

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**OSEAS SALATIEL VASQUEZ RAMIREZ,**

Petitioner,

v.

**ROGERS, et al.**

Respondents.

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

**PETITIONER'S REPLY TO RESPONDENTS' RETURN AND RESPONSE TO ORDER  
TO SHOW CAUSE**

Respondents' "truncated return" fails to identify any lawful statutory basis to continue Petitioner's detention without the individualized custody process Congress expressly provided under 8 U.S.C. § 1226(a). Instead of defending the legality of Petitioner's detention on the merits, Respondents attempt to avoid judicial review by advancing a threshold venue argument and urging this Court to disregard its own controlling precedent—while simultaneously conceding that the governing decision in this District resolves the core legal issue presented. This Court should reject that attempt. Habeas corpus exists to provide a swift and meaningful remedy for unlawful executive detention, not to permit the Government to evade judicial review through custodial transfers and procedural maneuvering. The Supreme Court has repeatedly confirmed that federal courts retain habeas jurisdiction to review the legality of immigration detention under 28 U.S.C. § 2241. See *Jennings v. Rodriguez*, 583 U.S. 281, 298 (2018); *Demore v. Kim*, 538 U.S. 510, 517

(2003). Because Petitioner challenges only the statutory authority for his detention—not any final removal order—this Court’s habeas jurisdiction is clear and undisputed.

Respondents first argue that venue is improper because Petitioner was housed at Florida Soft Side South (“Alligator Alcatraz”) in Collier County at the time the petition was filed and therefore, in their view, the petition must be dismissed or transferred. Even accepting Respondents’ characterization of the facility’s location, that argument does not justify dismissal and certainly does not justify denial of relief on the merits. At most, Respondents’ argument supports transfer in the interest of justice, not dismissal, and it does not alter the fundamental point that Petitioner is entitled to judicial review of the statutory authority for his detention and to an effective habeas remedy. Respondents’ reliance on *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), and *Trump v. J.G.G.*, 604 U.S. \_\_\_ (2025), is misplaced. Those cases address the proper respondent and district of confinement at the time of filing, but they do not authorize dismissal where the Government has appeared, litigated the merits, and where dismissal would serve only to delay relief and undermine the purpose of habeas corpus. Courts routinely substitute the proper custodian rather than deny habeas relief based on technical pleading issues, recognizing that an “unreasonably narrow reading” of habeas jurisdiction would improperly restrict the writ. See *Padilla*, 542 U.S. at 451 (Kennedy, J., concurring). Moreover, where the Government has appeared and defended the detention through appropriate federal officials, courts retain authority to grant effective relief regardless of technical custodian designation. See *Ex parte Endo*, 323 U.S. 283, 306 (1944). Respondents’ participation in this litigation confirms that this Court possesses authority to adjudicate Petitioner’s claims and grant effective habeas relief.

More importantly, Respondents' venue argument is undermined by their own subsequent conduct. Petitioner has now been transferred outside the State of Florida after this Court exercised jurisdiction and issued an Order preserving that jurisdiction. It is firmly established that federal habeas jurisdiction attaches at the time of filing and cannot be defeated by post-filing transfers. *Ex parte Endo*, 323 U.S. 283, 306–07 (1944); *Dobard v. Johnson*, 749 F.2d 1503, 1506 (11th Cir. 1985). Once jurisdiction attaches, the Court retains authority to resolve the petition and grant effective relief. Any rule permitting Respondents to defeat judicial review through custodial transfers would eviscerate the writ itself and permit executive officials to manipulate jurisdiction through unilateral action. Respondents' venue argument therefore provides no basis to deny relief and instead confirms the need for this Court to exercise its authority to preserve its jurisdiction and ensure meaningful habeas review.

Respondents also attempt to minimize Petitioner's reliance on *Bautista* and related decisions by suggesting that Petitioner improperly seeks collateral estoppel or nationwide relief. That argument mischaracterizes Petitioner's position. Petitioner relies on those decisions for their persuasive statutory analysis and consistency with controlling authority within this District. The question before this Court is a straightforward issue of statutory interpretation: whether Petitioner's detention is governed by § 1225(b)(2), as Respondents contend, or § 1226(a), as multiple judges in this District have already held in materially indistinguishable cases.

On the merits, Respondents' position cannot be reconciled with controlling authority in this District or with Respondents' own admissions. Respondents cite *Matter of Yajure Hurtado*, 30 I&N Dec. 408 (BIA 2021), to argue that individuals encountered in the interior who entered without inspection remain subject to mandatory detention under § 1225(b)(2). But the Board of

Immigration Appeals cannot expand detention authority beyond what Congress has authorized. The Supreme Court has made clear that executive detention must be grounded in clear statutory authority and is subject to judicial review through habeas corpus. See *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Judges in this District have repeatedly rejected Respondents' interpretation and ordered bond hearings under § 1226(a) in cases presenting the same detention posture. In *Cerro Perez v. Parra*, this Court ordered Respondents to provide "an individualized bond hearing consistent with 8 U.S.C. § 1226(a)," rejecting the Government's attempt to impose mandatory detention under § 1225(b)(2). Respondents acknowledge this directly, conceding that "this Court's decision in *Perez* ... would control the result here" because the facts are not materially distinguishable. That concession is dispositive. Respondents cannot concede controlling authority while simultaneously urging this Court to disregard it. Courts are obligated to follow controlling precedent unless and until it is overturned by higher authority, and Respondents' disagreement with this Court's prior ruling does not alter its binding effect.

Respondents' reliance on non-binding authority, including *Morales v. Noem* and recent Fifth Circuit decisions, does not alter the governing law in this District. Decisions from other circuits do not bind this Court, and a single district court decision elsewhere cannot override controlling precedent within this District. Until the Eleventh Circuit rules otherwise, this Court's prior decisions remain binding and should be applied consistently.

Respondents' statutory interpretation also conflicts with the structure of the Immigration and Nationality Act. Section 1225 governs inspection and admission determinations, while § 1226 governs detention pending removal proceedings once the noncitizen is arrested and placed into proceedings within the United States. The Supreme Court has recognized this distinction and

confirmed that detention under § 1226(a) includes the right to an individualized custody determination and bond hearing before an Immigration Judge. *Jennings v. Rodriguez*, 583 U.S. 281, 296–97 (2018). Once removal proceedings under § 1229a are initiated, detention authority arises under § 1226 unless a specific mandatory detention provision applies. Courts in this District applying *Jennings* have consistently held that § 1226(a), not § 1225(b)(2), governs detention in the interior-arrest context presented here. Respondents’ attempt to impose mandatory detention indefinitely without individualized review conflicts with the statutory structure and controlling precedent.

Respondents’ submission of an NTA does not alter this analysis. Service of an NTA confirms that Petitioner has been placed in removal proceedings under § 1229a, and detention during such proceedings is governed by § 1226(a). See *Jennings*, 583 U.S. at 296. Respondents’ own exhibits therefore confirm that § 1226(a) provides the governing detention authority.

Respondents’ request that this Court deny relief based on a “truncated return” emphasizes the absence of lawful detention authority. Habeas corpus requires meaningful judicial review, not summary denial based on incomplete submissions or reliance on statutory interpretations already rejected by controlling authority. Where controlling precedent establishes that Petitioner is entitled to an individualized custody determination, this Court should enforce that right and order Respondents to comply with § 1226(a).

## **RELIEF REQUESTED**

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus and order Respondents to provide Petitioner with an individualized bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days of this Court's Order, at which Respondents shall bear the burden of justifying Petitioner's continued detention;
2. Order Respondents to return Petitioner to custody within the State of Florida, or alternatively within the jurisdiction of this Court or the United States District Court for the Middle District of Florida, to ensure compliance with this Court's Orders and preserve the effectiveness of habeas relief;
3. Order Petitioner's immediate release from custody if Respondents fail to provide the required bond hearing within the time specified by this Court;
4. Retain jurisdiction over this matter to ensure Respondents' compliance with this Court's Orders and to prevent further interference with this Court's habeas jurisdiction; and
5. Grant such other and further relief as this Court deems just, proper, and necessary.

February 17, 2026

Respectfully Submitted,

/s/ Caridad Acosta

Caridad Acosta, Esq.  
Legal Alliances PLLC  
2600 Michigan Ave, unit #452145  
Kissimmee, FL 34745  
T: 407-879-4285  
caridadacostaattorney@gmail.com  
Attorney for Petitioner

/s/ Luana M. Biagini  
Luana M. Biagini, Esq. (BBO#712260)  
Biagini Law Group LLC

1999 N. University Drive, Suite 214  
Coral Springs, FL 33071  
857-206-9801  
[luana@biaginilaw.com](mailto:luana@biaginilaw.com)  
Pro Hac Vice