

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

LUIS ALEJANDRO LEONETT
Petitioner,

v.

Case No.: 26-cv-21074-AHS

WARDEN, MIAMI FEDERAL DETENTION CENTER FDC;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES,
Respondents.

**PETITIONER'S REPLY TO RESPONDENTS' RESPONSE IN
OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, through undersigned counsel, respectfully submits this Reply.

I. INTRODUCTION.

Respondents attempt to transform this straightforward habeas case into a jurisdictional labyrinth. It is not.

This case presents a narrow question:

May the Government detain a noncitizen who was released on an I-220A for years under 8 U.S.C. § 1225(b)(2)(A) without any bond hearing, despite the availability of § 1226(a) custody procedures?

The answer is no.

The Government's position rests on three propositions:

1. That Petitioner remains an "applicant for admission" indefinitely.
2. That § 1225(b)(2)(A) mandates detention without bond.
3. That this Court lacks habeas jurisdiction to review prolonged civil detention.

Each proposition fails as a matter of statutory text, constitutional law, and binding Supreme Court precedent.

II. THIS COURT HAS HABEAS JURISDICTION.

Respondents invoke 8 U.S.C. §§ 1252(g) and 1252(b)(9) as jurisdictional bars. Neither applies.

A. Section 1252(g) Does Not Bar Review.

Section 1252(g) strips jurisdiction only over decisions to:

- Commence proceedings,
- Adjudicate cases, or
- Execute removal orders.

This case challenges detention authority, not the execution of removal.

The Supreme Court has repeatedly held that detention challenges remain cognizable in habeas. *Jennings v. Rodriguez*, 583 U.S. 281 (2018). Section 1252(g) does not bar review of statutory detention authority.

Petitioner does not challenge DHS's decision to initiate proceedings. He challenges the statutory basis for his continued incarceration.

That claim falls squarely within § 2241 jurisdiction.

B. Section 1252(b)(9) ("Zipper Clause") Does Not Apply.

Section 1252(b)(9) consolidates review of removal orders into petitions for review.

Petitioner does not challenge a final removal order.

He challenges the legality of his detention pending proceedings.

The Supreme Court has clarified that § 1252(b)(9) does not bar "claims that are independent of or collateral to removal." *Jennings*, 583 U.S. at 293–94.

This is precisely such a claim.

C. Exhaustion Is Not Required

Respondents argue Petitioner failed to exhaust by appealing to the BIA.

Exhaustion is not required where:

1. The agency lacks authority to grant relief, or
2. The issue is purely statutory/constitutional.

The BIA cannot order release under § 1225(b).

Immigration Judges have no parole authority.

Thus exhaustion would be futile.

III. PETITIONER IS NOT SUBJECT TO § 1225(b) MANDATORY DETENTION.

Respondents' central argument is that Petitioner is detained under § 1225(b)(2)(A) as an "applicant for admission."

That interpretation is inconsistent with the statutory structure Congress enacted.

Section 1225 applies to individuals "who are arriving in the United States." 8 U.S.C. § 1225(a)(1). By contrast, § 1226 governs detention of noncitizens "pending a decision on whether the alien is to be removed." Congress created two separate detention frameworks. Reading § 1225 to apply indefinitely to interior arrests collapses the statutory structure Congress enacted and renders § 1226(a) superfluous.

A. I-220A Release Terminates § 1225 Custody.

Petitioner was arrested in 2022, issued an NTA, and released on Form I-220A.

He lived in the community for years.

Section 1225 governs individuals “arriving” or detained at the border.

Once DHS releases an individual into the United States on recognizance, the detention authority shifts to § 1226.

Section 1226(a) governs detention “pending a decision on whether the alien is to be removed.”

Petitioner is precisely such an individual.

B. Supreme Court Precedent Rejects Indefinite § 1225 Interpretation.

In *Jennings v. Rodriguez*, the Supreme Court analyzed § 1225(b).

The Court did not hold that § 1225 applies indefinitely to anyone who entered without inspection. The statute contemplates border processing detention — not multi-year interior detention following release.

C. The Government’s Position Creates Perpetual Mandatory Detention.

Under Respondents’ theory, anyone who entered without inspection — even decades ago — could be detained without bond at any time in the future. Nothing in § 1225 suggests Congress intended such sweeping authority.

Numerous courts within the Southern District of Florida have concluded that detention of noncitizens who have been physically present in the United States for extended periods is governed by 8 U.S.C. § 1226(a), not § 1225(b)(2), and that such individuals are entitled to an individualized bond hearing before an immigration judge. See, e.g., *Aguilar Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ (S.D. Fla. Oct. 15, 2025); *Gil-Paulino v. Sec’y DHS*, No. 25-24292-CIV-WILLIAMS (S.D. Fla. Oct. 10, 2025); *Penagos Quintero v. Ripa*, No. 25-25746-CIV-BECERRA (S.D. Fla. Jan. 5, 2026); *Zamora Policarpo v. Parra*, No. 25-25236-CIV-COHN (S.D. Fla. Dec. 22, 2025); *Martinez v. Field Office Director*, No. 25-26026-CIV-LEIBOWITZ (S.D. Fla. Jan. 14, 2026).

Statutes authorizing civil detention must be construed narrowly to avoid serious constitutional concerns. *Zadvydas v. Davis*, 533 U.S. 678 (2001); see also *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016), vacated on mootness grounds. District courts retain habeas jurisdiction to review the statutory authority for immigration detention. *Madu v. U.S. Att’y Gen.*, 470 F.3d 1362 (11th Cir. 2006).

IV. PROLONGED DETENTION WITHOUT BOND VIOLATES DUE PROCESS

Even if § 1225 were deemed applicable, prolonged detention without meaningful review violates the Fifth Amendment. Petitioner previously maintained Temporary Protected Status, reflecting the Government’s own determination that removal to Venezuela was not practicable at that time. *There is ongoing federal litigation challenging the termination of TPS protections for Venezuelans, including proceedings in National TPS Alliance v. Noem (N.D. Cal.)*, and recent appellate rulings have held that DHS exceeded its statutory authority in ending those protections, highlighting continuing legal uncertainty regarding the enforceability of TPS for Venezuelans. These realities support the conclusion that removal is neither imminent nor certain and further reinforce the constitutional requirement for individualized custody review under § 1226(a). See *National TPS Alliance v. Noem*, Case No. 25-cv-01766-EMC (N.D. Cal. Dec. 10, 2025).

Petitioner:

- Has no criminal convictions.
- Has pending protection claims.
- Previously held TPS.
- Has significant ties to the United States.
- Faces ongoing detention while removal proceedings remain pending.

Civil detention must remain reasonably related to its purpose.

Where detention becomes excessive relative to appearance or safety goals, due process requires an individualized hearing.

Multiple courts have recognized constitutional limits on prolonged immigration detention.

V. RESPONDENTS' RELIANCE ON MATTER OF Q. LI IS MISPLACED

Respondents cite *Matter of Q. Li* (BIA 2025).

That decision addressed parole termination and return to custody under § 235(b).

It did not address whether long-released I-220A individuals revert permanently to § 1225 status.

Moreover:

BIA interpretations cannot override constitutional constraints or Supreme Court precedent.

VI. THIS COURT MAY ORDER RELEASE OR A BOND HEARING

Federal courts retain authority to:

- Order release, or
- Order a constitutionally adequate bond hearing.

The relief requested here is modest:

- Immediate release; or
- Prompt individualized custody hearing before an IJ applying § 1226(a) standards.

VII. CONCLUSION

Respondents' interpretation would permit indefinite detention without bond under a statutory provision designed for border processing.

That reading:

- Expands § 1225 beyond its text,
- Conflicts with Supreme Court precedent,
- Eliminates meaningful review,
- And raises grave constitutional concerns.

Civil detention without bond should not become a mechanism for preventive incarceration.

Where Congress has provided a bond framework under § 1226(a), the Court should decline to expand § 1225 beyond its textual limits in a manner that eliminates individualized review.

The writ of habeas corpus exists precisely for this circumstance.

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Grant the Petition;
2. Order immediate release; or
3. In the alternative, order a prompt individualized bond hearing; and
4. Grant any additional relief the Court deems just and proper.

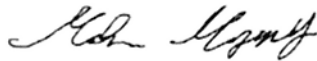
Respectfully submitted.

CERTIFICATION OF COUNSEL

I, **Maheen Mizan-Iqbal, Esq.**, counsel for Petitioner, hereby certify that the foregoing filing is submitted based upon information and belief, communications with Petitioner, and review of available records. Petitioner is presently detained and unavailable to execute a sworn declaration at the time of filing. Counsel will promptly supplement the record with Petitioner's sworn declaration upon availability.

Date: March 3, 2026

By:



Maheen Mizan-Iqbal, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, through undersigned counsel, that on March 3, 2026, a true and correct copy of this **PETITIONER'S REPLY TO RESPONDENTS' RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS** was served by U.S. Mail and/or CM/ECF electronic filing upon the following parties:

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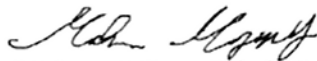
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I declare under penalty of perjury that the foregoing is true and correct.

Date: March 3, 2026

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