

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MEYERS DIVISION

Freddy Hernandez Munoz

CASE NO.: 2:26-cv-173-SPC-NPM

Petitioner,

vs.

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

Respondent,
_____ /

PETITIONER'S REPLY TO RESPONDENT'S RESPONSE

COMES NOW, Petitioner, FREDDY HERNANDEZ MUNOZ, by and through the undersigned counsel, hereby files his Reply to the Respondent, MIAMI FIELD OFFICE DIRECTOR, et al.'s, Response to Petition Writ of Habeas Corpus, in compliance with this Honorable Court's Order dated February 2, 2026, and responds as follows:

Petitioner's Detention is Unlawful

Respondent's core argument that Petitioner is subject to mandatory detention under 8 U.S.C. §1225(b)(92) 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 and incorporates 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 7, 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.

/s/ Allison Rub, Esq.
Allison Rub, Esquire
Allison Rub, P.A.
Attorney for Petitioner
3301 Ponce de Leon Blvd., Suite 200
Coral Gables, Florida 33134
Tel: (305) 461-5757
allison@allisonrubpa.com
Florida Bar No. 105529