

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 26-60020-CIV-SMITH

PEDRO FUENTES GRANADOS,
Petitioner,

v.

SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, et al.,
Respondents.

**PETITIONER'S REPLY IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner respectfully submits this Reply to address material factual inaccuracies in Respondents' Response and to clarify the narrow legal issue before the Court. Because Petitioner remains in civil immigration custody, prompt consideration is warranted.

I. Respondents' Characterization of the Encounter as a "Traffic Stop" Is Factually Incorrect

Respondents assert that Petitioner was encountered during a "traffic stop" (Page 2 of Respondents' Response). That assertion is factually incorrect and unsupported by personal knowledge. Petitioner was riding a bicycle when he was struck by an unmarked law-enforcement vehicle, and law-enforcement involvement occurred solely as a result of that accidental collision, not because Petitioner was stopped for any traffic violation or suspected of wrongdoing. Petitioner was not driving a

vehicle, was not the subject of an investigatory stop, and was not engaged in conduct prompting enforcement action. The officer relaying this information was not present at the scene and lacked personal knowledge of the events; accordingly, the “traffic stop” characterization rests on second-hand information and should not be credited.

This mischaracterization is material, not harmless. Framing the encounter as a “traffic stop” improperly suggests a law-enforcement-initiated encounter and implicitly invites inferences regarding flight risk or danger to public safety that are wholly unsupported by the record. Where liberty is at stake, factual inaccuracies that suggest enforcement justification or public-safety concerns risk tainting the Court’s analysis of the statutory basis for detention. Where a factual assertion is both incorrect and unsupported by personal knowledge, the Court may—and should—afford it little or no weight in evaluating the legality of Petitioner’s continued detention.

II. The Manner of Encounter Does Not Transform an Interior Apprehension into Mandatory Detention Under § 235(b)(2)

Even putting the factual correction aside, the manner of Petitioner’s initial encounter with law enforcement does not control the statutory detention framework. The dispositive legal question remains whether Petitioner—apprehended in the interior of the United States and not at or near the border—is detained under INA § 235(b)(2) or INA § 236(a). An accidental interior encounter does not convert

Petitioner into an “arriving alien,” nor does it justify categorical mandatory detention without bond consideration. Respondents’ reliance on the encounter narrative does not cure the statutory and constitutional defects identified in the Petition.

III. This Court Has Jurisdiction Over Petitioner’s Detention Challenge

Respondents suggest that this Court lacks jurisdiction to consider Petitioner’s claims. That argument mischaracterizes the nature of this habeas action. Petitioner does not seek review of a removal order, a discretionary enforcement decision, or the commencement of removal proceedings. Rather, Petitioner brings a core habeas challenge under 28 U.S.C. § 2241 to the legality of his continued civil immigration detention and DHS’s statutory authority to detain him without bond.

The jurisdiction-stripping provisions of 8 U.S.C. § 1252, including §§ 1252(a)(2)(B) and 1252(g), do not bar district-court review of detention-only challenges or constitutional claims arising from prolonged or unlawful custody. Courts within this Circuit routinely exercise jurisdiction over habeas petitions challenging immigration detention where, as here, the petitioner seeks release or a bond hearing—not review of a final order of removal.

Accordingly, this Court retains jurisdiction to adjudicate Petitioner’s statutory and constitutional claims concerning his detention.

IV. Continued Detention Inflicts Ongoing Liberty Harm

Petitioner remains in civil immigration custody. Each day of continued detention compounds the liberty harm resulting from Respondents' misclassification and denial of bond consideration. The record is now complete, and the Petition is ripe for adjudication.

For the foregoing reasons, and those set forth in the Petition and Petitioner's Motion to Strike, Petitioner respectfully requests that the Court grant the writ of habeas corpus or, at a minimum, order prompt bond consideration under the correct statutory framework.

Respectfully submitted on January 22, 2026,

/s/ Jacqueline Delgado
Jacqueline Delgado
Counsel for Petitioner
Delgado Law Group, LLC
631 Lucerne Avenue, Suite 26
Lake Worth Beach, Florida 33460
Telephone: (561)342-1429
Email: jdelgado@delgado-law.com