

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

RODRIGO GERARD MARATUECH ARENAS,

Case No. 2:26-cv-00617-SPC-DNF

Petitioner,

v.

Kristi Noem, Secretary of the
Department of Homeland Security;
et al

Respondents

_____ /

PETITIONER'S REPLY TO THE RESPONDENT'S RESPONSE

RODRIGO GERARD MARATUECH ARENAS ("Petitioner"), by and through undersigned counsel, respectfully submits this Response to the Respondent's Response, submitted by United States Attorney Gregory W, Kehoe on March 13, 2026.

A. THERE HAS BEEN NO INDIVIDUALIZED BOND HEARING

Respondent states that the Petitioner has already received a bond hearing by an Immigration Judge and therefore has failed to exhaust his administrative remedies. Moreover, the Respondent continues to state that the Petition did not appeal their decision and waived the opportunity to do so.

A “No Action” decision is a procedural mechanism and not a decision on the merits. A “No Action” is not a decision that can be appealed; essentially it is the same outcome as if the Respondent never had a bond hearing. This is further evidenced by the fact that there is no appeal date on the “No Action” order. (Doc. 7-1 at 8-9). In order for the Bond Hearing to be considered an Individualized Bond Hearing, it must have concluded with a decision on the merits. In the Petitioner’s case, there has yet to be one, leaving the Respondent with no other alternative but to seek relief outside of the Immigration Court. *Id.*

B. JURISDICTION IS NOT BARRED

Respondent contends that this Court lacks jurisdiction over the current petition at hand and are precluded under 8 U.S.C. § 1252(a)(2)(B)(ii), stating that this Court cannot review denials of discretionary relief by the Attorney General or the Secretary of Homeland Security. As previously mentioned, there has been no decision, and therefore § 1252(a)(2)(B)(ii) is not applicable in this petition. There is no denial, hence “No Action”.

Furthermore, 8 U.S.C. § 1226(a) provides exceptions for when an alien may be released. Notably, § 1226(a)(2)(A) provides that an alien may be released with a bond of at least \$1,500 or conditional release.

C. EXHAUSTION OF ADMINISTRATIVE REMEDY

Respondents next argue that this Court should dismiss the Petition because Petitioner has not exhausted available administrative remedies by pursuing further

review of the denial of a bond hearing. Exhaustion is excused here because any further administrative effort would be futile.

Exhaustion of administrative remedies is not required where “the administrative body is shown to be biased or has otherwise predetermined the issue before it.” *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992); *see also Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000). That is precisely the circumstance here.

In this case, the Immigration Judge did not issue a decision on the Petitioner’s Request for Custody Redetermination, thus depriving him of an ability to appeal said decision.

CONCLUSION AND PRAYER FOR RELIEF

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

1. Accept and maintain jurisdiction over this action pursuant to 28 U.S.C. § 2241;
2. Grant the Petition for Writ of Habeas Corpus;
3. Order Respondents to immediately release Petitioner from custody as his detention lacks statutory authority and violates the Constitution;
4. In the alternative, order Respondents to provide Petitioner with a prompt individualized bond hearing before a neutral decisionmaker at which the Government bears the burden of justifying continued detention and meaningful consideration is given to conditions of release;
5. Declare that Petitioner’s continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;

6. Enjoin Respondents from further unlawful detention of Petitioner;
7. Award reasonable attorney's fees and costs as permitted by law; and
8. Grant such other and further relief as this Court deems just and proper.

Dated: March 16, 2026

/s/ Andy Medina, Esq.

Counsel for Petitioner

Fla. Bar No. 1048797

Garcia, Montoya, & Rengifo Law, PLLC

10631 N. Kendall Drive Suite 100

Miami, FL 33176

T. 305-598-6097

F. 786-868-0911