

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

JEAN CARLOS CUEVAS MEDINA,

Petitioner,

v.

KRISTI NOEM, ET AL.,

Respondents.

Case No. 2:26-cv-116-SPC-NPM

**RESPONDENTS' OPPOSITION TO MOTION TO
ENFORCE HABEAS ORDER**

Petitioner Jean Carlos Cuevas Medina ("Petitioner") seeks "enforcement" of this Court's January 30, 2026 order granting Petitioner the right to be considered for bond under 8 U.S.C. § 1226. *See* Motion to Enforce Habeas Order, ECF No. 11. The Court should deny this motion for three reasons. First, Respondents have fully complied with the Court's order. Second, Petitioner has improperly bypassed the bond appeal process. Third, the decision Petitioner challenges is wholly considered by an entity not party to this lawsuit thus relief sought in the form of a new bond hearing is outside the scope of any action Respondents can take.

BACKGROUND

Petitioner is a native and citizen of the Dominican Republic. On January 1, 2026, he was detained by immigration enforcement. ECF No.1, ¶ 3. On January 22,

2026, Petitioner filed the instant action in the U.S. District Court seeking habeas relief. ECF No. 1. After briefing on the issues, the Court granted Petitioner's petition and directed that he either be released or brought for a bond hearing before an immigration judge. ECF No. 8. On February 9, 2026, a bond hearing was conducted before immigration judge Stuart A. Siegel at which time bond was denied for Petitioner's failure to meet his burden in establishing that he is not a danger to the community or flight risk, commensurate with the factors considered under 8 U.S.C. § 1226. *See* ECF No. 11-2 at 151-52.

ARGUMENT

I. Respondents have fully complied with this Court's January 30, 2026 order.

This Court's order mandated that Respondents either release the Petitioner outright or ensure that he was provided the opportunity for a bond redetermination hearing. Respondents continue to raise the issue presented when an order directs Respondents—in this case ICE, DHS, and the Florida Soft Side South Facility—to facilitate bond hearings before the Executive Office for Immigration Review ("EOIR"), a separate governmental entity. *Compare* Department of Homeland Security Organization Chart, available at https://www.dhs.gov/sites/default/files/2023-11/23_1109_mgmt_dhs-public-org-chart-508.pdf (showing that ICE falls within DHS), with Department of Justice Organization Chart, available at <https://www.justice.gov/d9/2025-09/Departmental%20Organizational%20Chart%202025%20-%20508.pdf> (showing that EOIR falls under the Department of Justice, with no overlap with DHS). While

ICE makes initial bond determinations, it is EOIR that schedules and conducts bond hearings in cases where individuals challenge ICE's bond determinations. *See* 8 C.F.R. § 1003.19(a) (permitting immigration judges to review bond determinations made by "the service"). When the order issued here, Respondents promptly reconsidered Petitioner under 8 U.S.C. § 1226 for bond, determining that they would keep him detained, at which point they promptly notified EOIR that a bond redetermination hearing was requested. Given the Court's order, Respondents asked that EOIR make its best efforts at scheduling that hearing within ten days and EOIR kindly provided the date of February 9, 2026. But this is all Respondents can do when it comes to scheduling that hearing—make requests. Fortunately, here, EOIR honored that request and a timely hearing date was provided.

Respondents have complied with this Court's order. There has been no violation of the Court's order and the motion should be denied on that basis alone.

II. The proper vehicle to challenge an adverse bond determination in immigration proceedings is appeal to the Board of Immigration Appeals.

Notwithstanding Respondents' compliance, Petitioner fails to demonstrate why this Court should intervene when Petitioner has available to him means through which he may challenge a bond determination made by EOIR. *See* 8 C.F.R. § 1003.1(b)(7) (allowing Board of Immigration Appeals jurisdiction over appeals of bond determinations made under 8 C.F.R. § 1236); *see also* ECF No. 11-2 at 151-52 (reflecting that immigration judge Stiegel considered Petitioner for bond under 8 C.F.R. § 1236). Petitioner remains within the appeal period, as his bond appeal is due

by March 11, 2026. ECF No. 11-2 at 152. Petitioner may also seek a new bond hearing before the immigration judge if he can demonstrate a material change in circumstances. *See* 8 C.F.R. § 1003.19(e). Put simply, Petitioner's request for Court intervention is premature.

III. No Respondent in this matter can provide the relief Petitioner seeks.

Respondents in this case are representatives of DHS, ICE, and the Florida Soft Side South Detention Center. *See* ECF No. 1 at 4 (Parties). For the reasons discussed above, none of these entities have any authority over EOIR. They cannot compel EOIR to schedule another hearing, compel assignment of a different immigration judge, nor instruct immigration judges as to what should be considered in making bond decisions. *See* ECF No. 11 at 4 (2). An order directing such relief is simply not actionable by the Respondents named in this habeas petition.

CONCLUSION

Petitioner's motion should be denied. Critically, he has failed to demonstrate Respondents' noncompliance with the Court's order so there is nothing to enforce here. The proper recourse to seek review of the immigration judge's decision is appeal through the BIA. Finally, as EOIR is not a party to this lawsuit, no Respondent has any power whatsoever to compel a new bond hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 19, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system and will ensure service via mail to Plaintiff at the following address:

Jean Carlos Cuevas Medina
Florida Soft Side South
54575 Tamiami Trl E
Ochopee, FL 34141

Dated: February 19, 2026

Signed:

/s/ Amanda Saylor

Amanda Saylor

Assistant United States Attorney