

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MEYERS DIVISION

Case No.: 2:26-cv-137-JES-DNF

ELMER ARIEL CALDERON BARRIOS,

Petitioner,

v.

MIAMI FIELD OFFICE DIRECTOR, ET AL.

Respondents

PETITIONER'S REPLY TO RESPONDENT'S RESPONSE

COMES NOW, Petitioner, ELMER ARIEL CALDERON BARRIOS, by and through the undersigned counsel, hereby files his Reply to the Respondent, MIAMI FIELD OFFICE DIRECTOR, ET AL's Response to the Petition for Writ of Habeas Corpus filed by the Petitioner, in compliance with this Honorable court's Order dated January 26, 2026, and responds as follows:

Petitioner's Detention is Unlawful

Respondents' core argument that Petitioner subject to mandatory detention under 8 U.S.C. § 1225(b)(2) has been overwhelmingly rejected by federal courts nationwide and by courts within this District. Petitioner has provided an exhaustive list of cases that support this contention in his Petition and respectfully references those cases herein. Therefore, pursuant to the arguments raised in the Petition, Petitioner should be afforded the statutory process due under 8 U.S.C. §1226 and is not subject to mandatory detention since he has been residing in liberty in the United States for many years.

CONCLUSION

For the reasons stated herein and raised in the Petition, the Petition should be granted. The Court has jurisdiction to grant the relief sought in the Petition. The Petitioner is not an "arriving alien" under 8 U.S.C. §1225 and thus should be classified under 8 U.S.C. §1226 and given a bond hearing.

Respectfully submitted,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 4, 2026, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. Which will send notice to all counsel of record.

/s/ Allison Rub, Esq.
Allison Rub, Esq.
Allison Rub, P.A.
Counsel for Petitioner
3301 Ponce de Leon Blvd.
Suite 200
Coral Gables, FL, 33134
305-461-5757
allison@allisonrubpa.com
Fla. Bar No.: 105529