

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 26-cv-60216-AHS**

**ROCIO TAMARIZ ESCAROLA,
Petitioner,**

v.

**FIELD OFFICE DIRECTOR OF ENFORCEMENT
AND REMOVAL OPERATIONS, et. al.,
Respondents.**

**RESPONDENTS' RETURN IN OPPOSITION
TO THE PETITION FOR WRIT OF HABEAS CORPUS**

Respondents,¹ by and through the undersigned Assistant United States Attorney, submit the following return in opposition to the Petition for Writ of Habeas Corpus [DE 1] (Petition). For the reasons set forth below, the Petition should be denied.

FACTUAL BACKGROUND

The petitioner, Rocio Tamariz Escarola (Petitioner), is a native and citizen of Mexico. Petitioner illegally entered the United States at an unknown time and place. *See* Exh. A, Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213), dated December 3, 2025.

On December 2, 2025, Petitioner was encountered by the Lee County Sheriff's Office during a traffic violation. *See* Exh. A, Form I-213, dated December 3, 2025. Customs and Border Protection (CBP) was notified and determined that Petitioner had no lawful status in the United

¹ A writ of habeas corpus must "be directed to the person having custody of the person detained." *See* 28 U.S.C. § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Id.* at 439. As Petitioner was detained at Broward Transitional Center ("BTC") at the time of filing the Petition, a detention facility in Broward County, Florida, his immediate custodian would be Assistant Field Office Director (AFOD) Carlos Nunez. Accordingly, the proper Respondent in the instant case is AFOD Nunez, in his official capacity, and all other Respondents should be dismissed.

States. *See* Exh. A, Form I-213, dated December 3, 2025. On December 3, 2025, Petitioner was transferred to the custody of Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). *See* Exh. A, Form I-213, dated December 3, 2025; *see also* Exh. B, Detention History.

On December 24, 2025, DHS filed the Notice to Appear (NTA), with the Executive Office for Immigration Review (EOIR) Miami Immigration Court, charging Petitioner with inadmissibility under INA § 212(a)(7)(A)(i)(I). *See* Exh. C, Notice to Appear, dated December 24, 2025.

Petitioner requested a custody hearing with the EOIR Broward Transitional Center (BTC) Immigration Court, and on January 6, 2026, the Immigration Judge denied the bond under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* Exh. D, Immigration Judge Order, dated January 6, 2026. Petitioner reserved appeal and has until February 5, 2026, to file an appeal. *See* Exh. D, Immigration Judge Order, dated January 6, 2026. To date no appeal has been filed. *See* Exh. E, Declaration.

The Petitioner is currently detained at BTC. *See* Exh. B, Detention History. Petitioner's next hearing before EOIR immigration court is on February 10, 2026. *See* Exh. F, Notice of Hearing, dated January 6, 2026.

ARGUMENT

As this Court recently held in its well-reasoned Orders in *Morales v. Noem*, 25-62598-CIV-SINGHAL (S.D. Fla. Jan. 29, 2026) at docket entry 10, and in *Banchi v. Diaz*, 25-62341-CIV-SINGHAL (S.D. Fla. Feb. 2, 2026) at docket entry 23, Petitioner is an alien who entered the United States without inspection by immigration authorities and is an applicant for admission

subject to detention and not entitled to a bond hearing.² As the Court did in *Morales* and *Banchi*, Respondents respectfully submit that the Court should deny the Petition for Writ of Habeas Corpus and close this case.

I. SECTION 1225(B)(2) MANDATES DETENTION OF ALIENS, LIKE PETITIONER, WHO ARE PRESENT IN THE UNITED STATES WITHOUT HAVING BEEN LAWFULLY ADMITTED.

Under the plain language of § 1225(b)(2), the Government is required to detain all aliens, like Petitioner, who are present in the United States without admission and are subject to removal proceedings—regardless of how long the alien has been in the United States or how far from the border they ventured. That unambiguous language resolves this case. *See Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 676 (2020) (“Our analysis begins and ends with the text.”); *Morales v. Noem*, 25-62598-CIV-SINGHAL (S.D. Fla. Jan. 29, 2026); *Banchi v. Diaz*, 25-62341-CIV-SINGHAL (S.D. Fla. Feb. 2, 2026).

A. The Plain Language of § 1225(b)(2) Mandates Detention of Applicants for Admission.

“As with any question of statutory interpretation, [the] analysis begins with the plain language of the statute. It is well established that, when the statutory language is plain, [courts] must enforce it according to its terms.” *Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009). Section 1225(a) deems all aliens who either “arrive[] in the United States” or who are “present in the United States [and] who ha[ve] not been admitted” to be “applicant[s] for admission.” 8 U.S.C. § 1225(a)(1). And “admission” under the Immigration and Nationality Act (“INA”) means lawful entry after inspection by immigration authorities, and not mere physical entry. 8 U.S.C.

² Respondents recognize that other courts in this district have rejected similar arguments in granting habeas petitions. *See, e.g., Perez v. Parra*, Case No. 25cv24820 (S.D. Fla.). However, this Court has not rejected these arguments and Respondents present them again in response to the Order to Show Cause and respectfully request that this Court rule as it did in *Morales* and *Banchi*.

§ 1101(a)(13)(A). Thus, an alien who enters the country without permission is and remains an applicant for admission, regardless of the duration of the alien's presence in the United States or the alien's distance from the border.

In turn, § 1225(b)(2) provides that “an alien who is an applicant for admission” “shall be detained” pending removal proceedings if the “alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The statute's use of the term “shall” makes clear that detention is mandatory, *see Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998), and the statute makes no exception based upon the duration of the alien's presence in the country or where in the country the alien is located. Therefore, the statute's plain text mandates that the Government detain all “applicants for admission” who are not clearly and beyond a doubt entitled to be admitted.

Petitioner falls squarely within the statutory definition. She was “present in the United States,” and there is no dispute that he has “not been admitted.” 8 U.S.C. § 1225(a); *see* Exh. E, Declaration. Moreover, Petitioner cannot establish—and has not even alleged that she can establish—that she is “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Therefore, § 1225(b)(2) mandates Petitioner “be detained for a proceeding under [8 U.S.C. § 1229a].” 8 U.S.C. § 1225(b)(2)(A).

B. Applicants for Admission under § 1225(b)(2) are seeking to be legally admitted into the United States.

As explained above, Petitioner is an “applicant[] for admission” under § 1225(b)(2) and is, therefore, seeking to be legally admitted into the United States. The statute itself makes clear that an alien who is an “applicant for admission” *is* necessarily “seeking admission.” Moreover, an alien like Petitioner, who is identified by immigration authorities as unlawfully present, and who

does not choose to withdraw their application for admission and depart from the United States voluntarily, is “seeking admission,” i.e., seeking legal authority to remain in the United States.

1. The “seeking admission” clause does not negate or otherwise limit the statutorily defined term “applicant for admission”.

Section 1225(b)(2) requires the detention of an “applicant for admission, if the examining officer determines that [the] alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The statutory text and context show that being an “applicant for admission” is a means of “seeking admission”—no additional affirmative step is necessary. In other words, every “applicant for admission” is inherently and necessarily “seeking admission,” at least absent a choice to pursue voluntary withdrawal or voluntary departure.

For example, § 1225(a) provides that “[a]ll aliens ... who are applicants for admission *or otherwise* seeking admission or readmission ... shall be inspected.” 8 U.S.C. § 1225(a)(3) (emphasis added). The word “[o]therwise” means “in a different way or manner[.]” *Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 535 (2015) (quoting Webster’s Third New International Dictionary 1598 (1971)); *see also Villarreal v. R.J. Reynolds Tobacco Co.*, 839 F.3d 958, 963-64 (11th Cir. 2016) (en banc) (“or otherwise” means “the first action is a subset of the second action”). Being an “applicant for admission” is thus a particular “way or manner” of seeking admission, such that an alien who is an “applicant for admission” *is* “seeking admission” for purposes of § 1225(b)(2)(A).³ No separate affirmative act is necessary.

³ As § 1225 shows, being an “applicant for admission” is only *one* “way or manner” of “seeking admission,” not the exclusive way. 8 U.S.C. § 1225(a)(3). For example, lawful permanent residents returning to the United States are not “applicants for admission” because they are already admitted, but they still may be deemed to be “seeking admission” in some circumstances. *See* 8 U.S.C. § 1103(A)(13)(C).

See Matter of Lemus-Losa, 25 I&N Dec. 734, 743 (BIA 2012) (“[M]any people who are not *actually* requesting permission to enter the United States in the ordinary sense are nevertheless deemed to be ‘seeking admission’ under the immigration laws”). Accordingly, § 1225(b) unambiguously provides that an alien who is an “applicant for admission” is “seeking admission,” even if the alien is not engaged in some separate, affirmative act to obtain lawful admission.

2. Any perceived redundancy in the statute cannot serve as a basis to avoid the clear language of the statute.

As explained above, an “applicant for admission” is “seeking admission” under § 1225. To the extent this reading results in some redundancy in § 1225(b)(2)(A), that “is not a license to rewrite” § 1225 “contrary to its text.” *Barton v. Barr*, 590 U.S. 222, 239 (2020); *see Heyman v. Cooper*, 31 F.4th 1315, 1322 (11th Cir. 2022) (“sometimes drafters *do* repeat themselves and *do* include words that add nothing of substance” especially when “the arguably redundant words that the drafters employed ... are functional synonyms” (alterations accepted and emphasis in original)).

“The canon against surplusage is not an absolute rule.” *Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 385 (2013). “Redundancies are common in statutory drafting—sometimes in a congressional effort to be doubly sure, sometimes because of congressional inadvertence or lack of foresight, or sometimes simply because of the shortcomings of human communication.” *Barton*, 590 U.S. at 239. “[R]edundancy in one portion of a statute is not a license to rewrite or eviscerate another portion of the statute contrary to its text.” *Id.* Thus, as the Supreme Court explained in *Barton*, “[s]ometimes the better overall reading of a statute contains some redundancy.” *Id.*

Moreover, “the surplusage cannon ... must be applied with statutory context in mind” and should not be employed to undermine congressional intent. *United States v. Bronstein*, 849 F.3d

1101, 1110 (D.C. Cir. 2017). As explained in greater detail below, in 1996, Congress passed the Illegal Immigration Reform and Immigration Responsibility Act (“IIRIRA”), Pub. L. 104-208, 110 Stat. 3009 (Sept. 30, 1996), with the goal of ensuring that aliens who enter the United States unlawfully do not receive greater privileges and benefits than aliens who lawfully present themselves for inspection at a port of entry. The canon against surplusage should not be employed to re-write the statute in contravention of this statutory context.

3. Applicants for admission are seeking admission when they seek to lawfully remain in the United States.

Even if “seeking admission” requires some separate affirmative conduct by the alien, an applicant for admission who attempts to avoid removal from the United States, rather than trying to voluntarily withdraw their application for admission, is “seeking admission.”

Section 1225(b)(2)(A) applies to an alien who is present in the United States unlawfully, regardless of how long the alien has been in the United States. Although the alien may not have been affirmatively seeking admission during those years of illegal presence, § 1225(b)(2) is not concerned with the alien’s pre-inspection conduct. Rather, the statute’s use of present tense language (“seeking” and “determines”) shows that its focus is a specific point in time—when “the examining immigration officer” is making a “determin[ation]” regarding the alien’s admissibility. 8 U.S.C. § 1225(b)(2)(A). At *that* point, the alien is “seeking” admission into the United States, and that application is a continuing one. *See* The American Heritage Dictionary of the English Language (defining “seek” and “seeking” as “to endeavor to obtain”). If it were otherwise, the applicant would not attempt to show that he is “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). That inference is confirmed by § 1225(a)(4), which authorizes an alien to voluntarily withdraw their application for admission and “depart immediately from the United States.” 8 U.S.C. § 1225(a)(4). An applicant who forgoes that statutory option and instead

endeavors to prove admissibility when placed in § 240 removal proceedings—proceedings in which the alien has the “burden of establishing that [he] is clearly and beyond a doubt entitled to be admitted,” *id.* § 1229a(c)(2)(A)—is endeavoring to obtain admission to the United States in the same way someone who is encountered just after crossing the border is attempting to obtain admission to the United States.

C. Section 1226 Does Not Support Petitioner’s Argument.

Petitioner’s reliance upon, and reference to, 8 U.S.C. § 1226 is unavailing. Petitioner’s detention is controlled by § 1225(b)(2), not § 1226.

Sections 1225 and 1226 are separate statutory provisions that provide independent bases for detention and, generally, apply to different groups of aliens. While, as explained below, there is some overlap between the aliens subject to detention under the two detention provisions, that overlap does not create a redundancy because the two statutes provide for different bases for release.

Section 1226(a) authorizes the Executive to “arrest[] and detain[]” any “alien” pending removal proceedings. Section 1226(a) provides the detention authority for the significant group of aliens who are *not* deemed “applicants for admission” subject to § 1225(b)(2)(A)—specifically, aliens who have been admitted to the United States but are now removable, like those who overstay a visa or lawful permanent residents who engage in conduct that renders them removable.⁴ Thus, section 1225(b)(2) is the more specific detention provision. *See RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) (“the specific governs the general”). Accordingly, § 1226(a) does not control Petitioner’s detention.

⁴ The detention of any of the millions of aliens who have overstayed their visas is governed by § 1226(a), because those aliens (unlike Petitioner) *were* lawfully admitted to the United States.

Section 1226(c) provides for mandatory detention and is an exception to § 1226(a)'s discretionary detention regime. It requires the Executive to detain "any alien" who is deportable or inadmissible for having committed specified offenses or engaged in terrorism-related actions. *See* 8 U.S.C. § 1226(c)(1)(A)-(E). Petitioner has not committed one of the specified offenses and has not engaged in terrorism-related actions. Accordingly, she is not detained under § 1226(c).

D. The Government's Reading Comports with Congressional Intent.

Before 1996, federal immigration laws required the detention of aliens who presented at a port of entry but allowed aliens who were already unlawfully present in the United States to obtain release pending removal proceedings. In 1996, Congress passed the IIRIRA specifically to stop conferring greater privileges and benefits on aliens who enter the United States unlawfully as compared to those who lawfully present themselves for inspection at a port of entry. Accordingly, the Government's reading of the statute is not only supported by the express language of § 1225, but it also comports with congressional intent. *See King v. Burwell*, 576 U.S. 473, 492 (2015) (rejecting interpretation that would lead to a result "that Congress designed the Act to avoid"); *New York State Dep't of Soc. Servs. v. Dublino*, 413 U.S. 405, 419-20 (1973) ("We cannot interpret federal statutes to negate their own stated purposes.").

The INA, as amended, contains a comprehensive framework governing the regulation of aliens, including the creation of proceedings for the removal of aliens unlawfully in the United States and requirements for when the Executive is obligated to detain aliens pending removal.

Prior to 1996, the INA treated aliens differently based on whether the alien had physically "entered" the United States. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 222-223 (BIA 2025) (citing 8 U.S.C. §§ 1225(a), 1251 (1994)); *see Hing Sum v. Holder*, 602 F.3d 1092, 1099-1100 (9th Cir. 2010) (same). "Entry" referred to "any coming of an alien into the United States," 8 U.S.C. § 1101(a)(13) (1994), and whether an alien had physically entered the United States (or

not) “dictated what type of [removal] proceeding applied” and whether the alien would be detained pending those proceedings, *Hing Sum*, 602 F.3d at 1099. Accordingly, the INA’s prior framework, which distinguished between aliens based on physical “entry,” had

the ‘unintended and undesirable consequence’ of having created a statutory scheme where aliens who entered without inspection ‘could take advantage of the greater procedural and substantive rights afforded in deportation proceedings,’ *including the right to request release on bond*, while aliens who had ‘actually presented themselves to authorities for inspection ... were subject to mandatory custody.

Yajure Hurtado, 29 I&N Dec. at 223 (emphasis added) (quoting *Martinez v. Att’y General of U.S.*, 693 F.3d 408, 413 n.5 (3d Cir. 2012)); *see also Hing Sum*, 602 F.3d at 1100 (similar); H.R. Rep. No. 104-469, pt. 1, at 225 (1996) (“House Rep.”) (“illegal aliens who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to aliens who present themselves for inspection”).

Congress discarded that regime through enactment of IIRIRA. Among other things, that law had the goal of “ensur[ing] that all immigrants who have not been lawfully admitted, regardless of their legal presence in the country, are placed on equal footing in removal proceedings under the INA.” *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc). To that end, IIRIRA replaced the prior focus on physical “entry” and instead made lawful “admission” the governing touchstone. IIRIRA defined “admission” to mean “the *lawful* entry of the alien into the United States after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A) (emphasis added). In other words, the immigration laws would no longer distinguish aliens based on whether they had managed to evade detection and enter the country without permission. Instead, the “pivotal factor in determining an alien’s status” would be “whether or not the alien has been *lawfully* admitted.” House Rep., *supra*, at 226 (emphasis added); *Hing Sum*, 602 F.3d at 1100 (similar).

Petitioner’s interpretation would restore the regime Congress sought to discard: It would require detention for those who present themselves for inspection at the border in compliance with law yet grant bond hearings to aliens who evade immigration authorities, enter the United States unlawfully, and remain here unlawfully for years, or even decades, until an involuntary encounter with immigration authorities. That is *exactly* the perverse preferential treatment for illegal entrants that IIRIRA sought to eradicate. Accordingly, this Court should reject Petitioner’s interpretation. *King*, 576 U.S. at 492 (rejecting “petitioners’ interpretation because it would ... create the very [thing] that Congress designed the Act to avoid”).

The Government’s reading, on the other hand, is true to Congress’s intent and should be adopted.

E. The Government’s Reading Accords with *Jennings*.

The Government’s interpretation is consistent with the Supreme Court’s decision in *Jennings v. Rodriguez*, 583 U.S. 281 (2018). *Jennings* reviewed a Ninth Circuit decision that applied constitutional avoidance to “impos[e] an implicit 6-month time limit on an alien’s detention” under § 1225(b) and § 1226. *Id.* at 292. The Court held that neither provision is so limited. *Id.* at 292, 296-306. In reaching that holding, the Court did not—and did not need to—resolve the precise groups of aliens subject to § 1225(b) or § 1226. Nonetheless, consistent with the Government’s reading, the Court recognized in its description of § 1225(b) that § “1225(b)(2) ... serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1).” *Id.* at 287.

F. Under *Loper Bright*, the Statute Controls, Not Prior Agency Practice

Any argument that prior agency practice applying § 1226(a) to Petitioner is unavailing because under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 411 (2024) (overturning *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984)), the plain language of the statute

and not prior practice controls. *Yajure Hurtado*, 29 I&N Dec. at 225–26. In overturning *Chevron*, the Supreme Court recognized that courts often change precedents and “correct[] our own mistakes.” *Loper Bright*, 603 U.S. at 411. *Loper Bright* overturned a decades old agency interpretation of the Magnuson-Stevens Fishery Conservation and Management Act that itself predated IIRIRA by twenty years. *Id.* at 380. Thus, longstanding agency practice carries little, if any, weight under *Loper Bright*.

II. PETITIONER FAILED TO EXHAUST ADMINISTRATIVE REMEDIES

The Court should dismiss the petition for writ of habeas corpus for lack of jurisdiction as Petitioner has failed to exhaust administrative remedies. A habeas petitioner must normally exhaust administrative remedies before seeking federal court intervention. The exhaustion requirement “aims to provide the agency with a chance to correct its own errors, ‘protect[] the authority of administrative agencies,’ and otherwise conserve judicial resources by ‘limiting interference in agency affairs, developing the factual record to make judicial review more efficient, and resolving issues to render judicial review unnecessary.” *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor, J.).

Here, Petitioner has not availed herself of the administrative remedies available to her. Immigration Judges do not have the authority in bond proceedings to determine whether an alien is properly included in a class of applicants for admission. “It is well established . . . that the Immigration Judges only have the authority to consider matters that are delegated to them by the Attorney General and the [INA].” *Matter of A-W-*, 25 I&N Dec. 45, 46 (BIA 2009). “In the context of custody proceedings, an Immigration Judge’s authority to redetermine conditions of custody is set forth in 8 C.F.R. § 1236.1(d)” *Id.* at 46. The regulation clearly states that “the [I]mmigration [J]udge is authorized to exercise the authority in section 236 of the [INA].” 8 C.F.R.

§ 1236.1(d); *see id.* § 1003.19(a) (authorizing Immigration Judges to review “[c]ustody and bond determinations made by [DHS] pursuant to 8 C.F.R. part 1236”). However,

an [I]mmigration [J]udge may not redetermine conditions of custody imposed by [DHS] with respect to the following classes of aliens: (A) Aliens in exclusion proceedings; (B) ***Arriving aliens in removal proceedings***, including aliens paroled after arrival pursuant to [INA § 212(d)(5)]; (C) Aliens described in [INA § 237(a)(4)]; (D) Aliens in removal proceedings subject to [INA § 236(c)(1)]; (E) Aliens in deportation proceedings subject to [former INA § 242(a)(2)].

Id. § 1003.19(h)(2)(i)(A)-(E) (emphasis added). While the classes of aliens referred to in paragraphs (C), (D), and (E) of 8 C.F.R. § 1003.19(h)(2)(i) fall outside the Immigration Judge’s custody authority, the regulation confers upon Immigration Judges the authority to consider whether the alien is “properly included” in any of these classes. *Id.* § 1003.19(h)(2)(ii); *see generally, Matter of Joseph*, 22 I&N Dec. 660 (BIA 1999). Notably absent from the classes of aliens who are eligible for this limited determination are aliens described in paragraphs (A) and (B)—aliens in exclusion proceedings and arriving aliens in removal proceedings. 8 C.F.R. § 1003.19(h)(2)(ii) (providing that “*with respect to paragraphs (h)(2)(i)(C), (D), and (E) of this section, nothing in this paragraph shall be construed as prohibiting an alien from seeking a determination by an Immigration Judge that the alien is not properly included within any of those paragraphs*” (emphasis added)).

That is not to say that an alien is left without recourse. Bond proceedings are simply not the appropriate forum to determine whether an alien is properly included in a class of applicants for admission. Rather, that determination is left for consideration in removal proceedings. *See* INA § 240(c)(2)(A)-(B) (providing it is the alien’s burden of establishing “if the alien is an applicant for admission, that the alien is clearly and beyond doubt entitled to be admitted and is not inadmissible under section 212” or “by clear and convincing evidence, that the alien is lawfully

present in the United States pursuant to a prior admission”).” Here, while Petitioner requested a custody redetermination and it was denied by the immigration judge, she has not filed an appeal and she has until February 5, 2026, to do so. As such, the question of Petitioner’s status is not ripe for review and this Court lacks jurisdiction to review the same. As such, the Petition should be denied.

CONCLUSION

For the reasons set forth above, the Petition for Writ of Habeas Corpus should be denied and the case dismissed and closed.

Respectfully Submitted,

JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY

By: /s/ Mary Beth Ricke
MARY BETH RICKE
Assistant U.S. Attorney
United States Attorney’s Office
Southern District of Florida
Fla. Bar No. 107213
500 East Broward Blvd, Suite 700
Fort Lauderdale, FL 33394
mary.ricke@usdoj.gov

Counsel for Respondents