

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 26-CV-20968-SMITH

BRAULIO ANASTACIO VASQUEZ MELGAR,

Petitioner

v.

PAM BONDI, *et al.*,

Respondents.

RESPONDENTS' RETURN AND RESPONSE TO ORDER TO SHOW CAUSE

Pam Bondi, in her official capacity as Attorney General of the United States¹, *et. al.* (“Respondents”), through the undersigned Assistant United States Attorney, hereby file their Return and Response the Court’s Order to Show Cause [D.E. 6]. The Court should dismiss the Petition and close this case. Petitioner is in expedited removal proceedings, and his detention is lawful.

I. FACTUAL BACKGROUND

The petitioner, Braulio Anastacio Vasquez Melgar (Petitioner), is a native and citizen of Guatemala. *See* Exh. A, Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213), dated December 8, 2024. On or about December 8, 2024, Customs and Border Protection (CBP) encountered the Petitioner after he unlawfully entered the United States near Otay Mesa,

¹ A writ of habeas corpus must “be directed to the person having custody of the person detained.” *See* 28 U.S.C. § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that “the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.” *Id.* at 439. As Petitioner is currently detained at Krome North Service Processing Center (“Krome”), a detention facility in Miami, Florida, the immediate custodian in charge of Krome is Assistant Field Director (“AFOD”) Charles Parra. Accordingly, the only proper respondent in this case is AFOD Parra, in his official capacity.

California, from Mexico without being admitted or inspected. *See* Exh. A, Form I-213, dated December 8, 2024. After determining the Petitioner had unlawfully entered the United States, he was taken into CBP custody. *See* Exh. A, Form I-213, dated December 8, 2024. On December 8, 2024, CBP determined that pursuant to INA § 235(b)(1), Petitioner was inadmissible and placed in expedited removal proceedings. *See* Ex. B, Form I-860, Notice and Order of Expedited Removal, dated December 8, 2024; *see also* Exh. C, Form I-296, Notice to Alien Ordered Removed, dated December 8, 2024.

On or about December 12, 2024, Petitioner was transferred to Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) custody. *See* Exh. D, Detention History. On or about December 17, 2024, Petitioner claimed fear of returning to Guatemala and was afforded an interview with USCIS. *See* Exh. E, Declaration. On January 6, 2025, Petitioner had a credible fear interview which resulted in a positive credible fear finding. *See* Exh. E, Declaration. On January 21, 2025, Petitioner was enrolled in an alternative to detention (ATD) program and released with an interim parole. *See* Exh. F, Form I-286, Notice of Custody Determination, dated January 20, 2025; *see also* Exh. D, Detention History.

On January 27, 2025, U.S. Department of Homeland Security (DHS) filed the Notice to Appear (NTA) with the Executive Office for Immigration Review (EOIR), charging the Petitioner with inadmissibility under INA §§ 212(a)(7)(A)(i)(I) and 212(a)(6)(A)(i). *See* Exh. G, Form I-862, Notice to Appear, dated January 6, 2026. On October 24, 2025, ICE ERO re-arrested the Petitioner and placed him in holding at the ICE ERO Miramar Office. *See* Exh. H, Form I-213, dated October 24, 2025; *see also* Exh. I, Form I-200, Warrant for Arrest of Alien, dated October 24, 2025; *see also* Exh. E, Declaration.

On December 8, 2025, Petitioner requested a custody hearing and on December 15, 2025, the Immigration Judge issued an order stating, “no action”. *See* Exh. J, Immigration Judge Order, dated December 15, 2025.

Petitioner is currently detained at Miami Federal Detention Center. *See* Exh. D, Detention History. His next master calendar hearing is scheduled for March 17, 2026, before the Krome Immigration Court. *See* Exh. K, Notice of Hearing, dated January 21, 2026.

III. ARGUMENT

Petitioner is an “applicant for admission” under § 1225(a)(1), and as such is not entitled to any procedures beyond those prescribed by the expedited removal statute, which have been followed. Under the expedited removal statute, in the event that an immigration officer determines that an alien is inadmissible, the officer shall order the alien removed from the United States without further hearing or review, stripping the court of jurisdiction over the writ of habeas corpus. *See* 8 U.S.C. § 1225(b)(1)(A)(i). Petitioner’s due process rights have not been violated, and granting his release is not authorized or warranted under applicable law.

Expedited removal orders issued pursuant to 8 U.S.C. §1225(b)(1) are not subject to judicial review except in very limited circumstances. *See* 8 U.S.C. §1252(a)(2)(A), (e). These circumstances are: 1) whether the petitioner is an alien; 2) whether the petitioner was ordered removed; and 3) whether the respondent is a lawful permanent resident or refugee. 8 U.S.C. §1252(a)(2)(e); *see also Garcia de Rincon v. Dep’t of Homeland Sec.*, 539 F.3d 1133, 1140 (9th Cir. 2008) (acknowledging the Court’s limited habeas jurisdiction to the three enumerated circumstances); *Shunaula v. Holder*, 732 F.3d 143, 145–47 (2d Cir. 2013) (§ 1252(a)(2)(A) and (e) bar judicial review of expedited removal order); *Khan v. Holder*, 608 F.3d 325, 329–30 (7th Cir. 2010) (acknowledging the “limited exceptions to the jurisdictional bar” of §1252(e)). Here,

Petitioner fails to establish that he is not subject to the expedited removal process, where he is a national of Guatemala and was ordered removed under the expedited removal statute.

A. Petitioner is a Lawfully Detained as an Applicant for Admission who was not Admitted or Paroled after Inspection by an Immigration Officer Under 8 U.S.C. § 1225(b)(1)(B)(ii).

Applicants for admission who were intercepted at entry can be subject to an expeditious process to remove them from the United States under 8 U.S.C. § 1225(b)(1). Under this process—known as expedited removal—applicants for admission arriving in the United States (as designated by the Secretary of Homeland Security) who entered illegally and lack valid entry documentation or make material misrepresentations shall be “order[ed] . . . removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum under [8 U.S.C. § 1158] or a fear of persecution.” 8 U.S.C. § 1225(b)(1)(A)(i).

To qualify for expedited removal, an alien must either lack entry documentation or seek admission through fraud or misrepresentation. INA § 235(b)(1)(A)(i), 8 U.S.C. § 1225(b)(1)(A)(i) (referring to § 212(a)(6)(C), (a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7). In addition, the alien must either be “arriving in the United States” or within a class that the Secretary of Homeland Security (“Secretary”) has designated for expedited removal. The Secretary may designate “any or all aliens” who have “not been admitted or paroled into the United States” and also have not “been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility.” *Id.* § 235(b)(1)(A)(iii), 8 U.S.C. § 1225(b)(1)(A)(iii). At the relevant time, the Secretary (and previously the Attorney General) have designated only subsets of that class. *See* Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act, 67 Fed. Reg. 68,924 (Nov. 13, 2002);

Designating Aliens for Expedited Removal, 69 Fed. Reg. 48,877 (Aug. 11, 2004) (“2004 Designation”).

Here, Petitioner is within the designated group of aliens who (i) “are physically present in the U.S. without having been admitted or paroled,” (ii) “are encountered by an immigration officer within 100 air miles of any U.S. international land border,” and (iii) cannot establish “that they have been physically present in the U.S. continuously for the 14-day period immediately prior to the date of encounter.” 2004 Designation, 69 Fed. Reg. at 48,880. For an alien originally placed in expedited proceedings, the removal process varies depending upon whether the alien indicates either “an intention to apply for asylum” or “a fear of persecution or torture.” 8 C.F.R. §§ 235.3(b)(4), 1235.3(b)(4)(1); *see* INA § 235(b)(1)(A)(ii). If the alien does not so indicate, the inspecting officer “shall order the alien removed from the United States without further hearing or review.” INA § 235(b)(1)(A)(i). If the alien does so indicate, however, the officer “shall refer the alien for an interview by an asylum officer.” *Id.* § 235(b)(1)(A)(ii). That officer assesses whether the alien has a “credible fear of persecution or torture,” 8 C.F.R. § 208.30(d)—in other words, whether there is a “significant possibility” that the alien is eligible for “asylum under section 208 of the Act,” “withholding of removal under section 241(b)(3) of the Act,” or withholding or deferral of removal under the Convention Against Torture (“CAT”), 8 C.F.R. § 208.30(e)(2)–(3). If the alien does not establish a credible fear, the asylum officer “shall order the alien removed from the United States without further hearing or review.” INA § 235(b)(1)(B)(iii)(I). But if the alien does establish such a fear, he is entitled to “further consideration of the application for asylum.” *Id.* § 235(b)(1)(B)(ii). By regulation, that “further consideration” takes the form of full removal proceedings under section 240 of the Act. 8 C.F.R. §§ 208.30(f), 1208.30(g)(2)(iv)(B).

Thus, if an alien originally placed in expedited removal establishes a credible fear, he receives a full hearing before an immigration judge.

Section 235 of the Act expressly provides for the detention of aliens originally placed in expedited removal. Such aliens “shall be detained pending a final determination of credible fear.” INA § 235(b)(1)(B)(iii)(IV). Aliens found not to have a credible fear “shall be detained . . . until removed.” *Id.* Aliens found to have such a fear, however, “shall be detained for further consideration of the application for asylum.” *Id.* § 235(b)(1)(B)(ii). Like all aliens applying for admission, however, aliens detained for further consideration of an asylum claim may generally be “parole[d] into the United States . . . for urgent humanitarian reasons or significant public benefit.” *Id.* § 212(d)(5)(A). Accordingly, the Act’s implementing regulations note that while aliens in expedited proceedings will be detained, if an alien establishes a credible fear, “[p]arole . . . may be considered . . . in accordance with section 212(d)(5) of the Act and [8 C.F.R.] § 212.5.” 8 C.F.R. § 208.30(f).

The Supreme Court in *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018) reviewed the expedited removal statute in 2018 following arguments by aliens detained under the Immigration and Nationality Act – including aliens, such as Petitioner, transferred from expedited to full proceedings after establishing a credible fear—that the statute did not permit their “prolonged detention in the absence of . . . individualized bond hearing[s].” 138 S. Ct. at 839 (internal quotation marks omitted). In reviewing the detention authority, the *Jennings* court noted that an alien who “arrives in the United States,” or “is present” in the country, but who “has not been admitted” is treated as “an applicant for admission.” *See Jennings v. Rodriguez*, 138 S. Ct. 830, 836 (2018) (quoting 8 U.S.C. § 1225). The *Jennings* court rejected Petitioner’s argument that once applicants for admission under the expedited removal statute are issued Notices to Appear, Section

236(a), 8 U.S.C. § 1226(a) of the INA applies, and aliens would be eligible for bond hearings. The Court rejected that argument as “incompatible with the rest of the statute.” *Id.* If the class were right about when sections 1225 and 1226 apply, “then the Government could detain an alien without a warrant at the border, but once removal proceedings began, the [Secretary] would have to issue an arrest warrant in order to continue detaining the alien.” *Id.* But “that makes little sense.” In evaluating whether transferred aliens are eligible for bond, the Court considered section 212(d)(5)(A)’s parole exception, noting that it is a mechanism for release from detention under the expedited removal statute. The Court held that the Act renders aliens transferred from expedited to full proceedings after establishing a credible fear ineligible for bond.

Petitioner’s arrival near the border with Mexico near Otay Mesa, California without being admitted or inspected classifies him as an applicant for admission. Petitioner is detained as an applicant for admission under 8 U.S.C. § 1225(b)(1)(B)(ii) because he is not a citizen of the United States, is a native and citizen of Guatemala, and sought entry without valid entry documents. *See* 8 U.S.C. §§ 1182(a)(7)(A)(i)(I); (a)(6)(A)(i). He is subject to the expedited removal statute under 8 U.S.C. § 235.3(b)(1)(ii) (referring to aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled following inspection by an immigration officer that they have been physically present in the United States for the 2-year period immediately prior to the date of determination of inadmissibility). Petitioner is within the designated group of aliens who (i) “are physically present in the U.S. without having been admitted or paroled,” (ii) “are encountered by an immigration officer within 100 air miles of any U.S. international land border,” and (iii) cannot establish “that they have been physically present in the U.S. continuously for the 14-day period immediately prior to the date of encounter.” 2004 Designation, 69 Fed. Reg. at 48,880. *see also Matter of M-S-*, 271 I. & N. Dec. 509, 511 (BIA

2019). Notably, while an applicant for admission subject to the expedited removal statute is subject to detention, he may be eligible for parole “for urgent humanitarian reasons or significant public benefit;” his detention is otherwise mandatory, and the alien cannot be released on bond. *Matter of M-S-*, 271 I. & N. Dec. at 512, 517-18.

B. Due Process Does Not Require Petitioner’s Release.

Petitioner claims that his detention violates due process and therefore he should be released. However, as set forth above, detention of an alien subject to the expedited removal statute while his asylum application is being adjudicated is statutorily mandated, even if an asylum officer determines the alien has a credible fear of persecution. *See* 8 U.S.C. § 1225(b)(1)(B)(ii); *Jennings*, 138 S.Ct. at 842 (finding the “clear language” of section 1225(b)(1) mandates detention of aliens claiming a credible fear of persecution); *D.A.V.V. v. Warden, Irwin Cnty. Detention Ctr.*, 2020 WL 13240240, at *4 (M.D. Ga. Dec. 7, 2020) (Order and Report and Recommendation) (same). In *Jennings*, 138 S Ct. at 842, the Supreme Court held that 8 U.S.C. § 1225(b) unambiguously mandates detention through the pendency and conclusion of removal proceedings, regardless of their duration, and that the statute authorizes release only through ICE’s discretionary parole authority. *Id.* at 843-45. The plain language of 8 U.S.C. § 1225(b) imposes detention without a bond hearing—during the whole of removal proceedings—for *all* applicants of admission. *Id.* at 844. *See* 8 U.S.C. §§ 1225(b)(1)(B)(ii), (b)(1)(B)(iii)(IV)(establishing separate mandatory detention provision for arriving aliens applying for asylum); *see also* 8 U.S.C. § 1225(b)(2)(A) (“[I]f the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.”).

In reaching its decision in *Jennings*, the Supreme Court rejected the Ninth Circuit’s application of the canon of constitutional avoidance to construe an implicit 6-month time limit on detention under 8 U.S.C. §§ 1225 and 1226. *Id.* The Supreme Court noted that “[t]he canon of constitutional avoidance ‘comes into play only when, after the application of ordinary textual analysis the statute is found to be susceptible of more than one construction.’” *Id.* at 842 (citation omitted). The Court further held that

[r]ead most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded. Section 1225(b)(1) aliens are detained for “further consideration of the application for asylum,” and §1225(b)(2) aliens are in turn detained for “[removal] proceeding[s].” Once those proceedings end, detention under § 1225(b) must end as well. Until that point, however, nothing in the statutory text imposes any limit on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings.

Id.

After *Jennings*, the Supreme Court addressed aliens’ due process rights in the context of the expedited removal statute in *Thuraissigiam v. U.S. Dep’t of Homeland Sec.*, 591 U.S. 103, 140 S. Ct. 1959 (2020). *Thuraissigiam* entered the United States without permission and immigration authorities apprehended him twenty-five yards from the border. *Id.* at 1967. He was placed in expedited removal proceedings, and he claimed asylum. *Id.* An asylum officer found that *Thuraissigiam* failed to demonstrate a credible fear of persecution and an immigration judge affirmed. *Id.* at 1968. Following a hearing, he was subject to expedited removal. *Id.* Thereafter, *Thuraissigiam* filed a habeas petition asserting a fear of persecution and requesting a second opportunity to apply for asylum, which could result in his placement in a formal removal proceeding. *Id.* The district court dismissed for lack of jurisdiction under 8 U.S.C. §§ 1252(a)(2) and (c)(2). *Id.* The Ninth Circuit reversed, holding that such an application of these statutes violated the Suspension Clause. *Id.*; *Thuraissigiam v. U.S. Dep’t of Homeland Sec.*, 917 F.3d 1097, 1113-

1119 (9th Cir. 2019). In a footnote, however, the Ninth Circuit also “disagree[d] with the government's contention ... that a person like [petitioner] lacks all procedural due process rights.” *Id.* at 1111 n.15 (citations omitted).

The Supreme Court reversed the Ninth Circuit, holding the application of §§ 1252(a)(2) and (e)(2) to foreclose jurisdiction did not violate the Suspension Clause. *Thuraissigiam*, 140 S. Ct. at 1968-81. While *Thuraissigiam* did not principally feature prolonged detention claims, the majority opinion, relying on years of Supreme Court precedent, reiterated the boundaries of due process claims available to arriving aliens and applicants for admission. *Id.* at 1981-1983. Specifically, the Supreme Court stated that the Ninth Circuit’s

holding [as to due process] is contrary to more than a century of precedent ... that as to “foreigners who have never been naturalized, nor acquired any domicile or residence within the United States, nor even been admitted into the country pursuant to law,” “the decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.”

Id. at 1982 (quoting *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892)). The Court explained that extending due process rights to “an alien who tries to enter the country illegally” would “undermine the ‘sovereign prerogative’ of governing admission to this country and create a perverse incentive to enter at an unlawful rather than a lawful location.” *Id.* at 1982-1983 (citation omitted). Accordingly, the Court declined to extend due process rights to arriving aliens beyond those provided for by statute. *Id.* at 1983.

Here, Petitioner, like *Thuraissigiam*, is an applicant for admission who has not been admitted or paroled after inspection by an immigration officer. Therefore, for purposes of this analysis, he is not considered to have been admitted into the country. Accordingly, in line with Supreme Court precedent, Petitioner is only entitled to due process as set forth in the Immigration

and Nationality Act (NA). The INA provides for relief from detention under the parole procedure set forth in 8 U.S.C. § 1182(d)(5)(A). *See* 8 U.S.C. § 1182(d)(5)(A); see also 8 C.F.R. §§ 212.5(b); 235.3. Specifically, the applicable regulation states that parole for applicants for admission with pending asylum applications, such as Petitioner, “would generally be justified only on a case-by-case basis for urgent humanitarian reasons or significant public benefit, providing the aliens present neither a security risk not a risk for absconding:

- (1) Aliens who have serious medical conditions in which continued detention would not be appropriate;
- (2) Women who have been medically certified as pregnant;
- (3) Aliens who are defined as minors in § 236.3(b) of this chapter and are in DHS custody. The Executive Assistant Director, Enforcement and Removal Operations; directors of field operations; field office directors, deputy field office directors; or chief patrol agents shall follow the guidelines set forth in § 236.3(j) of this chapter and paragraphs (b)(3)(i) through (ii) of this section in determining under what conditions a minor should be paroled from detention:
 - (i) Minors may be released to a parent, legal guardian, or adult relative (brother, sister, aunt, uncle, or grandparent) not in detention.
 - (ii) Minors may be released with an accompanying parent or legal guardian who is in detention.
 - (iii) If the Service cannot locate a relative in or out of detention to sponsor the minor, but the minor has identified a non-relative in detention who accompanied him or her on arrival, the question of releasing the minor and the accompanying non-relative adult shall be addressed on a case-by-case basis;
- (4) Aliens who will be witnesses in proceedings being, or to be, conducted by judicial, administrative, or legislative bodies in the United States; or
- (5) Aliens whose continued detention is not in the public interest as determined by those officials identified in paragraph (a) of this section.

See 8 C.F.R. §§ 212.5(b). Parole decisions are an integral part of the admissions process and inadmissible aliens cannot challenge such decisions as a matter of constitutional right. *See Fernandez-Roque v. Smith*, 734 F.2d 576, 582 (11th Cir. 1984); *Jean v. Nelson*, 727 F.2d 957, 966, 972 (11th Cir. 1984), *aff'd*, 472 U.S. 846 (1985); *Alvarez-Mendez v. Stock*, 941 F.2d 956, 963 (9th Cir. 1991). Parole, as noted by the First Circuit, was conceived of by Congress as

an indulgence to be granted only occasionally, in the case of rare and exigent circumstances, and only when it would plainly serve the public interest. The historical

record admits of no doubt on this score. One can argue the wisdom of such a tight-fisted choice, or whether it comports with accepted notions of the American ideal. But, in what is demonstrably something less than the best of all possible worlds, it cannot reasonably be argued but that the Congress has sown the seeds of the parole authority in such a scanty way as to plant a decidedly austere garden.

Amanullah v. Nelson, 811 F.2d 1, 6 (1st Cir. 1987). In fact, parole determinations normally take account of the possibility that an inadmissible alien may abscond to avoid being returned to his or her home country.” *Jeanty*, 204 F.Supp.2d at 1382 (citing *Garcia-Mir*, 776 F.2d at 1485; *Bertrand v. Sava*, 684 F.2d 204, 214 – 218 (2nd Cir. 1982)). Accordingly, for these reasons, Petitioner’s Due Process claim fails. *See, e.g. D.A.V.V.*, 2020 WL 13240240, at *4-*6 (recommending denial of Petitioner’s due process claims because arriving aliens have no procedural due process rights beyond the parole procedure set forth in the INA) (citing *Thuraissigiam*, 140 S. Ct. at 1982-83) (additional citations omitted)); *Petgrave v. Aleman*, 529 F.Supp.3d 665, 676 (S.D. Tex. Mar. 29, 2021) (discussing *Thuraissigiam* and denying habeas claims of arriving alien challenging continued detention without a bond hearing because “when a noncitizen attempts to unlawfully cross the borders as Petitioner did, his constitutional right to due process does not extend beyond the rights provided by statute”); *Gonzalez Garcia v. Rosen*, 513 F.Supp.3d 329, 331 332-336 (W.D.N.Y. Jan. 13, 2021) (denying habeas claims challenging detention without a bond hearing of arriving alien who was found to have a credible fear of persecution and was detained for further immigration proceedings) (citing *Thuraissigiam*, 140 S. Ct. at 1982-83) (additional citations omitted)).

Even if the Court concludes that Petitioner, as an applicant for admission, can invoke the Due Process Clause, he cannot establish that his detention violates the Constitution. Petitioner has been detained for approximately four (4) months, pending the completion of the removal proceedings, and the next hearing is to take place March 17, 2026. *See, e.g. O.D. v. Warden*,

Stewart Detention Ctr., 2021 WL 5413968 at *4-5 (M.D. Ga. Jan. 14, 2021) (Report and Recommendation), adopted by, 2021 WL 5413966 (M.D. Ga. Apr. 1, 2021) (denying habeas relief to § 1226(c) petitioner who had been detained for nineteen months); *Sigal v. Searls*, 2018 WL 5831326 at *5, 9 (W.D.N.Y. Nov. 7, 2018) (denying habeas relief to petitioner detained for seventeen months after “tak[ing] into account all of the factual circumstances”); *see also Hylton v. Shanahan*, No., 2015 WL 3604328, at *6 (S.D.N.Y. June 9, 2015) (detention without bail for roughly two years did not violate due process); *Luna-Aponte v. Holder*, 143 F. Supp. 2d 189, 197 (W.D.N.Y. 2010) (three years); *See Exhibit E, Declaration.*

Petitioner has not submitted evidence that ICE detained him for any purpose other than resolution of his removal proceedings. In fact, Petitioner’s removal proceedings have only been in process for four (4) months and are following the natural course of immigration proceedings.

In sum, Petitioner has been detained pending removal and the completion of proceedings to adjudicate his application for relief. The detention “necessarily serves” the legitimate immigration purposes of “preventing * * * aliens from fleeing prior to or during their removal proceedings” and of “increasing the chance that, if ordered removed, the aliens will be successfully removed.” *Demore*, 538 U.S. at 528. And Petitioner’s detention is limited, not indefinite or potentially permanent, because it will end when the removal proceedings conclude. *See id.* at 529. Petitioner’s detention accordingly comports with the Constitution. *Id.* at 531.

IV. CONCLUSION

For the reasons stated above, Petitioner’s detention is lawful. The Court must dismiss the Petition and close this case.

Dated: February 19, 2026.

Respectfully submitted,

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