

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MARA ASTRID JAIMES-MARTINEZ,

Petitioner,

v.

Case No.: 3:26-cv-138-WWB-LLL

RONNIE WOODALL, in his official capacity as Warden, Baker County Correctional Institution; **GARRETT J. RIPA**, in his official capacity as Director of the Miami Field Office, U.S. Customs and Immigration Enforcement; **PAMELA JO BONDI**, in her official capacity as Attorney General of the United States; **KRISTI NOEM**, in her official capacity as Secretary of the United States Department of Homeland Security; and **SCOTTY RHODEN**, in his official capacity as Sheriff of Baker County Detention Center,

Respondents.

**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
SEEKING IMMEDIATE RELEASE AND OTHER INJUNCTIVE RELIEF**

The Federal Respondents —Garrett Ripa, in his official capacity as Director of the Miami Field Office, U.S. Immigration and Customs Enforcement (ICE); Pamela Bondi, in her official capacity as Attorney General; Kristi Noem, in her capacity as Secretary, Department of Homeland Security (DHS) — respond to Petitioner Mara Astrid Jaimes-Martinez's Petition for Writ of Habeas Corpus (Petition) (Doc. 1). The Court should deny the writ and dismiss this action because Jaimes-Martinez failed to exhaust administrative remedies before bringing this action.

PRELIMINARY STATEMENT

On January 22, 2026, Petitioner filed the instant action, purportedly challenging the denial of bond by the immigration judge based on being a danger to society. See *generally* Doc. 1 at p 2. By Order dated February 5, 2026, this Court ordered service of the Petition and directed Respondents to respond within 30 days from of the date of the Order. Doc. 10. Petitioner sought a custody determination; however, no decision was reached by the immigration judge when Petitioner's request was withdrawn. Because Petitioner failed to exhaust her administrative remedies, she fails to state a claim upon which relief can be granted. Thus, the Court should deny the Petition and dismiss this action.

FACTUAL BACKGROUND

Jaimes-Martinez is a native and citizen of Venezuela. Exhibit A (Notice to Appear) at 1. Petitioner entered the United States on October 27, 1996, on a B2 non-immigrant visitor for pleasure visa, authorizing her to remain in the country for a period not to exceed April 26, 1997. *Id.* Petitioner overstayed her visa without authorization. *Id.*

Petitioner was taken into custody on June 11, 2025. On September 30, 2025, DHS issued a Notice to Appear, placing Jaimes-Martinez in removal proceedings and charging her with being removable pursuant to § 237(a)(1)(B) of the Immigration and Nationality Act (INA), as amended 8 U.S.C. § 1227(a)(1)(B), on the grounds that she remained in the United States longer than authorized, not based on her vacated conviction. Exhibit A at 1. Petitioner seems to have requested a bond hearing but withdrew the request. See Exhibit B (IJ Order dated October 10, 2025).

Legal Standard

Federal courts may grant writs of habeas corpus for a petitioner “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Petitioner bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021); *Martin v. Beto*, 397 F.2d 741, 749 (5th Cir. 1968).

Discussion

As explained below, Jaimes-Martinez’s claims fail on the merits because she failed to exhaust administrative remedies.

A. Habeas Return on Detention

In a habeas case, the respondent “shall make a return certifying the true cause of the detention.” 28 U.S.C. § 2243. The certified basis on which ICE is detaining Jaimes-Martinez is 8 U.S.C. § 1226(a).

B. Failure to Exhaust

Because Jaimes-Martinez is being detained pursuant to § 1226(a), she is entitled to a custody determination if requested. Petitioner contends she was denied bond based on a finding that she was a danger to society. See Doc 1 at p 12. However, Petitioner did provide the order denying her request for bond, much less on the basis for being a danger to society. If an immigration judge had entered such order, she would have had the opportunity to appeal such denial of bond to the Board of Immigration Appeals (BIA). Rather, Jaimes-Martinez seeks a writ of habeas in the first instance rather than seeking a bond hearing and/or review with the BIA of denial of such order.

DHS makes initial decisions about custody and bond—which an IJ may review. 8 C.F.R. § 1003.19(a). To receive a bond hearing, the alien (or her lawyer) must make an application to the IJ for bond redetermination. *Id.* § 1003.19(b)-(c). The IJ's bond redetermination is "separate and apart from" the removal proceedings. *Id.* § 1003.19(d). If the alien disagrees with the IJ's decision, she may appeal to the BIA. *Id.* § 1003.1(b)(7).

Jaimes-Martinez's failure to produce the order denying bond and/or to appeal the denial of bond to the BIA should not be excused. Individuals "seeking habeas relief, including relief pursuant to § 2241, are subject to administrative exhaustion requirements." *Santiago-Lugo v. Warden*, 785 F.3d 467, 475 (11th Cir. 2015) (internal citations omitted). While administrative exhaustion is not a jurisdictional requirement, it is still one that must be met. *Id.* The Eleventh Circuit explained that "courts may [not] disregard a failure to exhaust and grant relief on the merits if the respondent properly asserts the defense." *Id.*

Here, the Federal Respondents are asserting Petitioner's failure to exhaust her administrative remedies because, in the absence of producing an order by an immigration judge denying bond, she has not demonstrated that she was in fact denied bond, and that she sought review with the BIA. This Court must require administrative exhaustion here. The Court should not excuse Jaimes-Martinez's failure to produce an order denying bond and evidence of appeal of the denial of bond to the BIA. Petitioner should and must appeal to the BIA before seeking a writ of habeas corpus, if in fact she has been denied bond.

Further, Petitioner has not demonstrated that she is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner simply has not met her burden to prove her custody violates federal law. To the extent

that Plaintiff seeks relief under the Administrative Procedures Act (APA), she has not shown that she has a final agency decision from which she is appealing. Thus, this Court must still deny the instant Petition because Jaimes-Martinez has failed to exhaust her administrative remedies before seeking the writ of habeas corpus.

CONCLUSION

Based on the foregoing reasons and citations of authority, the Court should deny the instant Petition and dismiss this action.

Dated: March 7, 2026

Respectfully submitted,

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/s/ Ronnie S. Carter

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 7, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send notice of filing and a downloadable copy of the filed document to the following CM/ECF participant listed below:

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Exhibit List

- A Notice to Appear dated September 2025
- B IJ Order dated October 10, 2025