

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MIGUEL ARIEL SANTIESTEBAN
MATOS,

Petitioner,

Case No. 2:26-cv-641-SPC-DNF

v.

GARRETT RIPA et al.¹,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Miguel Ariel Santiesteban Matos challenges his detention by U.S. Immigration and Customs Enforcement (ICE), arguing he is entitled to a bond hearing under 8 U.S.C. § 1226 or immediate release. *See generally* Pet., ECF No. 1. While reserving all rights, including the right to appeal, Federal Respondents submit this abbreviated brief in lieu of an exhaustive memorandum to preserve their arguments and conserve judicial resources. Should the Court prefer a more exhaustive discussion, Federal Respondents request leave to submit additional briefing.

¹ Pursuant to its Inter-Governmental Service Agreement with Glades County Detention Center, Federal Respondent U.S. Immigration and Customs Enforcement requests Respondent Warden of Glades County Detention Center be terminated from this case. *See* Inter-Governmental Serv. Agreement with Glades County Det. Ctr., Ex. 5 at 12; *Mota-Constanzo v. Noem et al.*, No. 2:26-cv-369-KCD-DNF, 2026 WL 681819, at *2 n.3 (M.D. Fla. Mar. 11, 2026) (“Because ICE is already listed as a Respondent, substitution isn’t necessary. The Warden needs to simply be terminated from the case.”).

FACTS

Petitioner is a national and citizen of Cuba who last entered the United States without inspection at an unknown place and time. *See* Ex. 1 at 1-2 (2022 Form I-213). On or about March 16, 2022, a U.S. Customs and Border Patrol (CBP) agent encountered Petitioner in the Del Rio, Texas, Border Patrol Sector. *Id.* at 2. The CPB agent determined Petitioner had entered the United States from Mexico without admission or parole. *Id.* The CBP agent then arrested Petitioner and transported him to the Soft Sided Centralized Processing Center (SSCPC) in Eagle Pass, Texas, for processing. *Id.* At SSCPC, Petitioner claimed to be a citizen and national of Cuba without the necessary legal documents to enter, pass through, or to remain in the United States. *Id.*

On March 21, 2022, Petitioner was served with a Notice to Appear (NTA) and placed in removal proceedings pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA). Ex. 1 at 2-3; Pet. at Ex. 2 pp. 2-4 (2022 NTA); *see also* 8 U.S.C. § 1182(a)(6)(A)(i) (“An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.”). That same day, ICE released Petitioner on his own recognizance pursuant section 236 of the INA, which corresponds to 8 U.S.C. § 1226. Ex. 1 at 2-3; Pet. at Ex. 2 pp. 1 & 5, Ex. 3.

On or about December 8, 2025, Petitioner was placed in immigration custody. *See* Ex. 2 (2025 Form I-213). ICE's Enforcement and Removal Operations (ERO) officers encountered Petitioner after an arrest conducted by a Florida Highway Patrol officer.² *Id.* at 2. After ICE placed Petitioner in immigration custody, it determined that he has applications for Legal Permanent Residence and Asylum pending with U.S. Citizenship and Immigration Services. *Id.*

That same day, Petitioner was served with a Notice to Appear pursuant to sections 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the INA. *See* Ex. 3 (2025 NTA); *see also* 8 U.S.C. § 1182(a)(7)(A)(i)(I) ("Except as otherwise specifically provided in this chapter, any immigrant at the time of application for admission who is not in possession of a . . . valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 1181(a) of this title, is inadmissible."). The NTA ordered Petitioner to appear before an immigration judge on January 29, 2026. Ex. 3 at 1. Upon information and belief, Petitioner appeared for his hearing.

² ICE has a Memorandum of Agreement (MOA) with the Florida Department of Highway Safety and Motor Vehicles, Division of Highway Patrol, under Section 287(g) of the INA, codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276. *See* Ex. 6. Pursuant to this MOA, "ICE delegates to nominated, trained, and certified officers or employees of [FHP] . . . to perform certain immigration enforcement functions." *Id.* at 1.

On February 6, 2026, an immigration judge ordered Petitioner be removed to Ecuador. *See* Ex. 4. Petitioner has appealed that order. *See id.* at 5. Accordingly, the immigration judge's removal order is not final. On March 6, 2026, Petitioner filed a petition for writ of habeas corpus alleging his custody violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, the "Equal Protection Guarantee of the Fifth Amendment," and the Suspension Clause of the United States Constitution. *See generally* Pet. He is currently detained at Glades County Detention Center.³

CERTIFIED HABEAS RETURN

ICE is detaining Miguel Ariel Santiesteban Matos under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). *See* 28 U.S.C. § 2243 ("The person to whom the writ or order is directed shall make a return certifying the true cause of the detention."). Petitioner "has the burden of establishing his right to federal habeas relief and of proving all facts necessary to show a constitutional violation." *Romine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001).

MEMORANDUM OF LAW

The questions of law in this case, and the challenges to the government's policy and practice, substantially overlap with *Garcia v. Noem et al.*, No. 2:25-cv-879-SPC-

³ *See Online Detainee Locator System*, U.S. Immig. & Customs Enf't, <https://locator.ice.gov/odls/#/search> (last accessed Mar. 16, 2026) (enter Petitioner's A-Number and Cuba as Country of Birth under "Search by A-Number").

NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025).⁴ Federal Respondents respectfully disagree with the Court's decision in *Garcia v. Noem*. However, in the interest of judicial economy and to expedite the Court's consideration of this matter, Federal Respondents make the following arguments:

1. Title 8 U.S.C. § 1252(g) bars review of Petitioner's claims. *Garcia v. Noem et al.*, No. 2:25-cv-00879-SPC-NPM, Doc. 14 at 4-5 (M.D. Fla. Oct. 10, 2025).⁵
2. Title 8 U.S.C. § 1252(b)(9) bars review of Petitioner's claims. *Id.* at 6-7.
3. Petitioner failed to exhaust his administrative remedies. *Id.* at 7-8.
4. Petitioner is properly detained under 8 U.S.C. § 1225. *Id.* at 9-14; *see also Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026).

Finally, Federal Respondents contend that should this Court determine that Petitioner's detention is subject to 8 U.S.C. § 1226, outright release is inappropriate. To the extent the Court orders a bond hearing before an immigration judge for the purpose of determining whether Petitioner is a flight risk or danger to the community—*see, e.g., Garcia v. Noem*, No. 2:25-cv-879-SPC-NPM, 2025 WL 3041895, at *6 (M.D. Fla. Oct. 31, 2025)—Federal Respondents aver that such bond hearings are not conducted or managed by ICE, rather by the Executive Office for Immigration

⁴ Compare, e.g., Pet. ¶¶ 31-51 (challenging violations of Petitioner's rights under the INA and Fifth Amendment's Due Process Clause) with *Garcia*, 2025 WL 3041895 at *3-5.

⁵ Respondents acknowledge Local Rule 3.01(h) prohibits incorporation by reference of any other motion, legal memorandum, or brief. To achieve the purpose of efficiency, Respondents respectfully request the Court to suspend application of the rule in this instance. *See* Local R. 1.01(a) & 1.01(b); Fed. R. Civ. P. 1.

Review, which is not a proper party to this suit. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (“[I]n habeas challenges to present physical confinement . . . the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.”).

CONCLUSION

Federal Respondents argue Mr. Miguel Ariel Santiesteban Matos’s Petition for Writ of Habeas Corpus should be denied.

DATED this 16th day of March, 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Alexandra N. Karahalios
ALEXANDRA N. KARAHALIOS
Assistant United States Attorney
Florida Bar No. 1055229
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
Telephone: 813-274-6000
Alexandra.Karahalios@usdoj.gov
Lead Counsel for Federal Respondents