

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

JORGE CONTRERAS,

*Petitioner,*

v.

KRISTI NOEM, *et al.*,

*Respondents.*

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**RESPONSE TO ORDER TO SHOW CAUSE REGARDING JURISDICTION**

Per the Court's order [DE 4] requesting briefing on the issue of jurisdiction, Respondents advise as follows:

1. In its order, the Court identified a potential jurisdictional impediment to its resolution of the Petition [DE 1], in which Petitioner challenges his mandatory detention under 8 U.S.C. § 1225(b)(2), arguing instead that his detention is governed by Section 1226 and he is therefore entitled to an individualized bond hearing.<sup>1</sup>

2. On February 18, Petitioner filed his memorandum in compliance with the Court's order, in which he argues the Court possesses subject matter jurisdiction, notwithstanding the jurisdiction-stripping provisions at 8 U.S.C. §§ 1252(b)(9) and 1252(g). DE 5.

3. However, the following day, this Court issued its decision in *Mokanu v. Warden Miami Fed. Det. Ctr.*, No. 1:25-CV-24121-EA, 2026 WL 472294 (S.D. Fla. Feb. 19, 2026), in

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<sup>1</sup> In other words, the Petition presents the same legal question that the Fifth Circuit—the first court of appeals to address the question on the merits—resolved on Feb. 6, 2026 via its decision in *Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330 (5th Cir. Feb. 6, 2026).

which the Court: (a) determined that 8 U.S.C. § 1252(g) “deprive[d] this Court of subject matter jurisdiction over” a substantially similar habeas petition. *Id.* at \*5.

4. Nevertheless, for completeness—should it have reached the merits on whether Section 1225(b)(2) or Section 1226(a) applies to aliens in the same factual and procedural position as Petitioner here—the Court, relying in part on *Buenrostro-Mendez*, concluded that the *Monaku* petitioner was subject to mandatory detention under Section 1225. *Id.* at \*6.

5. This Court’s decision in *Mokanu* would likewise control the result here, as the underlying facts are not materially different and Respondents’ arguments (substantive and jurisdictional) remain the same.

6. Thus, in the interest of efficiency—in light of the unprecedented volume of habeas petitions, to expedite the Court’s consideration of this Petition, and to conserve both party and judicial resources—Respondents incorporate by reference their jurisdictional and merits-based arguments as presented in *Monaku*, and respectfully suggest the Court is positioned to rule on the Petition without further briefing or a hearing.<sup>2</sup>

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Respondents submit the Court’s decision in *Monaku* controls the disposition of the Petition, and that it should therefore be dismissed for lack of subject matter jurisdiction.

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<sup>2</sup> If the Court would prefer a fulsome jurisdictional brief specific to this case, or a formal habeas return specific to this Petitioner, Respondents will provide those upon request, notwithstanding their suggestion that neither is necessary or particularly helpful given the Court’s decision in *Monaku*, which would be dispositive here.

Respectfully submitted,

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