

**U.S. Department of Justice**

*United States Attorney
Middle District of Florida*

*400 North Tampa Street, Suite 3200
Tampa, Florida 33602*

February 1, 2026

By ECF

Honorable Sheri Polster Chappell
United States District Judge
Middle District of Florida
2110 First Street
Fort Myers, Florida 33901

Re: *Sanchez v. Warden, Florida Soft Side, et al.*, No. 2:26-cv-124-SPC-DNF

Dear Judge Chappell:

This Office represents Respondents (the “government”) in this habeas corpus action, in which petitioner Juan Guandique Sanchez (“Petitioner”) challenges his detention by U.S. Immigration and Customs Enforcement (“ICE”). On January 22, 2026, Petitioner filed a petition for habeas corpus pursuant to 28 U.S.C. § 2241. On January 26, 2026, the Court ordered the government to show cause why the petition should not be granted, with a response due by February 2, 2026. Dkt. No. 5.

The government has carefully reviewed this petition and determined that the legal issues presented concern the statutory authority for ICE’s detention of Petitioner under 8 U.S.C. §§ 1225(b) or 1226(a), whether Petitioner is entitled to a bond hearing, and if so, whether Petitioner must first exhaust his administrative remedies. While reserving all rights, including the right to appeal, the government respectfully submits this abbreviated letter response in lieu of a formal responsive memorandum of law to preserve the legal issues, to conserve judicial and party resources, and to expedite the Court’s consideration of this matter. If the Court prefers to receive a formal memorandum of law, the government will be happy to submit one upon request.

It is the government’s position that Petitioner is subject to mandatory detention under § 1225(b), because he was present in the United States without being admitted or paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025); *see also Iraheta Morales v. Noem*, No. 25-62598-CIV-SINGHAL, 2026 WL 236307, at *3-9 (S.D. Fla. Jan. 29, 2029); *Diaz Lopez v. ICE*, No. 3:25-cv-1313-JEP-SJH (M.D. Fla. Jan. 26, 2026).¹ However, the government acknowledges that this Court recently reached the

¹ *E.g.*, *Perez Ramirez v. Holt*, No. 2:25-cv-00156-SCM, 2026 WL 226964, at *2-7 (E.D. Ky. Jan. 28, 2026); *Vidal Alvacora v. Olson*, No. 0:26-cv-00675-DMT-SGE, 2026 WL 220417, at *1-3 (D. Minn. Jan.

opposite conclusion in *Garcia v. Noem*, No. 2:25-CV-879-SPC-NPM, 2025 WL 3041895, at *1 (M.D. Fla. Oct. 31, 2025).² In that case, the petitioner entered the United States on an unknown date without admission or parole. He was detained by ICE years later under the statutory authority set forth at 8 U.S.C. § 1225(b). In a decision issued on October 31, 2025, this Court, following the rationale of other courts that have addressed the issue, concluded that the petitioner's detention was governed by 8 U.S.C. § 1226, rendering him eligible for bond. *Id.* at *5. Specifically, the Court stated that “courts in this District and around the country have rejected [ICE’s] new interpretation of the INA.” *Id.* The Court reasoned that the government’s interpretation of its detention authority under Section 1225 “flies in the face of the plain language and historical understanding of the INA” and effectively “nullifies Congress’s recent amendment of the INA through the Laken Riley Act[.]” *Id.* at *4.

28, 2026); *Qiwei Weng v. Genalo*, No. 25 Civ. 09595 (JHR), 2026 WL 194248, at *3-6 (S.D.N.Y. Jan. 25, 2026); *Hernandez v. Olson*, No. 25-cv-1670-bhl, 2026 WL 161509, at *3-7 (E.D. Wis. Jan. 21, 2026); *Singh v. Albarran*, No. 1:26-cv-00244-WBS-CSK, 2026 WL 124881, at *1-2 (E.D. Cal. Jan. 16, 2026); *J.E.P.M. v. Wofford*, No. 1:26-cv-00316-WBS-CKD, 2026 WL 125270, at *1 (E.D. Cal. Jan. 16, 2026); *Martinez v. Villegas*, No. 1:25-CV-256-H, 2026 WL 114418, at *3-8 (N.D. Tex. Jan. 15, 2026); *Sargsyan v. Bondi*, No. 1:26-cv-00259-WBS-CKD, 2026 WL 114665, at *1-2 (E.D. Cal. Jan. 15, 2026); *Cutiopala v. Noem*, No. 1:25-cv-00211-MAL, 2026 WL 113567, at *2-5 (E.D. Mo. Jan. 15, 2026); *Chen v. Almodovar*, No. 25 Civ. 9670 (JPC), 2026 WL 100761, at *7-14 (S.D.N.Y. Jan. 14, 2026); *Choudhary v. Albarran*, No. 1:26-cv-00119-WBS-CKD, 2026 WL 102708, at *2 (E.D. Cal. Jan. 14, 2026); *Singh v. Noem*, No. 1:26-cv-00224 WBS CSK, 2026 WL 91787, at *2 (E.D. Cal. Jan. 13, 2026); *Singh v. Noem*, No. 2:25-cv-00157-SCM, 2026 WL 74558, at *3-7 (E.D. Ky. Jan. 9, 2026); *Garibay-Robledo v. Noem*, No. 1:25-cv-00177-H, 2026 WL 81679, at *3-9 (N.D. Tex. Jan. 9, 2026); *Rodriguez v. Olson*, No. 1:25-cv-12961, 2026 WL 63613, at *5-8 (N.D. Ill. Jan. 8, 2026); *Gutierrez Sosa v. Holt*, No. CIV-25-1257-PRW, 2026 WL 36344, at *3-5 (W.D. Okla. Jan. 6, 2026); *Gomez Hernandez v. Lyons*, No. 1:25-CV-216-H, 2026 WL 31775, at *2-8 (N.D. Tex. Jan. 6, 2026); *Ugarte-Arenas v. Olson*, No. 25-C-1721, 2025 WL 3514451, at *1-4 (E.D. Wis. Dec. 8, 2025); *Suarez v. Noem*, No. 1:25-cv-00202-JMD, 2025 WL 3312168, at *2-3 (E.D. Mo. Nov. 28, 2025); *Manzo Valencia v. Chestnut*, No. 1:25-cv-01550 WBS JDP, 2025 WL 3205133, at *1-4 (E.D. Cal. Nov. 17, 2025); *Cortes Alonzo v. Noem*, No. 1:25-cv-01519 WBS SCR, 2025 WL 3208284, at *1-5 (E.D. Cal. Nov. 17, 2025); *Altamirano Ramos v. Lyons*, No. 2:25-cv-09785-SVW-AJR, 2025 WL 3199872, at *4-9 (C.D. Cal. Nov. 12, 2025); *Montoya Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331, at *3-7 (S.D. Tex. Nov. 13, 2025); *Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942, at *2-5 (E.D. Mo. Nov. 10, 2025); *Oliveira v. Patterson*, No. 6:25-cv-01463-DCJ-DJA, 2025 WL 3095972, at *2-6 (W.D. La. Nov. 4, 2025); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926, *2-6 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967, at *2-10 (E.D. Wis. Oct. 30, 2025); *Kum v. Ross*, No. 6:25-cv-00451-DCJ-CBW, 2025 WL 3113646, at *1-2 (W.D. La. Oct. 22, 2025); *Vargas v. Lopez*, No. 25-CV-526, 2025 WL 2780351, at *4-9 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 25-CV-23250CAB-SBC, 2025 WL 2730228 at *4-5 (S.D. Cal. Sept. 24, 2025); *Pipa-Aquise v. Bondi*, No. 1:25-cv-01094-MSN-WBP, 2025 WL 2490657, at *1-2 (E.D. Va. Aug. 5, 2025).

² Courts have struggled with the interpretive question of applying § 1225(b)(2) or § 1226(a) in these instances. Even courts disagreeing with Respondents note this “statutory-interpretation issue is difficult and close.” *Ahmed v. Bondi*, No. 25-cv-4711 (ECT/SGE), 2026 WL 25627, at *1 (D. Minn. Jan. 5, 2026).

Moreover, because the petitioner had not received a bond hearing, the Court ordered that petitioner be released or provided with the statutory process allowed under Section 1226(a), to include a bond hearing. *Id.* at *5.

On the legal issue of which statute governs Petitioner's detention here—whether it is 8 U.S.C. § 1226(a), or 8 U.S.C. § 1225(b)—the government acknowledges that this Court's decision in *Garcia v. Noem* would control the result here if the Court adheres to that decision, as the facts are not materially distinguishable for purposes of the Court's decision on the legal issue of which statutory provision authorizes Petitioner's detention.

Thus, while the government does not consent to issuance of the writ and reserves all rights, including the right to appeal, and to conserve judicial and party resources while expediting the Court's consideration of this case, the government hereby relies upon, and incorporates by reference, the legal arguments it presented in *Garcia v. Noem*,³ and the Court can decide this issue without further briefing.⁴

To the extent Petitioner argues that the decision in *Lazaro Maldonado Bautista et al., v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873 (C.D. Cal. 2025) has preclusive effect—see Petition ¶¶ 36-38—though declaratory judgment may, under some circumstances, have preclusive effect as between parties in future litigation, exercising caution is appropriate where imposing *res judicata* on a declaratory judgment that remains subject to appeal, as is the case in *Maldonado Bautista*. See Restatement (Second) of Judgments § 33; A.L.R.2d 984 (“both the rule under which the operation of a judgment as *res judicata* is, and the one under which it is not, affected by the pendency of an appeal, have very unfortunate consequences”); see also *Maldonado Bautista*, 5:25-cv-01873 at Dkts. 94, 95.

Finally, the government believes that this matter can be decided without the need for a hearing. If, however, the Court determines that a hearing would be helpful, the government will attend and present Respondent's position.

³ Specifically, the government incorporates by reference all arguments raised in its opposition brief in *Garcia v. Noem*. See *Garcia v. Noem*, No. 25-CV-879-SPC-NPM, Dkt. No. 14 (M.D. Fla. filed Oct. 10, 2025). Respondents acknowledge Local Rule 3.01(h) prohibits incorporation by reference of any other motion, legal memorandum, or brief. To achieve the purpose of efficiency, Respondents respectfully request the Court to suspend application of the rule in this instance. See M.D. Fla. Local R. 1.01(a)-(b); Fed. R. Civ. P. 1.

⁴ Petitioner also challenges his detention citing violations of the Fifth Amendment of the United States Constitution. Should the Court grant the petition, it should decline to address these additional arguments. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

I thank the Court for its consideration of this submission.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Amanda B. Saylor
AMANDA B. SAYLOR
Assistant United States Attorney
FL Bar No. 1031480
400 N. Tampa St. Ste. 3200
Tampa, Florida 33602
Telephone: (813) 274-6020
Fax: (813) 274-6198
Email: Amanda.Saylor@usdoj.gov
Counsel for Respondents

cc: Counsel of record (by ECF)