

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
25-cv-01195**

**Oscar Alexander Padilla Orellana,
Petitioner**

vs.

Warden, GLADES COUNTY DETENTION CENTER;

**Miami Field Office Director, Enforcement and
Removal Operations, IMMIGRATION AND CUSTOMS
ENFORCEMENT;**

Pamela Bondi, ATTORNEY GENERAL;

AND

**Kristi Noem, SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY
Defendants.**

PETITIONER'S REPLY

The Petitioner, Oscar Padilla Orellana, is challenging his unlawful detention by the US Department of Homeland Security and Immigration and Customs Enforcement. He submits this reply to the Respondents' Response dated December 30, 2025.

The Respondents' allege that the Petitioner was detained at or near the border in Sasabe, Arizona on April 1, 2017 upon his unlawful entry into the United States. The unsworn statement contained in the I-213 attached as Exhibit 1 to the Respondent's response alleges that he was processed as a "WA/NTA" which stands for a Warrant of Arrest and Notice to Appear. However, the Response does not provide a copy of these documents that were allegedly issued and provides no information of what happened after the Petitioner was allegedly detained in 2017. If a Notice to Appear was issued – was he placed in removal proceedings? Was he removed to Honduras?

Was he released on bond? On Parole? On his own recognizance? The record does not contain any additional documentation to support this allegation that the Petitioner was detained by CBP on April 1, 2017 in Sasabe, Arizona.

The Petitioner was, in fact, previously detained by Border Patrol on June 16, 2024 in Broward County, Florida. While he was detained by Border Patrol, he was questioned as to when and where he had entered the United States. *See Affidavit of Oscar Padilla Orellana as Exhibit A.* During his questioning, he advised them that he had entered in April 2016 through Phoenix, Arizona. Phoenix, Arizona is obviously not a border town, so it seems that the officials picked the closest border town to Phoenix and placed that information in their documentation. They also seem to have arbitrarily chosen the date of April 1, 2017 as his date of entry. In fact, Border Patrol did issue a Warrant of Arrest and a Notice to Appear for Mr. Padilla Orellana alleging entry on April 1, 2017 – but not on April 1, 2017. They issued those documents at the Dania Beach Border Patrol Station on June 16 and June 17, 2024 alleging an entry of April 1, 2017. *See June 2024 Border Patrol Documents as Exhibit B.* Removal Proceedings based on that 2024 Notice to Appear were closed by the immigration judge on June 30, 2025 because of DHS' failure to prosecute. *See EOIR Portal Print Out as Exhibit C.* It seems that the deportation officer who issued the November 19, 2025 I-213 and NTA attached as Exhibits 1 and 2 of the Respondents' response misread or misunderstood the documents issued by Border Patrol in June 2024.

As a result of this factual error contained in the Respondents' response, it therefore must follow that their arguments in opposition to the Petitioner's claim must fail. The Petitioner was not detained at or near the border. Because he was not detained at or near the border, he qualifies as a class member pursuant to the Court's ruling in *Maldonado Bautista v. Noem*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). The law clearly states that individuals

such as the Petitioner are governed by §1226 of the Immigration and Nationality Act and eligible for release on bond therefore the Respondent's arguments are not persuasive and should be rejected by this Court.

As such, the Petitioner hereby respectfully requests that this Court enter an order GRANTING his Petition for Habeas Corpus.

Respectfully submitted this 2nd day of January 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 2, 2026, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

/s/ Fairuze Sofia
Fairuze Sofia