

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

REYNEL ANDRES BAUTISTA ANZOLA,

Petitioner,

v.

LOUIS A. QUINONES, IN HIS OFFICIAL
CAPACITY AS WARDEN, ET AL.,

Respondents.

Case No. 6:26-cv-180-GAP-NWH

**RESPONSE TO PETITIONER'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION
(ECF No. 8) AND PETITION FOR HABEAS CORPUS (ECF No. 1)**

Respondents, by and through the undersigned counsel, hereby respond to Petitioner Reynel Andres Bautista Anzola's ("Petitioner") (1) emergency motion for a temporary restraining order and preliminary injunction (ECF No. 8, "TRO Mtn.") and (2) Petition for Habeas Corpus Relief (ECF No. 1, "Petition").

FACTS & PROCEDURAL HISTORY

Petitioner is a citizen of Colombia who last entered the United States on June 28, 2018. *See* Petition for Writ of Habeas Corpus, ECF No. 1 ("Petition") at ¶ 8; *see also* Form I-213, Record of Deportable/Inadmissible Alien, attached as "Exhibit A" at 1, 3. Petitioner entered the United States on a B2 visitor visa but overstayed that visa when he failed to depart the country by December 28, 2018. Exhibit A at 3; *see*

also Notice to Appear, attached as “Exhibit B” at 1. Since entering the United States, Petitioner has filed an application for immigration relief but as he concedes, that application remains pending. Petition, ¶ 18; *see also* Exhibit A at 3. To be clear, Petitioner has no lawful immigration status in this country. *See* Petition (lacking any evidence of valid, lawful status); TRO Mot. (same).

Because he lacks lawful immigration status, U.S. Immigration and Customs Enforcement (“ICE”) agents detained him on January 12, 2026 for the purpose of seeking his removal from the United States. Exhibit A at 3. The same day, ICE made a custody determination—consistent with the guidance set forth in 8 U.S.C. § 1226—and determined that Petitioner should be held in custody pending the resolution of removal proceedings. *Id.*; *see also* Form I-286, Notice of Custody Determination, attached as “Exhibit C.” Petitioner requested review of that decision by an immigration judge on January 14, 2026 but no review has taken place to date. That same day ICE also issued Petitioner a Notice to Appear for the purpose of seeking his placement in immigration removal proceedings before the Executive Office for Immigration Review (“EOIR”). The Notice to Appear has not yet been filed with EOIR. Following his detention by immigration authorities, Petitioner was placed in the Orange County Detention Center where he remains today. Petition, ¶ 8; TRO Mot., ¶ 6.

On January 24, 2026, Petitioner filed a petition seeking habeas relief from this Court. *See* Petition. Two days later, he filed the instant motion seeking a temporary restraining order and injunction. *See* TRO Motion. This Court granted the temporary

restraining order prohibiting Respondents from transferring him out of the Orange County Jail and ordered Respondents to respond to the motion no later than February 4, 2026 at noon. ECF No. 9. A hearing is set for this matter on February 9, 2026 at 1:30pm. ECF Nos. 9, 10. No deadline has been established yet for response to the Petition. In an effort to get accurate information to the Court in a timely manner, Respondents hereby respond to both the TRO motion and habeas in this consolidated response.

DISCUSSION

At the core of this case is Petitioner's contention that he has been improperly detained under 8 U.S.C. Section 1225 rather than 8 U.S.C. Section 1226. *See generally* Petition. Respondents aver that on further review of the Petitioner's alien file, it appears that ICE has determined that Petitioner's ongoing custody is warranted pursuant to Section 1226. *See* Exhibit C (indicating that custody was determined "pursuant to the authority contained in section 236 of the Immigration and Nationality Act")¹; *see also* Exhibit A at 4 ("[t]his officer recommends that the subject be held in ICE ERO custody pending removal proceedings outcome."). Thus, Petitioner is eligible for a custody redetermination hearing before the Executive Office for Immigration Review ("EOIR") should the TRO be lifted.²

As to Petitioner's remaining allegations—*see* Petition, ¶ 17 (claiming detention

¹ INA Section 236 is codified in the U.S. Code at 8 U.S.C. § 1226.

² With the TRO in place, Respondents are unable to move Petitioner from the Orange County Jail to a facility at which an EOIR bond hearing can be conducted.

on the basis of a detainer), 23 (claiming arrest without probable cause, judicial warrant, or charges is improper); TRO Mot., ¶ 8, 13 (same)—Respondents first aver that Petitioner was not detained on a detainer but on a warrant of arrest consistent with 8 U.S.C. § 1226 detention authority. *See* Form I-200, Warrant for Arrest of Alien, attached as “Exhibit D”; *see also* Exhibit A at 3 (describing ICE’s encounter with, and arrest of, Petitioner as well as Petitioner’s immigration history as a B2 visa overstay without current lawful immigration status); *see also* 8 U.S.C. § 1226(a)(1). ICE further avers that the INA permits an alien’s detention while a determination as to removability is made. 8 U.S.C. § 1226(a)(1) (“On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.”).

CONCLUSION

ICE detained Petitioner—an alien in the United States without lawful permission to remain—for the purpose of pursuing removal proceedings. Though a Notice to Appear has been issued and served, it has not yet been filed with EOIR. Petitioner was considered for bond under 8 U.S.C. § 1226 and has requested review of that determination by EOIR, which can be facilitated should the TRO be lifted allowing his transfer out of the Orange County Jail.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 4, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system which will serve a copy to all counsels of record.

Dated: February 4, 2026

Signed:

/s/ Amanda Saylor

Amanda Saylor

Assistant United States Attorney