state officers, and thus keep close control over every aspect of a state officer's immigration activities. Close federal control is essential to ensure that deputized officers can navigate "the significant complexities involved in enforcing federal immigration law." *Creedle v. Miami-Dade*, 349 F. Supp. 3d 1276, 1302 (S.D. Fla. 2018) (quoting *Arizona*, 567 U.S. at 409); *Arizona*, 567 U.S. at 396-97 (explaining the complex mix of "human concerns" and "foreign policy" concerns that officials must balance); *supra* at 4-5 (explaining all the complex tasks involved in managing detention operations). Additionally, because of the "significant complexities involved in enforcing federal immigration law," Congress made 287(g) authority "contingent on training" to ensure that deputized state officers uphold the same standards as federal officers who perform equivalent functions. *Arizona*, 567 U.S. at 409; see *N.S. v. Dixon*, 141 F.4th 279, 287 (D.C. Cir. 2025) (Section 1357(g) "explicitly requires training as a prerequisite."); *United States v. Alas*, 63 F.4th 269, 276 (4th Cir. 2023) (same). Having imposed such detailed requirements on deputized state officers, Congress plainly did not allow those officers to turn around and re-assign their immigration officer functions to *non*-deputized officers who satisfy none of the statute's criteria.

By sub-delegating immigration authority and entering into detention contracts, Florida officials are unlawfully exercising powers that belong to the Secretary of

Homeland Security, not to individual immigration officers. *See* 8 U.S.C. § 1103(a)(6) (power of the “Secretary” to delegate immigration authority); *id.* § 1103(a)(11) (the “Attorney General” may contract for “detention services”); *id.* § 1231(g) (“Attorney General[’s]” “rental” authority); 6 U.S.C. § 112(b)(2) (“The Secretary” can “make contracts” “to carry out the Secretary’s responsibilities.”); 48 C.F.R. § 1.601(a) (describing “the *agency’s* contracting functions”) (emphasis added). Nothing in Section 1357 allows immigration officers to delegate *any* of their functions—be it search, arrest, or detention—to private contractors or anyone else. The only delegation authority is in Section 1357(g), and it belongs to “the Attorney General” alone. 8 U.S.C. § 1357(g)(1), (3), (4), (5), (6). *See supra* at 9 (explaining the INA’s distinction between agency authority and immigration-officer authority).

CONCLUSION

The Court should grant the petition on the grounds that detention at the facility violates Section 1357(g).

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