

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT
JACKSONVILLE DIVISION**

FRANKLIN JOE PARRA FREITES,
A# 

Petitioner

v.

TODD LYONS, Acting Director of
U.S. Immigration and Customs
Enforcement (ICE);
GARRET RIPA in his Official capacity
as Field office Director Field Office
Director of the Immigration and
Customs Enforcement and Removal
Operations, Miami Field Office;
KRISTI NOEM, Secretary, U.S.
Department Homeland Security;
PAMELA BONDI, U.S. Attorney
General;
SCOTTY RHODEN, Warden of Baker
County Jail.

Respondent(s),

Case No: 3:26-cv-107

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**PETITIONER'S REPLY TO RESPONDENTS'
RESPONSE TO ORDER TO SHOW CAUSE**

Petitioner Franklin Jose Parra Freites respectfully submits this Reply to Respondents' Response to the Order to Show Cause (Doc. 10). Petitioner incorporates by reference the Petition for Writ of Habeas Corpus (Doc. 1) in its entirety, including all factual allegations, legal arguments, and authorities cited

therein. Respondents' Response fails to overcome the plain statutory text, decades of consistent agency practice and judicial precedent, the Government's own prior successful litigation position, and fundamental due-process principles. For the reasons set forth below and in the Petition, the Court should grant the writ and order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days.

I. RESPONDENTS' INTERPRETATION OF 8 U.S.C. § 1225(b)(2)(A) IS CONTRARY TO THE STATUTE'S PLAIN LANGUAGE AND DOES NOT APPLY TO PETITIONER IN THE ELEVENTH CIRCUIT

1. Petitioner entered the United States without inspection in 2021 and has resided here continuously for more than four years. He was apprehended in the interior of Florida—hundreds of miles from any port of entry and well outside any “recent arrival” window. As explained in the Petition (¶¶ 5, 29–33), § 1225(b)(2)(A) applies only to “an alien seeking admission” who is not “clearly and beyond a doubt entitled to be admitted.” Petitioner is not “seeking admission”; he is a long-term resident subject to standard removal proceedings under § 1229a and discretionary detention (or release on bond or parole) under § 1226(a).

2. Respondents' reliance on Matter of *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and the July 8, 2025, DHS policy is unavailing. That BIA decision and the accompanying policy represent an abrupt reversal of more than

two decades of regulations and practice (see 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)) and the Government's own representations to the Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281 (2018). See Petition ¶¶ 31–34.

3. Crucially, even if Respondents cite the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi* (5th Cir. Feb. 6, 2026) (which upheld the Government's position in that circuit), that decision is not binding on this Court. Petitioner is detained in the Middle District of Florida, within the Eleventh Circuit. No Eleventh Circuit precedent adopts Respondents' sweeping interpretation of § 1225(b)(2)(A) to reach long-term interior residents. District courts outside the Fifth Circuit have uniformly rejected *Yajure Hurtado* and ordered bond hearings under § 1226(a) for similarly situated individuals. See, e.g., orders in the Central District of California (vacating *Yajure Hurtado* as applied to class members), District of New Jersey, and Southern District of New York. This Court should exercise its independent judgment—especially post-*Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)—and hold that § 1225(b)(2)(A) does not govern Petitioner's detention.

II. JUDICIAL ESTOPPEL BARS RESPONDENTS' CURRENT POSITION

4. As detailed in the Petition (¶¶ 7, 33), Respondents successfully urged the Supreme Court in *Jennings* that individuals who entered without inspection and reside in the interior are detained under § 1226(a) and entitled to bond

hearings. They cannot now reverse course for political or administrative convenience. *New Hampshire v. Maine*, 532 U.S. 742 (2001). Respondents' Response offers no meaningful rebuttal to this equitable doctrine; the shift undermines judicial integrity and Petitioner's reliance on settled law.

III. PETITIONER'S DETENTION VIOLATES DUE PROCESS AND LONGSTANDING AGENCY PRACTICE

5. The Petition (¶¶ 5–6, 30–32) demonstrates that Respondents' position contradicts the statutory framework enacted by IIRIRA, the Laken Riley Act amendments to § 1226(a), and decades of practice under which EWI individuals in the interior received bond hearings unless subject to § 1226(c) criminal mandatory detention. Petitioner has no § 1226(c) disqualifiers. His continued mandatory detention without any individualized custody review is unlawful.

IV. THE COURT SHOULD GRANT THE REQUESTED RELIEF

6. The Order to Show Cause (Doc. 10) requires Respondents to demonstrate why the Petition should not be granted. They have not done so. Consistent with 28 U.S.C. § 2243 and the swift remedial purpose of habeas corpus, the Court should issue the writ. Petitioner requests that he be released from custody unless Respondents afford him a bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 1003.19, 1236.1 within seven (7) days of the Court's order.

Respectfully submitted,

/s/ Nidia Borge, Esq.

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CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing (NEM) to all counsel of record.

Dated: February 26, 2026

Respectfully submitted

/s/ Nidia Borge, Esq.

Counsel for Petitioner