

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

JUAN BRITO SAJIC,

Civil Action No. 26-60341-CIV-SINGHAL

Petitioner,

v.

MARCOS CHARLES, Immigration and Customs
Enforcement (ICE) Enforcement and Removal
Operations (ERO) Acting Executive Associate
Director.

JUAN AGUDELO, Interim Miami Field Office Director.

CHARLES WALL, Principal Legal Advisor for ICE's
Office of the Principal Legal Advisor.

PAMELA BONDI, U.S. Attorney General,

KRISTI NOEM, U.S. Secretary of the Department
of Homeland Security,

TODD M. LYONS, Senior Official Performing the
Duties of the Director of US Immigration and
Customs Enforcement.

JOHN DOE, Warder of the Broward

Respondents.

***SUPPLEMENTAL AUTHORITY IN SUPPORT OF PETITIONER'S
HABEAS PETITION***

COMES NOW, Petitioner JUAN BRITO SAJIC, by and through the undersigned counsel, respectfully submits this Notice of *Supplemental* Authority in further support of his Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241.

I. INTRODUCTION

Respondents' Response to the Order to Show Cause relies heavily on *Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026), to argue that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

However, *Buenrostro-Mendez* is not binding authority in the Eleventh Circuit. Moreover, as Respondents themselves acknowledge, the clear weight of authority within the Southern District of Florida has concluded that § 1226(a)—not § 1225(b)(2)—governs the detention of noncitizens who, like Petitioner, entered without inspection and have resided in the United States for years before being placed in removal proceedings.

Enclosed as **Exhibit 1** are copies of recent Southern and Middle District of Florida orders issued after *Buenrostro-Mendez* reaffirming that § 1226(a) governs detention in cases such as this.

II. BUENROSTRO-MENDEZ IS NOT BINDING IN THE ELEVENTH CIRCUIT

Respondents' primary authority, *Buenrostro-Mendez*, is a Fifth Circuit decision. It is not binding on this Court.

In the absence of controlling Eleventh Circuit precedent, this Court remains free to adopt the interpretation it finds most consistent with the text, structure, and purpose of the statute.

Notably, several courts within this District have expressly declined to follow the Fifth Circuit's interpretation and instead have concluded that § 1226(a) governs detention in cases like Petitioner's.

Until the Eleventh Circuit resolves this issue, this Court should continue to follow the weight of authority within this District.

II.A. EVEN WITHIN THE FIFTH CIRCUIT AND AFTER BUENOSTRO, DISTRICT COURTS CONTINUE TO GRANT HABEAS RELIEF

Even within the Fifth Circuit — including courts in the Southern District of Texas — district courts have continued to reject the Government's mandatory detention theory under § 1225(b)(2) after *Buenrostro-Mendez*.

In *Cruz-Reyes v. Bondi*, Civil Action No. 5:26-CV-60 (S.D. Tex. Feb. 3, 2026), the court granted habeas relief and ordered the petitioner's immediate release from custody. The court held that § 1225(b)(2) did not lawfully apply to a long-term resident apprehended in the interior of the United States and concluded that detention under that provision was unlawful. The court further ordered Respondents to release the petitioner immediately.

This decision confirms that, even within the Fifth Circuit and after *Buenrostro*, district courts continue to independently analyze the statutory detention framework and reject the Government's expanded reading of § 1225(b)(2). *See Exhibit 2.*

III. THE CLEAR WEIGHT OF AUTHORITY WITHIN THE SOUTHERN DISTRICT OF FLORIDA HOLDS THAT § 1226(a), NOT § 1225(b)(2), GOVERNS DETENTION IN CASES LIKE PETITIONER'S

In their Response, Respondents concede that multiple judges within this District have rejected the precise argument advanced by the Respondents and have held that detention of similarly situated petitioners is governed by § 1226(a).

Those decisions include, among others:

- *Aguilar Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025);
- *Gil-Paulino v. Sec'y of DHS*, 25-24292-CIV-WILLIAMS (S.D. Fla. Oct. 10, 2025);
- *Alvarez Puga v. Assistant Field Office Director Krome*, No. 25-24535-CIV-ALTONAGA;
- *Zamora Policarpo v. Parra*, Case No. 25-25236-CIV-COHN;
- *Penagos Quintero v. Ripa*, Case No. 25-25746-CIV-BECERRA;
- *Martinez v. Field Office Director*, No. 25-26026-CIV-LEIBOWITZ;
- *Espinal Encarnacion v. ICE Field Office Director*, No. 25-61898-CIV-DAMIAN;
- *Fuentes Granados v. Secretary of Homeland Security*, Case No. 26-60020-CIV-SMITH.

In each of these cases, courts held that noncitizens who entered without inspection but were later arrested in the interior and placed in § 1229a removal proceedings are detained under § 1226(a), not § 1225(b)(2), and are; therefore, entitled to an individualized bond hearing.

The government's reliance on a narrow out-of-circuit non-binding case does not alter the fact that the prevailing interpretation within this District favors Petitioner's position.

IV. THE FINAL JUDGMENT IN *MALDONADO* AND RELATED CLASS ACTION NOTICES FURTHER CONFIRM THE SYSTEMIC NATURE OF THE ISSUE

The systemic nature of this detention-classification dispute is further illustrated by the final judgment entered in *Maldonado v.*, attached as **Exhibit 3**.

In *Maldonado*, the Court addressed the government's detention classification practices under § 1225(b) and recognized the significant liberty implications of denying bond hearings based on that statutory classification.

The existence of that litigation and final judgment underscores that the legal question presented here is not isolated to Petitioner but reflects an ongoing and substantial dispute regarding DHS's interpretation and application of § 1225(b) to individuals placed in § 1229a removal proceedings.

This Court should consider that Respondents' position in this case arises within that broader legal landscape.

V. JURISDICTION IS PROPER AND EXHAUSTION IS NOT REQUIRED

Petitioner does not challenge the commencement of removal proceedings or any removal order. Rather, he challenges only the statutory basis for his detention and the denial of a bond hearing.

Courts have consistently held that such challenges are cognizable under 28 U.S.C. § 2241 and are not barred by 8 U.S.C. § 1252(g) or § 1252(b)(9).

Further, because the issue presented is purely one of statutory interpretation, and because Immigration Judges and the BIA lack authority to disregard DHS's classification under § 1225(b)(2), exhaustion would be futile and is not required.

VI. CIVIL IMMIGRATION DETENTION IS SUBJECT TO FIFTH AMENDMENT LIMITATIONS

The Fifth Amendment prohibits the deprivation of liberty without due process of law. U.S. Const. amend. V.

Immigration detention is civil in nature and not punitive. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Because it is civil, continued detention must bear a reasonable relationship to its regulatory purpose—namely, ensuring appearance at proceedings and protecting the community.

Where detention ceases to serve these limited regulatory purposes, continued custody becomes constitutionally suspect. *Id.* at 690–91. The Supreme Court has repeatedly emphasized that freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.

Here, Petitioner has resided in the United States for many years and is detained without an individualized bond hearing. The categorical denial of bond based solely on statutory classification under § 1225(b)(2) raises serious constitutional concerns where no individualized assessment of flight risk or danger has been made.

Even if this Court were to accept Respondents' statutory interpretation, continued detention without a meaningful opportunity to seek release would require constitutional scrutiny under the Fifth Amendment.

VII. THE GOVERNMENT BEARS THE BURDEN OF JUSTIFYING CONTINUED DETENTION

Where physical liberty is at stake in a civil context, due process requires that the Government—not the detained individual—justify continued custody.

The Supreme Court has recognized that civil detention demands heightened procedural safeguards. See *Addington v. Texas*, 441 U.S. 418, 425–33 (1979). In analogous immigration detention contexts, courts have required the Government to demonstrate by clear and convincing evidence that continued detention is necessary to prevent flight or danger to the community.

Due process also requires consideration of less restrictive alternatives to detention, particularly where strong family support, financial sponsorship, and community supervision are available.

Absent an individualized hearing at which the Government bears the burden of proof, continued detention violates fundamental principles of due process.

Accordingly, even apart from the statutory question presented, the Constitution requires that Petitioner be afforded a prompt and meaningful bond hearing.

VIII. CONCLUSION

For the foregoing reasons, and in light of the clear weight of authority within this District holding that § 1226(a) governs detention of individuals in Petitioner's position, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus; and
2. Order Respondents to provide Petitioner with a prompt, individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a).

Dated: March 3, 2026

Respectfully submitted,

/s/ Magdalena E. Cuprys

Magdalena E. Cuprys

Serving Immigrants

2100 W. Flagler Street,

Miami, FL 33135

(305) 322-6164

info@majorcaselawgroup.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via the CM/ECF portal on this 3 day of March, 2026.

Respectfully submitted,

/s/ Magdalena E. Cuprys

Magdalena E. Cuprys

Serving Immigrants

2100 W. Flagler Street,

Miami, FL 33135

(305) 322-6164

info@majorcaselawgroup.com