

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Hermindo Bello Perez            CASE NO.: 0:26-cv-60300-AHS

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, HERMINDO BELLO PEREZ, 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 Paperless Order dated February 10, 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)(2) 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 under 8 U.S.C. §1225 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 10, 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.  
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