

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

ELVIN JAHIR ENAMORADO CRUZ,

Petitioner,

v.

Case No. 3:26-cv-92-JEP-MCR

RONNIE WOODALL,¹ Warden of Florida Baker Correctional Institute; GARRETT J. RIPA, in his official capacity as Field Office Director, Miami Field Office; TODD LYONS, in his official capacity as Acting Director, Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as U.S. Secretary of Homeland Security; PAMELA BONDI, in her official capacity as U.S. Attorney General; U.S. Department of Homeland Security; and Executive Office for Immigration Review,²

Respondents.

Response to Habeas Petition

Petitioner, Elvin Jahir Enamorado Cruz, challenges his detention by United States Immigration and Customs Enforcement ("ICE"), arguing he is entitled

¹ Ronnie Woodall was the warden at the Baker Correctional Institution when it was operated by the State of Florida as a men's prison in Sanderson, FL. See www.fdle.state.fl.us. Ronnie Woodall was not and is not the warden or facility administrator at the North Florida Detention Center (NFDC) operated in the now shuttered Baker Correctional Institution in Sanderson, FL. Based on information and belief, the Facility Administrator of the NFDC is Eric Hall. **Thus, Petitioner is in the physical custody of Eric Hall**, not Ronnie Woodall.

² The Executive Office for Immigration Review (EOIR) is a component of the U.S. Department of Justice and, thus, is a federal entity, not an individual. Thus, because EOIR does not have physical or legal custody of Petitioner, it is not a proper Respondent.

to a bond hearing under 8 U.S.C. § 1226. Federal Respondents acknowledge that the Court has previously addressed the applicability of § 1225 vs § 1226 to persons such as Petitioner. Thus, to conserve judicial resources, while also reserving all rights, including the right to appeal, Federal Respondents submit this abbreviated brief in lieu of exhaustive, duplicative briefing on the issue. Should the Court prefer a more fulsome discussion, Federal Respondents stand ready to submit additional briefing.

Factual Background

Petitioner, Elvin Jahir Enamorado Cruz, is a 22-year-old male and a native and citizen of Honduras. Petitioner entered the United States without inspection on June 29, 2019, at or near Brownsville, TX where he was initially encountered by U. S. Border Patrol. Exhibit 1: Form I-213 at 2. The following day, Petitioner was issued a Form I-862 Notice to Appear (“NTA”) and was subsequently released from Border Patrol’s custody on an Order of Release on Recognizance. *Id.* Subsequently, Petitioner was issued a superseding NTA on August 11, 2019, charging Petitioner as removable pursuant to INA §212(a)(6)(A)(i), as amended, 8 U.S.C. § 1182(a)(6)(A)(i). *Id.* at 2-3. On November 18, 2025, Petitioner was arrested by the Panama City Beach P.D. in Florida, and was remanded into ICE custody by the Enforcement and Removal Operations Panama City Beach unit at that time. *Id.* at 2. A custody determination was conducted, and Petitioner remains in ICE custody pending removal proceedings. *Id.* To date, Petitioner has been in ICE custody for approximately 92 days.

Certified Habeas Return

ICE is detaining Petitioner under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). *See* 28 U.S.C. § 2243 (stating “[t]he person to whom the writ or order is directed shall make a return certifying the true cause of the detention.”). Petitioner bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021).

Discussion

In re Matter of Yajure Hurtado, 29 I&N Dec. 216 (B.I.A. 2025), the Board of Immigration Appeals (“BIA”) examined the plain language of § 1225, the INA’s statutory scheme, Supreme Court and BIA precedents, the legislative history of the INA and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and ICE’s prior practices. After doing so, the BIA held that “under a plain language reading of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), immigration judges lack authority to hear bond requests or to grant bond to aliens, like the respondent, who are present in the United States without admission.” 29 I&N Dec. at 225. This Court should rule the same.

Federal Respondents believe that questions of law in this case substantially overlap with this Court’s decision in *Lopez v. Director of Enforcement and Removal Operations, et al.*, Case No. 3:25-cv-1313-JEP-SJH, 2026 WL 261938 (M.D. Fla. Jan. 26, 2026). Thus, the Federal Respondents submit that the same result should be reached in this case.

In addition to the growing number of district courts that have ruled in the Federal Respondents' favor on this issue,³ the Fifth Circuit Court of Appeals has also

³ See, E.g., *Iraheta Morales v. Noem*, Case No. 25-62598-Civ-Singhal (Doc. 10) (S.D. Fla. Jan. 29, 2026); *Cortez v. Lynch*, No. 1:25-CV-822, 2026 WL 82039 (S.D. Ohio Jan. 12, 2026); *Garibay-Robledo v. Noem*, -- F. Supp. 3d --, No. 1:25-CV-177-H, 2026 WL 81679 (N.D. Tex. Jan. 9, 2026); *Singh v. Noem*, No. 2:25-CV-00157-SCM, 2026 WL 74558 (E.D. Ky. Jan. 9, 2026); *Benitez v. Bradford*, No. 4:25-CV-06178, 2026 WL 82235 (S.D. Tex. Jan. 8, 2026); *Cruz Rodriguez v. Olson*, -- F. Supp. 3d --, No. 1:25-CV-12961, 2026 WL 63613 (N.D. Ill. Jan. 8, 2026); *D.M.R.D. v. Andrews*, No. 1:26-CV-00081-WBS-CSK, 2026 WL 61504 (E.D. Cal. Jan. 8, 2026); *Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2026 WL 44683 (N.D. Tex. Jan. 7, 2026); *Naikpay v. Sukkar*, No. 2:25-CV-1167-KCD-DNF, 2026 WL 44820 (M.D. Fla. Jan. 7, 2026) (Dudek, J.); *Azizzadeh v. Rhoney*, No. 25-CV-1288 (JLS), 2026 WL 44324 (W.D.N.Y. Jan. 6, 2026); *Gutierrez Sosa v. Holt*, No. CIV-25-1257-PRW, 2026 WL 36344 (W.D. Okla. Jan. 6, 2026); *Parra v. Sec'y, DHS*, No. 2:25-CV-1116-KCD-DNF, 2026 WL 21243 (M.D. Fla. Jan. 5, 2026) (Dudek, J.); *Rodriguez v. Jeffreys*, No. 8:25CV714, 2025 WL 3754411 (D. Neb. Dec. 29, 2025); *Zuniga v. Lyons*, No. 1:25-CV-221-H, 2025 WL 3755126 (N.D. Tex. Dec. 29, 2025); *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025); *Pastor v. Dir. of Detroit Field Off.*, No. 4:25-CV-02761, 2025 WL 3746495 (N.D. Ohio Dec. 24, 2025); *Masis Lucero, v. Field Office Director of Enforcement and Removal Operations*, No. 1:25-CV-823, 2025 WL 3718730 (S.D. Ohio Dec. 23, 2025); *A.M. v. Joyce*, No. 2:25-CV-00615-LEW, 2025 WL 3706922 (D. Me. Dec. 22, 2025); *Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025); *Rivera Hernandez v. Noem*, No. 9:25-CV-00326, 2025 WL 3754434 (E.D. Tex. Dec. 19, 2025); *Zapata v. Chestnut*, No. 1:25-CV-01922-WBS-CKD, 2025 WL 3687643 (E.D. Cal. Dec. 19, 2025); *Bartolon v. Bondi*, No. 1:25-CV-747, 2025 WL 3674604 (S.D. Ohio Dec. 18, 2025); *E.R.J.B. v. Wofford*, No. 1:25-CV-01843-WBS-SCR, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025); *Romero Rebolledo v. Chestnut*, No. 1:25-CV-01904-WBS-CKD, 2025 WL 3683122 (E.D. Cal. Dec. 18, 2025); *Padilla v. Galovich*, No. 25-CV-865-JDP, 2025 WL 3640960 (W.D. Wis. Dec. 16, 2025); *Coronado v. Sec'y, DHS*, No. 1:25-CV-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025); *Liang v. Almodovar*, No. 1:25-cv-09322, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025); *P. B. v. Bergami*, No. 3:25-CV-02978-O, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025); *Delgado v. Noem*, No. 9:25-CV-00329, 2025 WL 3639439 (E.D. Tex. Dec. 12, 2025); *Garcia v. U.S. Att'y Gen.*, No. 2:25-CV-1053-KCD-DNF, 2025 WL 3537592 (M.D. Fla. Dec. 10, 2025) (Dudek, J.); *Rodriguez v. Noem*, No. 9:25-CV-00320, 2025 WL 3639440 (E.D. Tex. Dec. 10, 2025); *Oliveria v. Albarran*, No. 1:25-CV-01760 WBS AC, 2025 WL 3525923 (E.D. Cal. Dec. 9, 2025); *Ugarte-Arenas v. Olson*, No. 25-C-1721, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025); *Melgar v. Bondi*, No. 8:25CV555, 2025 WL 3496721 (D. Neb. Dec. 5, 2025); *Candido v. Bondi*, No. 25-CV-867, 2025 WL 3484932 (W.D.N.Y. Dec. 4, 2025); *Chen v. Almodovar*, No. 1:25-cv-08350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Topal v. Bondi*, No. 1:25-cv-01612, 2025 WL 3486894 (W.D. La. Dec. 3, 2025); *Cruz v. Noem*, No. 8:25-CV-02566, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025); *Suarez v. Noem*, No. 1:25-cv-00202-JMD, 2025 WL 3312168, at *2-3 (E.D. Mo. Nov. 28, 2025); *Cortes Alonzo v. Noem*, No. 1:25-cv-01519 WBS SCR, 2025 WL 3208284, at *1-5 (E.D. Cal. Nov. 17, 2025); *Manzo Valencia v. Chestnut*, No. 1:25-cv-01550 WBS JDP, 2025 WL 3205133, at *1-4 (E.D. Cal. Nov. 17, 2025);

issued a ruling in Federal Respondents' favor on this issue. See *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026).⁴ Similarly to this Court's *Lopez* order, the Fifth Circuit has stated that "an applicant for admission to the United States is 'seeking admission' to the same, regardless whether the person actively engages in further affirmative acts to gain admission." *Id.* at *4. Thus, the Fifth Circuit concluded, "petitioners are deemed by statute, to be applicants for admission pending the resolution of removal proceedings. While they remain applicants, they are presently seeking admission." *Id.* at *5. As such, the Federal Respondents believe that the Court's decision in *Lopez* should guide its decision here, and that the instant Petition should be denied.

However, Respondents—in the interest of judicial economy and to expedite the Court's consideration of this matter—and to reserve their rights, including the

Altamirano Ramos v. Lyons, No. 2:25-cv-09785-SVW-AJR, 2025 WL 3199872, at *4-9 (C.D. Cal. Nov. 12, 2025); *Montoya Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331, at *3-7 (S.D. Tex. Nov. 13, 2025); *Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942, at *2-5 (E.D. Mo. Nov. 10, 2025); *Oliveira v. Patterson*, No. 6:25-cv-01463-DCJ-DJA, 2025 WL 3095972, at *2-6 (W.D. La. Nov. 4, 2025); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926, *2-6 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967, at *2-10 (E.D. Wis. Oct. 30, 2025); *Garibay-Robledo v. Noem*, No. 1:25-cv-00177-H (Doc. 9) (N.D. Tex. Oct. 24, 2025); *Kum v. Ross*, No. 6:25-cv-00451-DCJ-CBW, 2025 WL 3113646, at *1-2 (W.D. La. Oct. 22, 2025); *Vargas v. Lopez*, No. 25-CV-526, 2025 WL 2780351, at *4-9 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 25-CV-23250CAB-SBC, 2025 WL 2730228 at *4-5 (S.D. Cal. Sept. 24, 2025).

4 There are four active appeals on this issue, including in the Eleventh Circuit, but no other opinions have yet to be issued. See *Hernandez Alvarez v. Warden, Federal Detention Center Miami et al.*, No. 25-14065 (11th Cir.), and *Cerro Perez v. Assistant Field Office Director, Krome North Service Processing Center, et al.*, No. 25-14075 (11th Cir.),⁴ and active appeals in at least four other circuits, *Martinez v. Hyde*, No. 25-1902 (1st Cir.); *Pizzaro Reyes v. ERO*, No. 25-1982 (6th Cir.)

right to appeal, submit the following additional arguments.

1. 8 U.S.C. § 1252(g) bars review of Martinez-Ordonez's claims. *Lopez*, Case No. 3:25-cv-1313-JEP-SJH (Doc. 7, p. 4-7).⁵
2. 8 U.S.C. § 1252(b)(9) bars review of these claims. *Id.* at 7-8.
3. Petitioner is properly detained under 8 U.S.C. § 1225. *Id.* at 8-14.

Should the Court determine Petitioner's detention is subject to § 1226, the only appropriate remedy is to begin the process for a bond hearing—not outright release—during which an immigration judge “IJ” can determine whether Petitioner is a flight risk or danger to the community. *See, e.g., Vasquez Carcamo*, 2025 WL 3119263, at *5-*6. Again, only EOIR can provide a bond hearing. That said, if ordered, ICE would do what is in its power to facilitate a hearing. *See Mirando Bravo*, No. 2:25-cv-1046, Doc. 8 at *3.

Conclusion

Accordingly, based on the foregoing, Elvin Jahir Enamorado Cruz's Petition for Writ of Habeas Corpus should be denied.

Date: February 20, 2026

Respectfully submitted,

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/s/Kyesha Mapp
KYESHA MAPP

⁵ Federal Respondents acknowledge Local Rule 3.01(h) prohibits incorporation by reference of any other motion, legal memorandum, or brief. To achieve the purpose of efficiency, Respondents respectfully request the Court to suspend application of the rule in this instance. *See* M.D. Fla. Local R. 1.01(a)-(b); Fed. R. Civ. P. 1.

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