

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-62585-CIV-DAMIAN/Valle

RAUL IRURE-RODRIGUEZ,

Petitioner,

v.

TODD LYONS, *et al.*,

Respondents.

ORDER FOLLOWING HEARING ON PETITION

THIS CAUSE is before the Court following a Show Cause Hearing held on January 20, 2026, during which this Court addressed Petitioner, Raul Irure-Rodriguez's ("Petitioner"), Petition for Writ of Habeas Corpus [ECF No. 1 ("Petition")], filed December 12, 2025. Respondents filed a Response to this Court's Order to Show Cause [ECF No. 5] on December 29, 2025. [ECF No. 6 ("Response")]. Petitioner did not file a Reply.

THE COURT has reviewed the Petition, the parties' briefing, the relevant legal authorities, and the pertinent portions of the record and is otherwise fully advised. The undersigned also heard argument from the parties, through counsel, at the January 20th hearing.

I. BACKGROUND

The background relevant to Petitioner's immigration status and proceedings before the Immigration Court is set forth in the parties' submissions. *See generally* Pet., Resp.

In brief, Petitioner is a native and citizen of Cuba who is currently detained by Immigration and Customs Enforcement ("ICE") at the Broward Transitional Center. Pet. ¶

7. He entered the United States on or about May 20, 2022, and has remained in the country since that time. Resp., Ex. A ¶ 7. On or about May 23, 2022, Customs and Border Protection (“CBP”) encountered Petitioner near Lukeville, Arizona, and issued a Notice to Appear (“NTA”). *See id.*, Ex. A ¶ 8. The NTA charged Petitioner with inadmissibility pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1182. *Id.* Plaintiff was released on his own recognizance the same day. *Id.*, Ex. A ¶ 10.

On June 23, 2025, the Immigration Judge granted the Department of Homeland Security’s (“DHS”) motion to dismiss proceedings, Petitioner’s appeal of which is pending before the Board of Immigration Appeals (“BIA”). *Id.*, Ex. A ¶ 12. As Petitioner walked out of the motion to dismiss hearing, ICE arrested Petitioner and processed him for expedited removal. *Id.*, Ex. A ¶ 13. On August 5, 2025, USCIS interviewed Petitioner and issued a negative finding of credible fear that Petitioner appealed and which, on August 8, 2025, an Immigration Judge vacated. *Id.*, Ex. A ¶ 14.

Petitioner has requested a custody redetermination several times and each time, the Immigration Judge has found Petitioner subject to mandatory detention under Section 235(a)(1) of the INA, relying on *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025). He has two appeals pending with the BIA on his custody redetermination and remains detained at Broward Transitional Center. *Id.*, Ex. A ¶¶ 16-17.

In the Petition before this Court, Petitioner argues, generally, that he is entitled to a bond determination hearing and that 8 U.S.C. § 1226(a) applies to individuals in Petitioner’s circumstances, that is, aliens in the United States who were not lawfully admitted, rather than § 1225, which applies to aliens seeking admission to the United States. *See generally* ECF No. 1. He also argues that he is entitled to relief based on the declaratory judgment entered in

Maldonado Bautista v. Santacruz, No. 25-cv-01879-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), which directed Respondents to issue bond hearings for a Bond-Eligible class of members, which Petitioner avers includes him. *See* Pet. ¶¶ 38-42. Respondent, on the other hand, argues that the immigration judge is bound by the BIA decision in *Matter of Yajure Hurtado* and that Petitioner is an alien seeking admission who is governed by the provisions of § 1225(b) and subject to mandatory detention. *See generally* Resp. The parties appeared before the undersigned on January 20, 2026, to be heard on the Petition. *See generally* ECF No. 8.

II. DISCUSSION

As set forth and further detailed on the record at the hearing, this Court agrees with the analysis set forth in *Puga v. Assistant Field Office Director, Krome North Service Processing Center*, in which Chief Judge Cecilia Altonaga determined that “the statutory text, context, and scheme of Section 1225 do not support a finding that a noncitizen is ‘seeking admission’ when he never sought to do so.” No. 25-24535-CIV, 2025 WL 2938369 *5 (S.D. Fla. Oct. 15, 2025) (Altonaga, C.J.). Like Chief Judge Altonaga and the majority of District Courts throughout the country that have analyzed this issue, this Court finds that 8 U.S.C. § 1226(a) and its implementing regulations govern Petitioner’s detention, and not Section 1225(b). Therefore, this Court finds that Petitioner is entitled to an individualized bond hearing as a detainee under Section 1226(a).

Further, having considered the Declaratory Judgment in *Maldonado Bautista v. Santacruz*, the record in the instant case, and the relevant authorities, the undersigned finds that to the extent Petitioner may fall within the description of the classes identified in *Maldonado Bautista*, that has no bearing on this Court’s determination of the Petition for

several reasons. First, *habeas* relief was sought only by the named petitioners in that case, and Petitioner is not one of the named petitioners. Second, the named petitioners did not seek *nationwide habeas* relief, but, instead, the case is limited to the Central District of California. Third, in granting declaratory relief, the District Court in that case noted that *habeas* relief could only be afforded to class members who were located within the boundaries of the Central District of California. *Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d. ----, 2025 WL 3713987, at * 14 (C.D. Cal. Dec. 18, 2025) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 446 (2004), for the proposition that “habeas jurisdiction lie[s] ‘in only one district: the district of confinement’”). Still, the inapplicability of the *Maldonado Bautista* declaratory judgment does not alter this Court’s conclusion that Petitioner is entitled to an individualized bond hearing as a detainee under Section 1226(a).

III. CONCLUSION

Accordingly, for the reasons set forth above and on the record at the January 20, 2026 hearing, it is hereby

ORDERED AND ADJUDGED that the Petition [ECF No. 1] is **GRANTED IN PART** to the extent that Petitioner requests this Court to direct the immigration court to give him a bond hearing. It is further

ORDERED that Respondents shall **FORTHWITH** afford Petitioner an individualized bond hearing consistent with 8 U.S.C. § 1226(a) or otherwise release Petitioner. The bond hearing must take place no later than **Friday, January 30, 2026**. It is further

ORDERED that on or before **February 3, 2026**, Petitioner shall file a Joint Status Report informing this Court of whether Petitioner was given a bond hearing, and if so, the

outcome of Petitioner's bond hearing and the status of matters relevant to the Petition. Counsel for the Petitioner shall confer with counsel for the Respondents prior to filing the Status Report and must include a certification therein that the Respondents do not object to the representations made regarding the status of this case. It is further

ORDERED that the Clerk of Court is **DIRECTED** to **CLOSE** this case for *administrative and statistical purposes only* pending compliance with the instant Order and until further Order of this Court.

This Court retains jurisdiction to address matters that may arise with respect to the Petition, and either party may file a motion to reopen the case should additional relief be sought relating to the Petition or this Order.

To the extent this Court made additional or more detailed rulings on the record that are not memorialized in this written Order, those rulings are binding on the parties as set forth on the record.

DONE AND ORDERED in Chambers in the Southern District of Florida, this 20th day of January, 2026.



MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record