

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

Jorge Molina Contreras,

Petitioner,

v.

Warden, Broward Transitional Center, et al.,

Respondents.

Case No. 0:26-cv-60324-EA

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Jorge Molina Contreras, through the undersigned counsel, submits this supplemental memorandum in support of his petition for writ of habeas corpus, as ordered by the Court. The Court ordered Petitioner to submit additional briefing (ECF No. 4) by February 18, 2026, on the Court's subject matter jurisdiction under 8 U.S.C. § 1252(b)(9), 8 U.S.C. § 1252(g), and/or any other applicable statutory provision.

I. Background

Petitioner was detained by Immigration and Customs Enforcement (ICE) on January 17, 2026, he was charged with being present in the United States without being admitted or paroled, and has been detained at the Broward Transitional Center ever since. Petitioner filed a Verified Petition For Writ Of Habeas Corpus (ECF No. 1) on February 5, 2026, challenging Respondents treating him as an "alien seeking admission," whose detention is governed by Section 1225(b)(2) rather than Section 1226(a), in violation of the Immigration and Nationality Act (INA); and his mandatory detention without a bond hearing, in violation of the Due Process Clause. Petitioner

does not challenge Respondents' "decision or action [...] to commence proceedings, adjudicate [his] case[], or execute removal orders against [him]", or "an action taken [...] to remove [him] from the United States." 8 U.S.C. §§ 1252(g), 1252(b)(9).

II. Subject Matter Jurisdiction

A. 8 U.S.C. § 1252(b)(9)

Section 1252(b)(9) provides that "[j]udicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section." However, "no court shall have jurisdiction, by habeas corpus [...] or by any other provision of law [...] to review such an order or such questions of law or fact." *Id.*

Here, Petitioner has not been ordered removed and does not challenge the decision to detain him or to initiate removal proceedings against him. Petitioner is only challenging his mandatory detention without a bond hearing under Section 1225(b) of the INA. Section 1252(b)(9) "does not present a jurisdictional bar where those bringing suit are not asking for review of an order of removal, the decision to seek removal, or the process by which removability will be determined." *Ocegueda Gonzalez v. Noem*, No. 0:25-CV-62261-DMM, ECF No. 25, at *5-6 (S.D. Fla. Dec. 23, 2025), *adopted by* 0:25-cv-62261-DMM, ECF No. 28 (S.D. Fla. Jan. 15, 2026) (quoting *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1907 (2020)). In similar cases, Courts in this District have "conclude[d] that a challenge to the legality of a non-citizen's detention does not seek review of an order of removal, the decision to seek removal, or the process by which removability will be determined." *Id.* Therefore, Section 1252(b)(9) does not bar jurisdiction over Petitioner's case.

B. 8 U.S.C. § 1252(g)

Under Section 1252(g), “[f]ederal courts lack subject-matter jurisdiction over ‘any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.’” *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013) (quoting 8 U.S.C. § 1252(g)).

However, “1252(g) is not to be construed broadly as a ‘zipper’ clause applying to the full universe of deportation-related claims, but instead as applying narrowly to only the three ‘discrete’ governmental actions enumerated in that subsection.” *Wallace v. Sec’y*, No. 14-13361, 616 F. App’x 958, 960 (11th Cir. Jul 22, 2015) (citing *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 472-73 (1999)). “[O]nly claims that arise from one of the covered actions” in Section 1252(g) “are excluded from [a Court’s] review.” *Camarena v. Dir., Immigration & Customs Enforcement*, 988 F.3d 1268, 1272 (11th Cir. 2021).

Here, Petitioner is not challenging any decision or action listed under Section 1252(g), but only the legality of his detention without a bond hearing.

Conversely, in *Gupta*, the Eleventh Circuit found that the District Court lacked subject matter jurisdiction under Section 1252(g) to hear a *Bivens* action where a non-citizen claimed ICE agents had violated his rights by “wrongfully procuring a warrant for his arrest, arresting him unlawfully, [...] and wrongfully detaining him following the arrest.” *Gupta*, 709 F.3d at 164. The Circuit Court in *Gupta* did not consider whether a non-citizen’s challenge to the legality of his detention without a bond hearing is barred from judicial review under Section 1252(g). *Id.* The non-citizen claimant in *Gupta* had already been released on a bond when he brought his *Bivens* action. *Id.* Unlike in *Gupta*, Petitioner does not challenge his arrest or the decision to

arrest him; instead, he is only challenging his mandatory detention without a bond hearing, under Section 1225(b) of the INA.

Courts in this Circuit have recognized subject matter jurisdiction in cases similar to Petitioner's, where non-citizens challenged the legality of their detention without a bond hearing. *See, e.g., Boffill v. Field Office Dir.*, 25-cv-25179-JB, ECF No. 9, at *7 (S.D. Fla. Nov 20, 2025) (finding that a non-citizen's challenge of the legality of his detention is "reviewable"); *Ardon-Quiroz v. Assistant Field Dir.*, 25-cv-25290-JB, ECF No. 15, at *9 (S.D. Fla. Dec 1, 2025) (finding that Section 1252(g) did not prevent the Court from exercising jurisdiction over a non-citizen's claim challenging the legality of his detention under Section 1225(b) of the INA); *Hinojosa Garcia v. Noem*, No. 2:25-cv-879-SPC-NPM, ECF No. 18, at *4 (M.D. Fla. Oct. 31, 2025) (Section 1252(g) did not strip the District Court's jurisdiction where a non-citizen challenged his treatment as an "alien seeking admission," and distinguished from *Gupta*, where the Eleventh Circuit determined that Section 1252(g) barred a challenge to the methods the government defendants used to commence removal proceedings); *Villa v. Normand*, 5:25-cv-100, 5:25-cv-103, 5:25-cv-104, ECF No. 84, at *3, 2025 WL 3188406 (S.D. Ga. Nov 14, 2025) (the Court had jurisdiction "despite 8 U.S.C. § 1252(g)" where the non-citizen alleged unlawful detention in violation of the INA); *J.A.M. v. Streeval*, 4:25-cv-342-CDL, ECF No. 12, at *4, 2025 WL 3050094 (M.D. Ga. Nov 1, 2025) (finding that no "jurisdiction-stripping provisions appl[ied]" where a non-citizen asserted that he was entitled to a discretionary bond hearing).

C. 8 U.S.C. § 1252(a)(5)

In relevant part, Section 1252(a)(5) of the INA lists the "appropriate court of appeals" as "the sole and exclusive means for judicial review of an order of removal." Here, Petitioner has

not been ordered removed and is not challenging an order of removal. Therefore, Section 1252(a)(5) also does not strip this Court's jurisdiction in this case.

D. 8 U.S.C. § 1252(e)(3)

Section 1252(e)(3) of the INA provides the U.S. District Court for the District of Columbia with exclusive authority to review challenges to regulations and policies issued to implement 8 U.S.C. § 1225(b). 8 U.S.C. § 1252(e)(3). However, Petitioner is not challenging the constitutionality of section 1225. Instead, Petitioner only asserts that section 1225(b) does not apply to a non-citizen in his circumstances, and he is eligible for release on bond under section 1226(a).

III. Conclusion

For the foregoing reasons, the jurisdiction-stripping provisions in Section 1252 of the INA do not apply in this case and this Court has subject matter jurisdiction over Petitioner's claims.

DATED: February 18, 2026

Respectfully submitted,

/s/ Rolando Grillo

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CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing was electronically filed with the CM/ECF e-Filing Portal on February 18, 2026.

By: /s/ Rolando Grillo
Rolando Grillo, Esq.