

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MARVIN GONZALEZ ROBLERO,
Petitioner,

v.

Warden, **FLORIDA SOFT SIDE SOUTH;**

Miami Field Office Director,
Enforcement and Removal Operations,
**IMMIGRATION AND CUSTOMS
ENFORCEMENT;**

Pamela Bondi, **ATTORNEY GENERAL;**

AND

Kristi Noem, **SECRETARY OF THE
DEPARTMENT OF HOMELAND
SECURITY**

Respondents.

Case No. 2:26-cv-91-KCD-DNF

**PETITIONER'S REPLY TO RESPONDENT'S RESPONSE TO PETITION FOR WRIT
OF HABEAS CORPUS**

Petitioner, Marvin Gonzalez Roblero, by and through undersigned counsel, respectfully submits this Reply to Respondent's Response to the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and states as follows:

On January 19, 2026, undersigned counsel filed a Petition for Writ of Habeas Corpus on behalf of Marvin Gonzalez Roblero.

The petition alleges, inter alia, that Marvin Gonzalez Roblero is being unlawfully detained by Immigration and Customs Enforcement (“ICE”), despite his prior processing and release by health and human services.

On February 18, 2026, Respondents filed their Response to Petition for Writ of Habeas Corpus, essentially claiming the Petitioner is not entitled to a bond hearing pursuant to 8 U.S.C. § 1226 and *In re Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025). Respondents did not address the Petitioner’s arguments that his detention is unlawful and he should be released because he was already processed and released by Health and Human Services as an unaccompanied alien child.

The Office of Refugee Resettlement (ORR) already made a finding that Petitioner’s release did not pose a danger to the community or a flight risk pursuant to 8 U.S.C. § 1232(c)(2)(A). Respondents fail to address these facts in their motion and the Court should consider any opposition to those claims to be waived.

The Petitioner submits Respondent’s arguments are without merit as the findings made by the ORR coupled with the Petitioner’s prior release to his sponsor mandates his immediate discharge from custody without a bond hearing. The ORR has already declared the Petitioner not to be a flight risk or pose a danger to the community. Additionally, ICE has failed to prove any material change in circumstances since his initial release to his sponsor warranting his detention. The continued detention of the Petitioner amounts to a violation of his substantive and procedural due process rights. Mr. Gonzalez Roblero’s unlawful detention is a flagrant disregard to the findings made by the ORR.

Based on the foregoing, the Petitioner is requesting this Court grant the relief requested in Petitioner's Writ of Habeas Corpus, more specifically, the Petitioner is requesting his immediate release from detention and to deny the relief sought in Respondent's Response to Petitioner's Writ of Habeas Corpus.

Respectfully submitted,

/s/ Fairuze Sofia

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Attorney for Petitioner
Marvin Gonzalez Roblero

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 24, 2026, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

/s/ Fairuze Sofia

Fairuze Sofia