

Angela Alvero (SBN 864404)
Angela@LegalAllen.com
Law Offices of Wilfredo O. Allen
2250 S.W. 3rd Ave., Ste. 301
Miami, FL 33129
Telephone: (305) 854-5955

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SANDY SILVEIRA-GRANADO,

CASE NO.: 26-cv-55

Petitioner,

v.

DAVID HARDIN, Glades County Sheriff;
GARRETT J. RIPA, Field Office Director
of the Miami Immigration and Customs
Enforcement Office; TODD LYONS,
Acting Director of United States Immigration
and Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
Homeland Security; PAMELA BONDI,
Attorney General of the United States, acting
in their official capacities; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; and
DEPARTMENT OF HOMELAND SECURITY,

Respondents.

**PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

Petitioner, SANDY SILVEIRA-GRANADO ("Petitioner"), by and through undersigned
counsel, hereby files this reply to Respondent's Opposition to Petition for Writ of Habeas Corpus
Under 28 U.S.C. § 2241, [ECF No. 15] and in support states the following¹:

¹ Respondents' exhibits attached to its Opposition Memorandum are immigration documents that belong to another noncitizen. The documents do not pertain to Petitioner and should be discounted by this Court.
PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241
CASE NO. 2:26-cv-55-SPC-DNF

INTRODUCTION

Respondents present four arguments in opposition to the Petition. Each will be addressed. Petitioner notes that Respondents candidly admits that this court has rejected all four arguments in its Opinion and Order in *Garcia v. Noem, et al.*, No. 2:25-cv-00879-SPC-NPM [ECF No. 18].

LEGAL MEMORANDUM

I. Title 8 U.S.C. § 1252(g) does not bar review of Petitioner’s claims.

“[Petitioner] does not challenge the respondents’ decision to commence removal proceedings against him, the decision to arrest and detain him, or the methods by which he is detained. Rather, [Petitioner] challenges the Attorney General’s treatment of him as an “alien seeking admission.” *See*, Opinion and Order, *Garcia v. Noem, et al.*, No. 2:25-cv-00879-SPC-NPM [ECF No. 18]. Petitioner is in the same position as the petitioner in *Garcia*, and makes the same challenge.

II. Title 8 U.S.C. § 1252(b)(9) does not bar review of Petitioner’s claims.

As succinctly and correctly stated by this Honorable Court previously in response to this argument, “Not so.” *See*, Opinion and Order, *Garcia v. Noem, et al.*, No. 2:25-cv-00879-SPC-NPM [ECF No. 18].

III. Petitioner has not failed to exhaust his administrative remedies which were not required in any event.

As noted in the Petition, on December 22, 2025, at a custody redetermination hearing, Petitioner presented information regarding residence, family relationships, community ties, work history, and the absence of criminal history, but the Immigration Judge concluded that jurisdiction to redetermine custody was unavailable based on *Matter of Yajure Hurtado*. Additionally, as this court has previously found, “Requiring [Petitioner] to make an administrative request for a bond hearing would be futile because the result is predetermined by *Yajure Hurtado*. See, Opinion and Order, *Garcia v. Noem, et al.*, No. 2:25-cv-00879-SPC-NPM [ECF No. 18].

IV. Petitioner is not properly detained under 8 U.S.C. § 1225.

It is undisputed that Petitioner has been in this country since August of 2022. His detention is thus governed by Section 1226(a). “As a noncitizen detained under Section 1226(a), [Petitioner] has a right to a bond hearing

CONCLUSION

For the foregoing reasons, the Court should grant the Petition for Writ of Habeas Corpus. The Immigration Judge declined to conduct a custody redetermination based on an erroneous interpretation of the governing detention statute, leaving Petitioner without the custody review authorized by 8 U.S.C. § 1226(a) and subjected to continued deprivation of his liberty. Petitioner asks this Court to end this. Petitioner respectfully requests that the Court order Respondents to release him under reasonable conditions of supervision and to facilitate his transportation from the detention facility by notifying his counsel when and where he may be collected.

Respectfully submitted this 22nd day of January, 2026.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 22, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system which will serve a copy to all counsels of record.

/s/ Angela Alvero
Angela Alvero (SBN 864404)
Angela@LegalAllen.com
Law Offices of Wilfredo O. Allen
2250 S.W. 3rd Ave., Ste. 301
Miami, FL 33129
Telephone: (305) 854-5955
Attorney for Petitioner