

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

Jorge Molina Contreras,

Petitioner,

v.

Warden, Broward Transitional Center, et al.,

Respondents.

REPLY TO RESPONDENTS' RETURN REGARDING JURISDICTION

Petitioner, Jorge Molina Contreras, through the undersigned counsel submits this reply to Respondents' response (Dkt. No. 7) regarding jurisdiction:

Respondents argue that the Court lacks subject matter jurisdiction over the petition under 8 U.S.C. § 1252(g), following the Court's decision in *Mokanu v. Warden Miami Fed. Det. Ctr.*, No. 1:25-CV-24121-EA, 2026 WL 472294, 2026 U.S. Dist. LEXIS 33834 (S.D. Fla. Feb. 19, 2026). However, Petitioner's case is distinguishable from *Mokanu*, where a noncitizen sought a writ ordering "Respondents to bring the Petitioner to Court and show cause why he should not be immediately released on a reasonable bond." *Mokanu*, 2026 U.S. Dist. LEXIS 33834, at *4 (internal quotation marks omitted). Here, Petitioner challenges his detention without a bond hearing as it violates the Immigration and Nationality Act (INA), and seeks a writ ordering his release, or in the alternative a bond hearing pursuant to 8 U.S.C. § 1226(a). Dkt. No. 1 at *13.

Moreover, the Eleventh Circuit recently held that "[a]lthough 8 U.S.C. § 1252(g) is a jurisdiction-stripping provision, [the Court] continue[s] to have jurisdiction to address the main

legal question presented here—whether the petitioner[] [is] detained pursuant to § 1225(a) or § 1226(a).” *Labrada-Hechavarria v. United States Attorney Gen.*, Nos. 23-13664, 24-10645, 2026 U.S. App. LEXIS 5318, at *5-6 (11th Cir. Feb. 23, 2026).

As a result, Petitioner submits that 8 U.S.C. § 1252(g) does not strip the Court of jurisdiction to hear Petitioner’s challenge to his detention without a bond hearing in violation of the INA and the Due Process Clause.

DATED: March 4, 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 March 4, 2026.

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