

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Arnoldo Luis Sanchez

CASE NO.: 0:26-cv-60181-EA

Petitioner,

vs.

Miami Field Office Director, Immigration
and Customs Enforcement and Removal
Operations ("ICE/ERO"), et al

Respondent,
_____ /

**PETITIONER'S BRIEF IN SUPPORT OF SUBJECT MATTER JURISDICTION
OVER HIS PETITION FOR WRIT OF HABEAS CORPUS**

COMES NOW, Petitioner Arnoldo Luis Sanchez, by and through the undersigned counsel, and respectfully files this Response to the Court's Paperless Order dated February 9, 2026, and in support of states as follows:

The Court has subject matter jurisdiction over this matter under 8 U.S.C. §1252(b)(9) and 8 U.S.C. §1252(g)

In *Fernando Josue Ardon-Quiroz v. Assistant Field Director, et al*, the Southern District directly addressed these issues and found that neither 8 U.S.C. §1252(b)(9) nor 8 U.S.C. §1252(g) barred it from having subject matter jurisdiction over the Petitioner's claims. In *Ardon-Quiroz*, Petitioner, challenged his mandatory detention under 8 U.S.C. §1225 and argued that his detention should be classified under 8 U.S.C. §1226 and he should be afforded due process and a fair bond hearing. The case at bar raises the same

issues and questions of law; Arnoldo Luis Sanchez contends in his Petition that he is not an “arriving alien” under 8 U.S.C. §1225 and should therefore be given a bond hearing under 8 U.S.C. §1226, and the challenge raised in his Petition strictly relates to the unlawfulness of his detention. This Court has jurisdiction to determine the issues raised in the Petition for the reasons briefed herein. In *Fernando Josue Ardon-Quiroz v. Assistant Field Director, et al*, Case No.: 0:26-cv-25290-JB, the Honorable Jaqueline Becerra ruled in favor of Petitioner, citing the following legal analysis:

8 U.S.C. §1252(b)(9)

In *Jennings v. Rodriguez*, the United States Supreme Court held that “questions of law” regarding whether “certain statutory provisions require detention without a bond hearing” do not “arise from” the decision to remove an alien from the country as set forth in section 1252(b)(9). *Jennings*, 583 U.S. 281, 292–294 (2018). The Supreme Court rejected an “expansive interpretation of § 1252(b)(9),” explaining that even if “[t]he ‘questions of law and fact’ . . . could be said to ‘aris[e] from’ actions taken to remove the aliens in the sense that the aliens’ injuries would never have occurred if they had not been placed in detention,” this “expansive interpretation of § 1252(b)(9) would lead to staggering results.” *Id.*

Moreover, section 1252(b)(9) “does not present a jurisdictional bar where those bringing suit are not asking for review of an order of removal, the decision to seek removal, or the process by which removability will be determined.” *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020). Here, Petitioner is not

bringing any such challenge. Petitioner is challenging his mandatory detention under section 1225(b), and his entitlement to a bond hearing. For these reasons, §1252(b)(9) does not divest the Court of its jurisdiction to consider the Petition. Furthermore, 8 U.S.C. §1252(a)(5) is inapplicable because Petitioner is not seeking review of a removal order. See *Madu v. U.S. Att’y Gen.*, 470 F. 3d 1362, 1366 (11th Cir. 2006). *Id.*

8 U.S.C. §1252(g)

8 U.S.C. §1252(g) does not bar this Courts review of Petitioner’s claims. In *Ardon-Quiroz v. Assistant Field Director, et al*, the Honorable Jaqueline Becerra provided the following legal analysis regarding this specific question at issue: “Section 1252 is “Congress’s comprehensive scheme for judicial review of removal orders.” *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1256–57 (11th Cir. 2020). This provision bars judicial review over “any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien[.]” 28 U.S.C. § 1252(g). It “is specifically directed at the deconstruction, fragmentation, and hence prolongation of removal proceedings.” *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 487 (1999). *Id*

However, “1252(g) is not to be construed broadly as a ‘zipper’ clause applying to the full universe of deportation-related claims, but instead as applying narrowly to only the three ‘discrete’ governmental actions enumerated in that subsection.” *Wallace v. Sec’y, U.S. Dep’t of Homeland Sec.*, 616 F. App’x 958, 960 (11th Cir. 2015) (citing *A.A.D.C.*, 525 U.S. at 472–73). “And although many other decisions or actions may be part of the deportation process, only claims that arise from one of the covered actions are excluded

from [a court's] review. . . ." *Camarena v. Dir., Immigr. & Customs Enf't*, 988 F.3d 1268, 1272 (11th Cir. 2021) (internal citations and quotations omitted). *Id*

In the case at bar, Petitioner's claim does not implicate the Attorney General's decision to commence proceedings, adjudicate cases, or execute removal orders. Petitioner challenges the legality of his detention only. Respectfully, such claim is reviewable. See *Canal A Media Holding, LLC*, 964 F.3d at 1257–58 (claim was not barred by § 1252(g) where action did not fall into one of three categories as “[w]hen asking if a claim is barred by § 1252(g), courts must focus on the action being challenged.”); see also *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411, at *6 (D. Minn. Aug. 15, 2025) (petitioner's due process challenge was not barred by § 1252(g) as it did not “challenge the actions of Respondents in commencing proceedings, adjudicating cases, or executing removal orders.”); *Vazquez v. Feeley*, No. 25-cv-01542, 2025 WL 2676082, at *8 (D. Nev. Sept. 17, 2025) (“[B]ecause Petitioner challenges the lawfulness of his detention during the pendency of his removal proceedings, it is not a challenge to one of the ‘three discrete events along the road to deportation’ that § 1252(g) applies to.”); *Leal-Hernandez v. Noem*, No. 25-cv-02428, 2025 WL 2430025, at *5 (D. Md. Aug. 24, 2025) (“Petition[er] mounts a challenge solely to his continued custody. None of the cases the Government relies on pertain to cases in which a petitioner . . . pursued judicial review of his allegedly unconstitutional custody.

In accordance with Supreme Court precedent and the plain language of the text, § 1252(g) does not bar [jurisdiction].”); *Sanchez v. LaRose*, No. 25-cv-2396, 2025 WL 2770629, at *2 (S.D. Cal. Sept. 26, 2025) (“Petitioner seeks only review of the legality of her detention, which does not require judicial intervention into the Attorney General's

decisions to commence proceedings, adjudicate cases, and execute removal orders. . . . Adopting [the government's] interpretation of 8 U.S.C. § 1252(g) . . . would eliminate judicial review of immigration detainee's claims of unlawful detention[.]"); *Campos Leon v. Forestal*, No. 25-cv-01774, 2025 WL 2694763, at *1–2 (rejecting respondents' § 1252(g) argument and concluding that the court had jurisdiction to hear a habeas petition challenging DHS' refusal to abide by the IJ's bond order).

Therefore, this Court has jurisdiction to review and adjudicate the claims and relief sought in the Petition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 10, 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 all parties of record.

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