

² Markwayne Mullin is substituted for Kristi Noem as the Secretary, U.S. Department of Homeland Security, in accordance with Fed. R. Civ. P. 25(d).

Petitioner who entered the United States without inspection are detained in accordance with 8 U.S.C. §1225(b)(2)(A) and are therefore subject to mandatory detention while removal proceedings remain pending before the Executive Office for Immigration Review (“EOIR”).

2. That following the filing of the Petition, the Court entered an order requiring Respondents to respond.
3. That on or about February 25, 2026, Respondents filed a response to the Petition.
4. That on or about May 6, 2026, the Eleventh Circuit Court of Appeals published a panel opinion in Hernandez Alvarez, et al. v. Warden, FDC Miami, et al., -- F4th -- (Case No. 25-14065) (11th Cir. May 6, 2026). The panel held that aliens like Petitioner are not detained in accordance with 8 U.S.C. §1225(b)(2)(A). Rather, such individuals are detained in accordance with 8 U.S.C. §1226. The panel further concluded that an alien who is detained in accordance with §1226 is entitled to an individualized bond hearing before an Immigration Judge as described at 8 C.F.R. §1003.19.
5. That the Parties agree that these proceedings are no longer necessary in light of the panel’s opinion in Hernandez Alvarez, supra.
6. That the Parties also wish to inform the Court that Petitioner was provided a custody redetermination hearing before an Immigration Judge on May 26, 2026.

7. That the Parties agree that this matter should be dismissed in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.
8. That the undersigned has discussed this matter with Mai Tran, Assistant United States Attorney, who has indicated that Respondents have no opposition to the request made herein being granted.

WHEREFORE, the Parties respectfully request that the Court enter and order dismissing these proceedings without prejudice in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

Dated: May 28, 2026

Respectfully submitted,

/s/ David Stoller /s/
David Stoller, Esquire
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/s/ Mai Tran /s/
Mai Tran, Esquire
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Attorney for Respondents
300 N. Hogan St., Ste. 700
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Florida Bar No. 100982

CERTIFICATE OF SERVICE

I, David Stoller, certify that on May 28, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to :

Mai Tran, Asst. U.S. Attorney
300 N. Hogan St., Ste. 700
Jacksonville, Florida 32202

/s/ David Stoller /s/
David Stoller, Esquire
Attorney for Petitioner