

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

Luis Francisco LACAYO DELGADILLO,

Petitioner,

– against –

Warden, Krome North Service Processing Center;  
Garrett Ripa, Director of the Miami Field Office of  
Immigration and Customs Enforcement; Todd M.  
Lyons, Acting Director, U.S. Immigration and Customs  
Enforcement; Kristi Noem, Secretary of the  
Department of Homeland Security; Pamela Bondi,  
Attorney General,

Respondents.

No. 26-cv-20982

Alien No. A



**PETITIONER'S REPLY TO RESPONDENT'S  
RESPONSE TO ORDER TO SHOW CAUSE**

**COME NOW**, Petitioner, Luis Francisco Lacayo Delgadillo, ("Mr. Lacayo Delgadillo") through undersigned counsel, and respectfully submits this Reply to Respondent's Response to the Order to Show Cause.

This Reply addresses the arguments raised by Respondents and demonstrates that Mr. Lacayo Delgadillo's continued detention is unlawful under the Immigration and Nationality Act, the United States Constitution and binding Supreme Court precedent and respectfully requests this Honorable Court grant the Petition for Writ of Habeas Corpus and order Mr. Lacayo Delgadillo's immediate release. Alternatively, Mr. Lacayo Delgadillo's respectfully requests a bond hearing before an Immigration Judge and/or such other relief as the Court deems just.

## I. INTRODUCTION

1. Mr. Lacayo Delgadillo is a citizen of Nicaragua, who arrived in the United States on July 28, 2021, and timely applied for asylum at the United States Citizenship and Immigration Services on June 28, 2022.

2. Mr. Lacayo Delgadillo was detained on December 22, 2025, by ICE and has been detained for a period now exceeding two (2) months without bond.

3. Respondents fail to justify this prolonged detention.

4. Mr. Lacayo Delgadillo incorporates by reference all allegations in the original Petition and exhibits.

5. On the morning of December 22, 2025, Petitioner attended his interview at the USCIS Miami Asylum Office as requested by USCIS. There he was detained after his interview. He was not provided with a warrant, explanation, or meaningful notice at the time of arrest.

## II. RESPONDENTS' ARGUMENTS ARE WITHOUT MERIT

### A. Mr. Lacayo Delgadillo is *not* in expedited removal, was in fact placed in removal proceedings, issued a Notice to Appear and the Immigration Judge vacated his negative credible fear finding.

Respondents argue that the Court lacks jurisdiction to review DHS's decision to place Mr. Lacayo in expedited removal pursuant to U.S.C. §1225(b)(1). The government's response is extremely concerning as they have not fully apprised this Honorable Court of all the relevant facts in this matter. First, assuming arguendo that Mr. Lacayo was subject to expedited removal at the time of his detention (which **he was not** since he had been in the United States since 2021 well over two years after he was released on his own recognizance upon entry), Mr. Lacayo Delgadillo was taken to Krome Detention Center on the pretense that he did not pass his credible fear interview. Mr. Lacayo Delgadillo asserted his right to have an Immigration Judge review the

negative credible fear finding and on January 20, 2026, Immigration Judge Rony Lerner reversed the negative finding. *See* attached as Exhibit B.

According to 8 CFR 1208.30 (iv) Upon review of the asylum officer's negative credible fear determination:

- (A) If the immigration judge concurs with the determination of the asylum officer that the alien does not have a credible fear of persecution or torture, the case shall be returned to DHS for removal of the alien. The immigration judge's decision is final and may not be appealed. USCIS may nevertheless reconsider a negative credible fear finding as provided at 8 CFR 208.30(g)(1)(i).
- (B) If the immigration judge finds that the alien, other than an alien stowaway, possesses a credible fear of persecution or torture, the immigration judge shall vacate the Notice and Order of Expedited Removal and refer the case back to DHS for further proceedings consistent with § 1208.2(a)(1)(ii). **Alternatively, DHS may commence removal proceedings under section 240 of the Act, during which time the alien may file an application for asylum and withholding of removal in accordance with § 1208.4(b)(3)(i)**
- (C) If the immigration judge finds that an alien stowaway possesses a credible fear of persecution or torture, the alien shall be allowed to file an application for asylum and withholding of removal before the immigration judge in accordance with § 1208.4(b)(3)(iii). The immigration judge shall decide the application as provided in that section. Such decision may be appealed by either the stowaway or DHS to the Board of Immigration Appeals. If a denial of the application for asylum and for withholding of removal becomes final, the alien shall be removed from the United States in accordance with section 235(a)(2) of the Act. If an approval of the application for asylum or for withholding of removal becomes final, DHS shall terminate removal proceedings under section 235(a)(2) of the Act.

In fact, Mr. Lacayo has been issued a Notice to Appear, attached as Exhibit A, which the government has not produced to this Honorable Court. That Notice to Appear effectively places Mr. Lacayo Delgadillo in full removal proceedings. In short, Mr. Lacayo is not on expedited removal, a prosecutorial choice made by the government. The entire argument of Respondents rests on and the lack of candor to this Honorable Court regarding the undisputed procedural history of this matter and should not stand.

**B. Mr. Lacayo Delgadillo is not detained pursuant to 8 U.S.C. § 1225(b)(1), as argued by the Government.**

The government argues that Mr. Lacayo Delgadillo is properly detained under U.S.C. § 1225(b)(1) because he is in expedited removal. However, once again, the government's argument is based on factually incorrect depictions of the actual procedural history of this case which shows that Mr. Lacayo Delgadillo was in fact placed in removal proceedings, issued an NTA and had his negative credible fear finding vacated by the Immigration Court. As such, he is not in expedited removal.

Finally, it is the duty of undersigned counsel to bring to the attention of this Honorable Court that the Central District of California decided *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, No. 5:25-cv-01873-SSS-BFM 9C.D. Cal 2025, wherein the Court vacated *Matter of Yajure Hurtado* as contrary to the law under the APA and ordered class wide notice which entitles Mr. Lacayo Delgadillo to a bond hearing; in fact, Mr. Lacayo Delgadillo was issued notice of his right to a bond hearing while in detention as a result of this decision.

**C. Petitioner reasserts that his detention violates statutory and constitutional limits**

Respondents incorrectly assert detention is authorized because Mr. Lacayo Delgadillo is in expedited removal pursuant to 8 U.S.C. § 1225(b). This is factually and legally incorrect as previously indicated to this Honorable Court. Mr. Lacayo Delgadillo's detention continues to be arbitrary on its face. He does not pose a danger to the community nor a flight risk. Further, he is sick and needs immediate medical and psychological attention, which he is not currently receiving as needed. Continued detention without review violates due process. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. 281 (2018). As such, Mr. Lacayo Delgadillo respectfully requests release from detention.

### III. REQUEST FOR RELIEF

For the foregoing reasons, and those set forth in the Petition, Petitioner respectfully requests that the Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release on reasonable conditions; or in the alternative

Order an individualized bond hearing before an Immigration Judge;

3. Grant such other relief as the Court deems just and proper.

Dated: March 2, 2026

Respectfully submitted,

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**Table of Exhibits**

**Exh. A: Notice to Appear.**

**Exh. B: Screenshot of ECAS showing IJ vacated DHS's decision.**