

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-cv-20202-ALTMAN

JUAN PACHECO GARCIA,

Petitioner,

v.

MIAMI FDC, *et al.*,

Respondents.

ORDER

Juan Pacheco Garcia's Petition for Writ of Habeas Corpus (the "Petition") [ECF No. 1] presents a question of statutory interpretation that has divided judges across the country: Is an alien who's living in the United States without having been lawfully admitted subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), or is he entitled to a bond hearing under 8 U.S.C. § 1226(a)? After a careful review of the Petition, the Government's Response ("Response") [ECF No. 6], and the Petitioner's Reply ("Reply") [ECF No. 7], we **DENY** the Petition.

BACKGROUND

Our Petitioner, Juan Pacheco Garcia, is an alien who's received a Notice to Appear, which charges him "as an alien present in the United States who has not been admitted or paroled[.]" Reply at 2. The "Petitioner was on his way to work when a state trooper stopped the vehicle he was travelling as a passenger [in] and apprehended him without a warrant or without committing a crime." *Id.* at 1. After the Petitioner was detained, "an immigration hold was lodged[.]" *Ibid.* Since then, the "Petitioner has been detained without due process and without a meaningful bond hearing which violated the duye [sic] process clause." Petition at 6. "The agency," the Petitioner says, "is incorrectly detaining the Petiooner [sic] under section 235 on the INA rather than 236 og [sic] the INA." *Ibid.*

The Petitioner now seeks habeas relief in our Court, arguing that the Respondents have misinterpreted the detention provisions of the Immigration and Nationality Act (“INA”) and asking us to “[o]rder [t]he Petitioner’s immediate [sic] release or in the alternative order the Immigration Judge to conduct a constitutional adequate bond hearing.” *Id.* at Prayer for Relief. The Petitioner also contends that he “has been detained without due process[.]” *Id.* at 6.

THE LAW

Section 2241 allows district courts to grant relief to petitioners who are held “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). This jurisdiction extends to petitioners challenging their detention under our immigration laws. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

ANALYSIS

I. The Petitioner’s Detention is Governed by 8 U.S.C. § 1225

The Petitioner argues that “the Petitioner’s detention is subject to 8 U.S.C. §1226 rather than 1225(b)(2).” Reply at 2. Section 1225 governs the inspection and removal of a specific subset of aliens—“applicants for admission.” 8 U.S.C. § 1225(a). Subsection (a)(1) defines “applicant[s] for admission” as “alien[s] present in the United States who [have] not been admitted *or* who arrive[] in the United States[.]” § 1225(a)(1) (emphasis added). An alien hasn’t been “admitted” to the United States until he’s obtained “lawful entry . . . into the United States after inspection and authorization by an immigration officer.” § 1101(a)(13)(A). An applicant for admission who isn’t “clearly and beyond a doubt entitled to be admitted” to the United States “shall be detained” for removal proceedings. § 1225(b)(2)(A).

The Petitioner contends that he’s not an “applicant for admission” subject to mandatory detention under § 1225. In the Petitioner’s view, his detention is governed by § 1226, under which aliens are generally entitled to a bond hearing at the outset of their detention, because § 1226 “affords

access to bond to noncitizens that are inadmissible.” Reply at 3. And, the Petitioner says § 1225(b)(2) *only* applies “if the examining immigration officer determin[e]s that a noncitizen seeking admission is not clearly and beyond a doubt entitled to be admitted.” *Ibid.* The Respondents disagree, arguing that, “Congress expanded § 1225(b) in 1996 to apply to a broader category of aliens, including those aliens who crossed the border illegally.” Response at 8.

This question—whether an alien who’s lived in the United States unlawfully for years is an “applicant for admission” under § 1225—has divided the judges in our District. *Compare Morales v. Noem*, 2026 WL 236307, at *8 (S.D. Fla. Jan. 29, 2026) (Singhal, J.) (“Because Petitioner is present without admission, he is an ‘applicant for admission’ governed by section 1225.”); *with Ardon-Quiroz v. Assistant Field Dir.*, 2025 WL 3451645, at *7 (S.D. Fla. Dec. 1, 2025) (Becerra, J.) (holding that a petitioner like ours was “governed by section 1226(a) and, therefore, . . . entitled to an individualized bond hearing”). And the Eleventh Circuit hasn’t resolved this split—although two relevant appeals are pending in that court. *See Alvarez v. Warden*, No. 25-14065 (11th Cir.); *Perez v. Parra*, No. 25-14075 (11th Cir.).

The Fifth Circuit, however, *has* addressed this precise question in a recent (and thorough) opinion. *See Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026). In that case, the Fifth Circuit concluded that “[t]he text and context of § 1225 contradict[ed]” the Petitioner’s position and held that aliens “present in the United States [that] [have] not been admitted” are unambiguously “applicants for admission within the meaning of § 1225(a)(1).” *Id.* at *4.

After careful review, we think the Fifth Circuit and our own Judge Singhal have the better view. *See generally ibid.*; *Morales*, 2026 WL 236307. The plain text of § 1225(a)(1) defines aliens, like our Petitioner, as “applicants for admission” notwithstanding their distance from the border or the time they’ve spent in the United States without admission. And, while the text of the statute resolves the question presented in our case, we also agree with the Fifth Circuit that the contrary view would yield

some bizarre results. As the Fifth Circuit observed: “It seems strange to suggest that Congress would have preserved bond hearings exclusively for unlawful entrants.” *Buenrostro-Mendez*, 2026 WL 323330, at *9.

We thus conclude that the Petitioner is an “applicant for admission” and that his detention is governed by § 1225, which doesn’t grant him the right to an individualized bond hearing. *See id.* at *4 (“Nor do the petitioners dispute that if § 1225(b)(2)(A) applies to them, it would require their detention without eligibility for bond. The statute unambiguously provides for mandatory detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings.” (cleaned up)).¹

II. The Petitioner’s Detention Doesn’t Violate Due Process

The Petitioner brings only one claim for relief, which intermingles his due-process and statutory claims. *See* Petition at 6. And the Petitioner offers only a single sentence as factual support for that claim: The “Petitioner,” he writes, “has been present in the United States since 2021.” *Ibid.* We reject this argument with little difficulty. For one thing, the Petitioner doesn’t explain *how* his detention violates his due-process rights. And he doesn’t cite *any* case-law for his position. “By failing to identify any legal authority to support [his] [due-process] claim, [the Petitioner] provides us with no way of understanding the legal relevance of [his] proffered evidence.” *Inversiones YV3343, C.A. v. Lynx FBO Fort Lauderdale, LLC*, 2024 WL 2938805, at *5 (S.D. Fla. June 11, 2024) (Altman, J.). We could reject the Petitioner’s claim on this basis alone. *See Belony v. Amtrust Bank*, 2011 WL 2297669, at *2

¹ We recognize that we’ve adopted what is currently the minority view among district courts. *See Buenrostro-Mendez*, 2026 WL 323330, at *3 (“Since DHS began to detain unadmitted aliens under § 1225(b)(2)(A), well over a thousand aliens have filed habeas corpus petitions seeking bond hearings. In most of these cases, the district court found in favor of the petitioner.”). Still, many judges across the country agree with the position we’ve taken here. *See, e.g., Unlu v. Warden*, 2026 WL 412204 (E.D. Cal. Feb. 13, 2026) (Shubb, J.); *Arana v. Arteta*, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.); *Lopez v. Dir. of Enft & Removal Operations*, 2026 WL 261938 (M.D. Fla. Jan. 26, 2026) (Pratt, J.); *Gutierrez Sosa v. Holt*, 2026 WL 36344 (W.D. Okla. Jan. 6, 2026) (Wyrick, J.). And we think that number will grow once these cases reach the circuit courts.

(S.D. Fla. June 8, 2011) (Marra, J.) (“Defendant’s failure to cite any authority for this principle makes it difficult for the Court to rule in its favor . . . [and] is itself a basis to deny its motion.”); *see also* *NLRB v. McClain of Ga., Inc.*, 138 F.3d 1418, 1422 (11th Cir. 1998) (“Issues raised in a perfunctory manner, without supporting arguments and citation to authorities, are generally deemed to be waived.”).

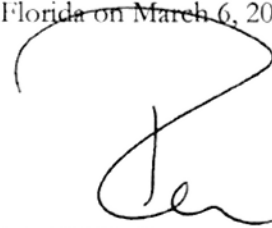
For another, the Supreme Court has already held that the government needn’t conduct individualized bond hearings to determine an alien’s flight risk and may detain aliens in removal proceedings to combat the risk of widespread flight. *See Demore v. Kim*, 538 U.S. 510, 528 (2003) (upholding § 1226(c)’s mandatory-detention scheme against a challenge that alien detainees had a due-process right to individualized bond hearings); *cf. Morales*, 2026 WL 236307, at *9 (rejecting a due-process claim in circumstances very similar to ours).

CONCLUSION

After careful review, therefore, we **ORDER and ADJUDGE** as follows:

1. The Amended Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**.
2. All pending deadlines are **TERMINATED**, and any pending motions are **DENIED as moot**. The Clerk is directed to **CLOSE** this case.

DONE AND ORDERED in the Southern District of Florida on March 6, 2026.



ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record

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