

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL ALFONSO TRUJILLO
PORRAS,

Petitioner,

Case No. 2:26-cv-682-KCD-NPM

v.

WARDEN, FLORIDA SOFT SIDE
SOUTH, et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Daniel Alfonso Trujillo Porras (“Petitioner”) challenges his detention by U.S. Immigration and Customs Enforcement. As shown below, the petition contains numerous misstatements and should be denied. On March 30, 2026, an Immigration Judge (“IJ”) held a bond hearing and ordered Petitioner released from custody under bond of \$5,000. Thus, the Petitioner has received due process and when an Immigration Judge makes a bond determination, federal courts have no jurisdiction to review those discretionary decisions. 8 U.S.C. § 1226(e).

FACTS

Daniel Alfonso Trujillo Porras is a national and citizen of Colombia who last entered the United States on or about June 10, 2015 on a B-2 tourist visa with authorization to remain in the United States for a temporary period not to exceed

December 9, 2015. (*See* Composite Ex. A at 7.) He was arrested on March 3, 2026 after a traffic stop and placed in immigration custody. *Id.* He was served with a Notice to Appear on or about the same date. *Id.* at 1.

On March 11, 2026, Daniel Alfonso Trujillo Porras filed a petition for writ of habeas corpus. (Doc. 1.) In the petition, Daniel Alfonso Trujillo Porras states he “is lawfully present in the United States” (*Id.* at ¶ 5) and that “[n]o adequate or available administrative remedy exists to challenge a local jail’s detention based solely on an ICE detainer. Exhaustion is not required and would be futile.” *Id.* at ¶ 10. It further states the “sole basis for confinement is an ICE immigration detainer issued under 8 C.F.R. § 287.7.” *Id.* at ¶ 14. However, on March 22, 2026, immigration counsel filed a bond motion and conceded that Petitioner’s presence is unlawful. (*See* Composite Ex. B at p.5, ¶ 11.) On March 30, 2026, an IJ granted Petitioner a \$5,000 bond. *Id.* at 1-2.

CERTIFIED HABEAS RETURN

ICE is detaining Daniel Alfonso Trujillo Porras under 8 U.S.C. § 1226. *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.”). Daniel Alfonso Trujillo Porras bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021).

ARGUMENT

At the time it was filed, the petition was premature because it failed to establish administrative exhaustion. Respondents never contested that Petitioner is eligible for a bond hearing under 8 U.S.C. § 1226 before an Immigration Judge and has never stated a contrary position. Petitioner filed the instant petition before he requested a bond hearing. He has now received a bond and due process is satisfied.

Given the petitioner's detention under 8 U.S.C. § 1226, the immigration judge has the sole authority to determine on the merits whether he presents a flight risk or danger. *See* 8 C.F.R. § 1236.1(c)(8). When an Immigration Judge makes a bond determination, federal courts have no jurisdiction to review those discretionary decisions:

The Attorney General's discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole.

8 U.S.C. § 1226(e). If an alien disagrees with a bond decision, the alien has the right to appeal the decision to the BIA. 8 C.F.R. § 1003.19(f). As Judge Steele recently recognized, "Petitioner's remedy for any alleged error by the immigration judge in the bond denial is to appeal that decision pursuant to the normal appellate procedures." *Chox v. Hardin*, 2:26-cv-00165-JES-DNF, Doc. 17 at 2 (M.D. Fla. Mar. 24, 2026).

In another similar case, Judge Steele recently denied a motion to enforce when

the Immigration Judge made an initial finding that he lacked jurisdiction *Diaz Ferrer v. Acting Director Immigration and Customs Enforcement*, 2:26-cv-536-JES-DNF, Doc. 20 (M.D. Fla. Mar. 30, 2026). There, the Court ordered the respondents provide a petitioner with statutory process including a merit-based bond hearing or release him under reasonable conditions of supervision. *Id.* at 1. Judge Steele observed that the Immigration Judge's order showed a custody redetermination was denied due to lack of jurisdiction because the petitioner was an arriving alien. *Id.* at 1-2. Alternatively, the Immigration Judge denied bond because the petitioner was a danger and a risk of flight. *Id.* at 2.

The court observed, "While the first basis for denial is insufficient to comply with the Court's Opinion and Order, the alternative reasons for denial are arguably in compliance with the Opinion and Order. The district court lacks subject matter jurisdiction to review the merits of the immigration judge's alternative decision to deny bond." *Id.*; see also *Velasquez Mendez v. Warden, et al*, Case 2:25-cv-01211-KCD-DNF, Doc. 15 at 4 (M.D. Fla. April 1, 2026) ("We are not a court of appeals for immigration judges. We cannot grade their homework, reweigh the evidence they reviewed, or substitute our judgment for theirs just because we might have ruled differently.").

The Petition Makes Erroneous Factual Assertions

The petition misstates a number of facts that are important to discuss here. First, it states Petitioner "is lawfully present in the United States" (Doc 1. at ¶ 5). This

is false. As the Notice to Appear states, Petitioner was admitted on June 10, 2015 as a nonimmigrant B-2 with authorization to remain for a period not to exceed December 9, 2015. (*See* Comp. Ex. A at 1). Crucially, on March 22, 2026, immigration counsel filed a bond motion and **conceded** that Petitioner's presence here is unlawful. (*See* Composite Ex. B at p.5, ¶ 11.) Second, Petitioner asserts that "[n]o adequate or available administrative remedy exists to challenge a local jail's detention based solely on an ICE detainer. Exhaustion is not required and would be futile." *Id.* at ¶ 10. Again, the record clearly refutes Petitioner's assertion that no that administrative remedy existed; on March 30, 2026, an IJ granted Petitioner a \$5,000 bond. *Id.* at 1-2. Third, the petition states the "sole basis for confinement is an ICE immigration detainer issued under 8 C.F.R. § 287.7." *Id.* at ¶ 14. This is simply false. As the record establishes, there is no detainer in this matter, and Petitioner was arrested after Customs and Border Patrol encountered him after a traffic stop. (*See* Composite A. at 6-7.) He was arrested for overstaying his visa in the United States and was transported to the Orlando Border Patrol Station for further processing. *Id.* at 1, 7.

CONCLUSION

The Petition for Writ of Habeas Corpus should be denied

DATED this 1st day of April, 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Sean P. Keefe
SEAN P. KEEFE
Assistant United States Attorney
Florida Bar No. 0413828
400 N. Tampa Street, Suite 3200
Tampa, FL 33602
Ph: (813) 274-6000
Fax: (813) 274-6200
Email: Sean.Keefe@usdoj.gov
Lead Counsel for Federal Respondents