UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 1:26-cv-20574-KMW

OSEAS VASQUEZ RAMIREZ,

Petitioner,

v.

RODGERS, *et al.*,

Respondents.

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RETURN TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents,[1] through the undersigned Assistant U.S. Attorney and pursuant to the Court's *Order to Show Cause* [DE 14], respond to the *Petition for Writ of Habeas Corpus* [DE 1] (the Petition).

OVERVIEW

Petitioner Oseas Vasquez Ramirez (Petitioner) asks the Court to order his release from immigration detention at the Florida Soft Side South Detention Facility a/k/a Alligator Alcatraz (AA) or, alternatively, to order Respondents to provide him with a bond hearing. Petition at 15. In support, Petitioner argues that his immigration detention is governed by 8 U.S.C. § 1226(a) and not by § 1225(b)(2) as that section was interpreted by the Board of Immigration Appeals (BIA) in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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[1] Several of the named respondents are not proper parties-defendant to this habeas action and should be dismissed. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) ("[I]n habeas challenges to present physical confinement—'core challenges'—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official."); *see also Mayorga v. Meade*, No. 24-cv-22131, 2024 WL 4298815, at *3 (S.D. Fla. Sept. 26, 2024) (Bloom, J.) (substituting as respondent the Assistant Field Director of facility where petitioner was detained because denial of a habeas petition for failure to name proper respondent would give an unreasonably narrow reading to habeas corpus statute).

RESPONSE[2]

The Petition presents a pure question of law: whether Petitioner's immigration detention is governed by 8 U.S.C. § 1225(b)(2) or § 1226(a) and, relatedly, whether Petitioner is entitled to a bond hearing conducted by the immigration court. The government has carefully reviewed the Petition and submits that Petitioner's factual allegations are not materially distinguishable from those this Court has seen in substantially similar habeas matters; they are sufficient for purposes of the Court determining which statutory provision authorizes Petitioner's detention.[3]

A. Petitioner is not and was never detained in the Southern District of Florida; Venue is improper

As a preliminary matter, on the date the Petition was filed, Petitioner was detained at AA—a detention facility situated in Collier County, within the Middle District of Florida. *See* 28 U.S.C. § 89(b). The habeas statute allows courts to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2441(a). The Supreme Court has interpreted the "within their respective jurisdiction language to mean that a Section 2441 petitioner challenging his present physical custody must file a petition for writ of habeas corpus in the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 446-47 (2004).

Recently, in *Trump v. J.G.G.*, the Supreme Court reinforced that even for habeas petitions filed by immigration detainees, "jurisdiction lies in only one district: the district of

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[2] In light of the current volume of immigration habeas petitions, Respondents respectfully submit this *truncated* return to Petition, in lieu of a formal memorandum of law and fact. They do so to conserve judicial and party resources, to expedite the Court's consideration of the Petition, and to preserve Respondents' legal arguments for appeal. If the Court prefers to receive a formal memorandum of law and fact, Respondents will prepare and submit one upon request.

[3] While not dispositive or even particularly relevant to the legal question, Respondents dispute Petitioner's assertions that no NTA ever issued and that removal proceedings have not commenced. *See* **Exhibit A**.

confinement" *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (citing *Padilla*, 542 U.S. at 426, 443).

Several judges within this district sua sponte transfer habeas cases filed by petitioners detained at AA. *See e.g. Khammanivong v. Edlow*, No. 25-cv-25419, DE 3 (S.D. Fla. Nov. 20, 2025 (Altonaga, J.); *Mosegue v. Director, Florida Soft Side South*, No. 26-cv-20078, DE 5 (S.D. Fla. Jan. 8, 2026) (Dimitrouleas, J.). While of course not binding on this Court, Respondents do not waive venue and respectfully submit that this case should be dismissed or, in the interest of justice, transferred to the Middle District of Florida—the judicial district in which Petitioner was detained on the date he filed his Petition; or to the District of Colorado—the judicial district where he is now detained.[4]

B. Petitioner's reliance on Bautista is misplaced

While not a question the Court need reach should it adhere to its prior decision in *Perez*, any reliance by Petitioner on the partial final judgment in *Bautista* is misplaced. *See* Petition at ¶¶ 40-42. That judgment is neither binding nor applicable here and presents no independent basis for granting the Petition.

Absent application of *res judicata* or collateral estoppel, a district court is not bound by another district court's judgment. *Stone v. First Union Corp.*, 371 F.3d 1305, 1310 (11th Cir. 2004). *Res judicata* does not apply here because, between this case and *Bautista*, "the parties are not the same on either side of the 'v.'" *Morales*, 2026 WL 236307 at *8. And "offensive

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[4] The Petition was filed on January 28. A motion for TRO preventing Respondents from transferring Petitioner "outside the Southern District of Florida" was filed the following day. DE 4. As noted above, Petitioner was never detained within the Southern District, as AA is situated in the Middle District. This Court's order to show cause—where the Court first indicated a prohibition on removing Petitioner *from AA*—was not entered until February 12. By that point, Petitioner had already been transferred from AA. He has been detained at the Dever Contract Detention Facility since February 9. *See* **Exhibit B** – Detention History.

collateral estoppel is not available against the government." *Id.* (citing *Demaree v. Fulton Cnty. Sch. Dist.*, 515 F. App'x 859, 863 (11th Cir. 2013)).

Setting aside these issues, although dispositive, the judgment in *Bautista* has no bearing on this Court's determination of the Petition for at least four additional reasons: (1) habeas relief in *Bautista* was sought only for the named petitioners; (2) the petitioners did not seek nationwide habeas relief; (3) the *Bautista* decision is limited to the Central District of California; and (4) the *Bautista* court itself noted that habeas relief could only be afforded to class members who were located within its own judicial district. *See Irure-Rodriguez v. Lyons*, No. 25-cv-62585, DE 9 (S.D. Fla. Jan. 20, 2026) (Damian, J.).

Petitioner has not presented any facts or argument that would disturb any of these considerations or the legal propositions espoused above.

C. Petitioner is an applicant for admission subject to mandatory detention under Section 1225(b)(2); he is not entitled to bond

Respondents submit that Petitioner is subject to detention under Section 1225(b)(2) because he was encountered in the United States without being admitted or paroled, and therefore remains an "applicant for admission" subject to mandatory detention. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025); *see also Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330 (5th Cir. Feb. 6, 2026); *Morales v. Noem*, No. 25-cv-62598, 2026 WL 236307, *8 (S.D. Fla. Jan. 29, 2026) (Singhal, J.) (denying substantially similar habeas petition, finding petitioner—who entered without inspection or admission but had been present in the United States for over 20 years—to still be an "applicant for admission" under the unambiguous language of Section 1225(b)(2)).

Respondents acknowledge, however, that district courts across the country—including this Court—have reached the opposite conclusion regarding the application of

Section 1225(b)(2). *See e.g. Perez v. Parra*, Case No. 25-cv-24820, DE 9 (S.D. Fla. October 27, 2025); *see also* Petition at ¶ 57-61; *but see Buenrostro-Mendez*, 2026 WL 323330; *Morales*, 2026 WL 236307 at *8.

The government has appealed at least two such orders emanating from within this district; the appeals have been consolidated and expedited, but still remain pending. *Alvarez v. Warden*, No. 25-14065 (11th Cir.); *Perez v. Parra*, No. 25-14075 (11th Cir.). Pending resolution by the Eleventh Circuit, the government acknowledges that this Court's decision in Perez, among others, would control the result here; the facts are not materially distinguishable and Respondents' legal argument regarding the applicability of Section 1225(b)(2) is the same.

Thus, while Respondents do not *consent* to the issuance of a writ or to an order requiring an immigration court bond hearing under 8 U.S.C. § 1226(a), in the interest of efficiency they incorporate by reference the legal arguments presented in substantially similar cases filed in this district,[5] they further rely on and refer the Court to the Fifth Circuit's analysis in *Buenrostro-Mendez* (the first court of appeals to address the question on the merits), and they submit the Court is positioned rule on the instant Petition without individualized legal briefing. Respondents also respectfully suggest that a hearing on the Petition is unnecessary and would not be a productive use of party or judicial resources.

CONCLUSION

If the Court determines that venue in this district is appropriate, Respondents reiterate their legal position that the Petition should be denied as set forth above and in Exhibit C.

If, notwithstanding these arguments and the Fifth Circuit's decision in *Buenrostro-Mendez*, the Court adheres to its prior decisions that Petitioner's detention is governed by

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[5] *See* **Exhibit C**.

Section 1226(a) rather than Section 1225(b), then the Court need not reach Petitioner's *Bautista* argument, which is non-dispositive and unpersuasive in any event.

Finally, Respondents reiterate that if the Court would prefer to receive a formal memorandum of law and fact specific to this Petitioner, rather than this truncated return filed for efficiency's sake and in light of the Court's prior determinations on the relevant legal question, Respondents will file one upon the Court's request.

Respectfully submitted,

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