

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-60122-CIV-DAMIAN

CLEMENTE CABALLERO ESTRADA,

Petitioner,

v.

KRISTI NOEM, Secretary, Department of
Homeland Security, *et al.*,

Respondents.

ORDER GRANTING IN PART *HABEAS* PETITION

THIS CAUSE is before the Court upon Petitioner, Clemente Caballero Estrada's ("Petitioner"), Petition for Writ of *Habeas Corpus* Pursuant to 28 U.S.C. § 2241 [ECF No. 1 ("Petition")], filed January 19, 2026. Respondents filed a Response to this Court's Order to Show Cause [ECF No. 3] on January 28, 2026 [ECF No. 5 ("Response")], and Petitioner filed a Reply on February 2, 2026. [ECF No. 7 ("Reply")]. On February 13, 2026, Petitioner filed an Expedited Motion for Consideration of the Petition. [ECF No. 7].

THE COURT has reviewed the Petition, the parties' briefing, the relevant legal authorities, and the pertinent portions of the record and is otherwise fully advised. For the reasons set forth below, the Petition is granted in part.

I. BACKGROUND

The background relevant to Petitioner's immigration status and proceedings before the Immigration Court is set forth in the parties' submissions. *See generally* Pet., Resp.

Petitioner is a native and citizen of Mexico who is currently detained by Immigration and Customs Enforcement ("ICE") at the Broward Transitional Center. Pet. at 2. He entered

the United States at an unknown date and an unknown time. Resp., Ex. A. Petitioner claims that he has resided in the United States since at least 2005. Pet. ¶ 17.

On January 18, 2020, Petitioner was first encountered at the Osceola County Jail by the Miami Enforcement and Removal Operations (“ERO”) Orlando Criminal Alien Program (“CAP”) Team after being arrested for Operating a Motor Vehicle without a Valid Driver’s License. *See* Resp., Ex. G (Form I-213). On January 21, 2020, Petitioner was taken into ICE custody, and, on that same date, he was served with a Warrant for Arrest and Notice of Custody Determination. *See id.*, Ex. I (Form I-200). Also on January 21, 2020, Petitioner was issued a Notice to Appear (“NTA”) charging him with removability pursuant to 8 U.S.C. § 1182 (a)(6)(A)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182. *See id.*, Ex. A. The NTA also designated that Petitioner is “an alien present in the United States who has not been admitted or paroled.” *Id.*

On February 6, 2020, Petitioner was issued a \$5,000 bond and bonded out of custody the following day. *See id.*, Ex. K (Form I-213).

On October 29, 2025, local law enforcement encountered Petitioner during a vehicle stop in Hillsborough County, Florida. *See* Resp., Ex. K. Tampa Border Patrol Agents responded, and Petitioner informed them that he did not possess any documents that would allow him to enter or remain in the United States, and that he was illegally present in the United States. *Id.* Petitioner was transported to the Tampa Border Patrol station for processing and ultimately turned over to ICE ERO. *Id.* Petitioner was taken into ICE custody on November 4, 2025, and has remained in ICE custody since that date. *See* Resp., Ex. H.

Petitioner subsequently filed a request for a custody redetermination with the Immigration Court. *See id.*, Ex. M. On December 15, 2025, the Immigration Judge denied

Petitioner's request for bond, finding that the court had no jurisdiction to grant bond pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See id.*, Ex. N. Petitioner did not file an appeal of this decision with the Board of Immigration Appeals ("BIA"). *See id.*, Ex. O. Petitioner filed a second request for custody redetermination. *See id.*, Ex. P. On January 5, 2026, the Immigration Judge again denied Petitioner's request for bond, finding that the court had no jurisdiction pursuant to *Matter of Yajure Hurtado*. *See id.*, Ex. Q. To date, Petitioner has not appealed this order to the BIA. *See id.*, Ex. O. On January 9, 2026, the Immigration Judge granted the Department of Homeland Security's ("DHS") Motion to Recalendar removal proceedings. *See Resp.*, Ex. R. Petitioner is next scheduled for a hearing before the Broward Transitional Center Immigration Court on March 6, 2026. *See id.*, Ex. S.

In the Petition before this Court, Petitioner argues, generally, that he is entitled to a bond determination hearing because he is subject to detention pursuant to 8 U.S.C. § 1226(a), under which noncitizens are entitled to discretionary custody determinations and may request a bond hearing before an Immigration Judge to determine whether continued detention is justified. Pet. ¶ 7. Petitioner seeks immediate release, or in the alternative an order requiring Respondents to provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a). *Id.* ¶ 9. Respondents, on the other hand, argue that Petitioner is an alien seeking admission who is governed by the provisions of § 1225(b) and subject to mandatory detention. *See generally Resp.* In the Reply, Petitioner argues that Respondents' interpretation of Section 1225(b) runs contrary to the text of the statute and has been rejected by district courts nationwide. *See generally Reply.*

The Petition is fully briefed and ripe for adjudication.

II. LEGAL STANDARD

District courts have the authority to grant writs of *habeas corpus*. See 28 U.S.C. § 2241(a). *Habeas corpus* is fundamentally “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (citation omitted). A writ may be issued to a petitioner who demonstrates that he is being held in custody in violation of the Constitution or federal law. See 28 U.S.C. § 2241(c)(3). This Court’s jurisdiction extends to challenges involving immigration-related detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

III. DISCUSSION

A. Administrative Exhaustion.

Although not discussed by Respondents in response to the Petition, this Court briefly addresses the exhaustion requirement.

The exhaustion requirement under 8 U.S.C. § 1252(d)(1) “is not jurisdictional,” but prudential. *Kemokai v. U.S. Att’y Gen.*, 83 F.4th 886, 891 (11th Cir. 2023). Generally, “exhaustion is not required where no genuine opportunity for adequate relief exists. . . or an administrative appeal would be futile[.]” *Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982) (alterations added; citations omitted); see also *United States v. Barbieri*, No. 18-cr-20060, 2021 WL 2646604, at *2 (S.D. Fla. June 28, 2021) (Scola, J.) (“The Court recognizes . . . that administrative exhaustion may be unnecessary where the administrative process would be incapable of granting adequate relief.” (alteration added; citation omitted)).

The BIA issued *Matter of Yajure Hurtado* as a published decision, and such decisions “serve as precedents in all proceedings involving the same issue or issues.” 8 C.F.R. § 1003.1(g)(2); see *id.* § 1003.1(d)(1). Thus, considering *Matter of Yajure Hurtado*, it is obvious that an alien in Petitioner’s situation, who has resided in the United States for years prior to

his recent detention, but has not been admitted or paroled, will be subject to mandatory detention without bond under Section 1225(b)(2) upon review by the BIA. *See Matter of Yajure Hurtado*, 29 I&N Dec. at 221. Many other courts, including those in this District, have found that any exhaustion requirements are excused for futility because the result of Petitioner's bond appeal to the BIA is a foregone conclusion under *Matter of Yajure Hurtado*. *See, e.g., Puga v. Assistant Field Office Dir.*, No. 25-24535-CIV, 2025 WL 2938369, at *2 (S.D. Fla. Oct. 15, 2025) (Altonaga, C.J.); *Ardon-Quiroz v. Assistant Field Dir.*, No. 25-cv-25290, 2025 WL 3451645, at *4-5 (S.D. Fla. Dec. 1, 2025) (Becerra, J.); *Inlago Tocagon v. Moniz*, No. 25-cv-12453, 2025 WL 2778023, at *2 (D. Mass. Sept. 29, 2025); *Vazquez v. Feeley*, No. 25-cv-01542, 2025 WL 2676082, at *9-10 (D. Nev. Sept. 17, 2025). This Court concurs with the majority of district courts that have addressed the issue that administrative exhaustion would have been futile in these circumstances and that a failure to exhaust does not strip this Court of jurisdiction over the Petition.

Thus, although the record reflects that Petitioner did not appeal to the BIA, an appeal under these circumstances would have been futile, and, as such, exhaustion is not an issue here.

B. Petitioner's Detention Under Section 235(b).

Respondents contend that Petitioner, by "enter[ing] the country without permission" renders him an "applicant for admission" under 8 U.S.C. section 1225(b)(2)(A), making him subject to mandatory detention and ineligible for a bond hearing, "regardless of the duration of the alien's presence in the United States or the alien's distance from the border." *See Resp.* at 4. Petitioner asserts that his detention is governed by 8 U.S.C. section 1226(a), which allows for the release of noncitizens on bond. *See Reply* at 2–6.

This Court has previously addressed the issues raised in the Petition in this case in numerous other cases,¹ and as previously indicated, this Court agrees with the analysis set forth in *Puga v. Assistant Field Office Director, Krome North Service Processing Center*, in which Chief Judge Cecilia Altonaga determined that “the statutory text, context, and scheme of Section 1225 do not support a finding that a noncitizen is ‘seeking admission’ when he never sought to do so.” No. 25-24535-CIV, 2025 WL 2938369 *5 (S.D. Fla. Oct. 15, 2025) (Altonaga, C.J.). Like Chief Judge Altonaga and the majority of District Courts throughout the country that have analyzed this issue, this Court finds that 8 U.S.C. § 1226(a) and its implementing regulations govern Petitioner’s detention, and not Section 1225(b). Therefore, this Court finds that Petitioner is entitled to an individualized bond hearing as a detainee under Section 1226(a).

In the Petition, Petitioner briefly mentions the final judgment entered in *Maldonado Bautista v. Santacruz*, No. 25-cv-01879-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), which directed Respondents to issue bond hearings for Bond-Eligible class members, including those in Petitioner’s circumstances. See Pet. ¶¶ 31–32, 34. Having considered the declaratory judgment in *Maldonado Bautista*, the record in the instant case, and the relevant authorities, the undersigned finds that to the extent Petitioner may fall within the description of the classes identified in *Maldonado Bautista*, that has no bearing on this Court’s determination of the Petition for several reasons.

¹ See, e.g., *Espinal Encarnacion v. ICE Field Office Director, et al.*, No. 25-61898-CIV-DAMIAN, ECF No. 29 (S.D. Fla. Dec. 23, 2025); *Martinez Gomez v. Diaz, et al.*, No. 25-62236-CIV-DAMIAN, ECF No. 21 (S.D. Fla. Jan. 8, 2026); *Irure-Rodriguez v. Lyons, et al.*, No. 25-62585-CIV-DAMIAN, ECF No. 9 (S.D. Fla. Jan. 20, 2026); *Sultany v. Ripa, et al.*, No. 25-62586-CIV-DAMIAN, ECF No. 12 (S.D. Fla. Jan. 20, 2026); *Gonzalez Ramon v. Lyons, et al.*, No. 26-60064-CIV-DAMIAN, ECF No. 8 (S.D. Fla. Feb. 6, 2026); *Rorres Arevalo v. Noem, et al.*, No. 26-60155-CIV-DAMIAN, ECF No. 7 (S.D. Fla. Feb. 9, 2026).

First, *habeas* relief was sought only by the named petitioners in that case, and Petitioner is not one of the named petitioners. Second, the named petitioners did not seek *nationwide habeas* relief, but, instead, the case is limited to the Central District of California. Third, in granting declaratory relief, the District Court in that case noted that *habeas* relief could only be afforded to class members who were located within the boundaries of the Central District of California. *Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d. ----, 2025 WL 3713987, at * 14 (C.D. Cal. Dec. 18, 2025) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 446 (2004), for the proposition that “habeas jurisdiction lie[s] ‘in only one district: the district of confinement’”). Still, the inapplicability of the *Maldonado Bautista* declaratory judgment does not alter this Court’s conclusion that Petitioner is entitled to an individualized bond hearing as a detainee under Section 1226(a).

Because this Court finds in favor of Petitioner on the first grounds raised in his Petition and will grant the relief he seeks, this Court declines to analyze the other bases for relief asserted in the Petition.

IV. CONCLUSION

Accordingly, for the reasons set forth above, it is hereby

ORDERED AND ADJUDGED that the Petition [ECF No. 1] is **GRANTED IN PART** to the extent that Petitioner requests this Court to direct the immigration court to give him a bond hearing. It is further

ORDERED that Respondents shall **FORTHWITH** afford Petitioner an individualized bond hearing consistent with 8 U.S.C. § 1226(a) or otherwise release Petitioner. The bond hearing must take place no later than **February 23, 2026**. It is further

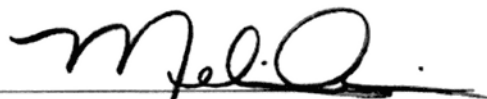
ORDERED that on or before **March 2, 2026**, Petitioner shall file a Joint Status Report informing this Court of whether Petitioner was given a bond hearing, and if so, the outcome of Petitioner's bond hearing and the status of matters relevant to the Petition. Counsel for the Petitioner shall confer with counsel for the Respondents prior to filing the Status Report and must include a certification therein that the Respondents do not object to the representations made regarding the status of this case. It is further

ORDERED AND ADJUDGED that Petitioner's Expedited Motion for Consideration of the Petition [ECF No. 7] is **DENIED AS MOOT**.

ORDERED that the Clerk of Court is **DIRECTED** to **CLOSE** this case for *administrative and statistical purposes only* pending compliance with the instant Order and until further Order of this Court.

This Court retains jurisdiction to address matters that may arise with respect to the Petition, and either party may file a motion to reopen the case should additional relief be sought relating to the Petition or this Order.

DONE AND ORDERED in Chambers in the Southern District of Florida, this 14th day of February, 2026.



MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record