

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL CASTILLO CEPERO,	§	
	§	2:26-cv-00053-KCD-DNF
<i>Petitioner,</i>	§	
	§	
vs.	§	
	§	
DAVID HARDIN, ET AL.,	§	
<i>Warden of the Glades County Detention</i>	§	
<i>Center,</i>	§	
	§	
<i>Respondents.</i>	§	
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I. INTRODUCTION

Respondents' Response does not defeat the Petition on either jurisdictional or substantive grounds. The material facts are undisputed. Petitioner entered the United States in 2022, was processed by the Department of Homeland Security, released on a Form I-220A, and placed in removal proceedings. He remained at liberty for several years while complying with all reporting requirements. He was later re-detained inside the United States at a routine ICE check-in. Since that time, Respondents have refused to provide a custody redetermination hearing.

Respondents contend that because Petitioner entered without inspection, he remains an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and categorically ineligible for bond. Petitioner contends that his detention is governed by 8 U.S.C. § 1226(a), which authorizes discretionary detention and provides for individualized bond hearings. Courts in this District and elsewhere have already rejected the Government's position. The text, structure, and context of the Immigration and Nationality Act ("INA") confirm that Respondents' interpretation is incorrect.

Because Petitioner is detained under § 1226(a) without the procedures that statute and its implementing regulations require, his continued detention is unlawful and habeas relief is warranted.

II. THIS COURT HAS JURISDICTION TO CONSIDER THE PETITION

Respondents' jurisdictional arguments fail. Petitioner does not challenge the commencement of removal proceedings, the execution of a removal order, or the Government's prosecutorial discretion. He challenges only the statutory authority for his detention and the denial

of the procedures required by law. Such claims fall squarely within the core of habeas jurisdiction under 28 U.S.C. § 2241.

III. THE STATUTORY FRAMEWORK CONFIRMS THAT PETITIONER'S DETENTION IS GOVERNED BY 8 U.S.C. § 1226(a)

Respondents contend that Petitioner's entry into the United States without inspection renders him an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Petitioner disagrees. The statutory text, structure, and context of the INA demonstrate that Petitioner's detention is governed by 8 U.S.C. § 1226(a), which authorizes discretionary detention and provides for bond hearings before an immigration judge.

Under the INA, §§ 1225 and 1226 govern the detention of noncitizens prior to a final order of removal. Section 1225 applies to "applicants for admission," defined as noncitizens "present in the United States who have not been admitted" or who "arrive[] in the United States." 8 U.S.C. § 1225(a)(1). Section 1225(a)(3) requires that applicants for admission be inspected by an immigration officer, and § 1225(b) sets forth procedures applicable to certain applicants for admission encountered during that inspection process. See 8 U.S.C. § 1225(b); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108–09 (2020). Because detention under § 1225(b)(2) is mandatory, a noncitizen detained under that provision may be released only if paroled for urgent humanitarian reasons or significant public benefit.

By contrast, § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings." *Jennings*, 583 U.S. at 289. Section 1226(a) establishes a discretionary detention framework for noncitizens arrested on a warrant issued by the Attorney General and expressly authorizes continued detention, release on bond, or release on conditional parole. 8 U.S.C. § 1226(a)(1)–(2). Federal regulations implementing § 1226(a) provide

that noncitizens detained under that provision are entitled to an individualized custody redetermination hearing before an immigration judge. See 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1). The Supreme Court has expressly recognized that “aliens detained under § 1226(a) receive bond hearings at the outset of detention.” *Jennings*, 583 U.S. at 306.

Respondents’ position turns on the phrase “seeking admission” in § 1225(b)(2)(A). Whether Petitioner is detained under § 1225(b)(2) or § 1226(a) therefore presents a question of statutory interpretation. The INA does not define the phrase “seeking admission.” Although § 1225 defines an “applicant for admission,” it does so in the context of inspection and admission at the border. See 8 U.S.C. §§ 1101(a)(13), 1225(a). The ordinary meaning of “seeking admission” implies an affirmative and contemporaneous act—one that occurs during inspection at the border or its immediate functional equivalent. Reading the phrase to encompass individuals who have lived in the United States for years and are later arrested by ICE in the interior divorces the term from both its textual and functional context.

The structure of the INA further supports this interpretation. Section 1226 operates as a default detention provision applicable to noncitizens already present in the United States. As the Supreme Court explained in *Jennings*, § 1226 “creates a default rule” that “applies to aliens already present in the United States.” 583 U.S. at 303. Interpreting § 1225(b)(2) to apply to all noncitizens who entered without inspection, regardless of time, location, or procedural posture, would render § 1226 largely superfluous. Courts must avoid constructions that deprive statutory provisions of independent effect. *Corley v. United States*, 556 U.S. 303, 314 (2009).

Recent congressional action confirms that § 1226, not § 1225, governs detention in circumstances like Petitioner’s. In January 2025, Congress enacted the Laken Riley Act, which amended § 1226 to add subsection (c)(1)(E), mandating detention for certain inadmissible

noncitizens who have been arrested for or convicted of specified crimes. If § 1225(b)(2) already mandated detention for all noncitizens present without admission, this amendment would have been unnecessary. Courts presume that Congress does not enact redundant or meaningless provisions. *Bilski v. Kappos*, 561 U.S. 593, 608 (2010).

Respondents' reliance on *Matter of Yajure Hurtado* does not alter this conclusion. Under *Loper Bright Enterprises v. Raimondo*, courts may not defer to an agency's interpretation of law merely because a statute is ambiguous. 603 U.S. 369, 413 (2024). Where, as here, the agency's interpretation expands detention authority beyond the statutory scheme and eliminates procedural protections Congress expressly provided, deference is unwarranted. Courts addressing materially identical circumstances have rejected Respondents' interpretation and concluded that § 1226(a) governs detention of noncitizens re-arrested in the interior after years of presence in the United States.

Accordingly, contrary to the Immigration Judge's determination that he lacked jurisdiction to consider Petitioner's bond request, § 1226(a) and its implementing regulations govern Petitioner's detention. Petitioner is therefore entitled to an individualized bond hearing, and the Immigration Judge has jurisdiction to conduct that hearing.

V. EXHAUSTION IS NOT REQUIRED

Respondents' exhaustion argument fails. Exhaustion in § 2241 habeas proceedings is prudential, not jurisdictional. *Santiago-Lugo v. Warden*, 785 F.3d 467, 471 (11th Cir. 2015). Exhaustion would be futile here because the Immigration Judge disclaimed jurisdiction as a matter of law and the agency lacks authority to provide the relief Petitioner seeks. Under these circumstances, exhaustion is not required.

VI. CONCLUSION

Petitioner is detained under 8 U.S.C. § 1226(a) and has been denied the custody redetermination hearing required by statute and regulation. His continued detention exceeds Respondents' statutory authority.

The Court should grant the Petition for Writ of Habeas Corpus and order Respondents to provide Petitioner with a prompt individualized bond hearing, or, in the alternative, order Petitioner's immediate release.

DATED this 9th February, 2026.

Respectfully submitted,



Ismael J. Labrador, Esq.
Attorney for Petitioner
FL Bar No.: 1030508
Gallardo Law Firm
8492 SW 8th St
Miami, FL 33144-4153
Telephone: 305-261-7000
Email:
ismaeljose@gallardolawyers.com