

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ARTURO ANDRES CEIJAS
CAVEZAS,

Petitioner,

v.

No. 2:26-cv-691-SPC-DNF

GARRETT RIPA, *et al.*,

Respondents.

REPLY TO RESPONDENTS' RESPONSE

Petitioner, through undersigned counsel, respectfully submits this Reply to Respondents' Response to the Court's Order to Show Cause. (Doc. 4).

I. The Government Concedes the Controlling Legal Framework in This District

Respondents acknowledge that numerous judges in this District have concluded that detention of individuals such as Petitioner is governed by 8 U.S.C. § 1226(a), not § 1225(b)(2)(A). *See* Doc. 4 at 3-4.

Respondents further acknowledge that this Court's decision in *Garcia v. Noem*, No. 2:25-CV-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025), would control the result here if the Court adheres to that decision. *See* Doc. 4 at 3-4.

There is no material distinction between the legal issues presented in *Garcia v. Noem* and those presented here. *See Garcia v. Noem*, No. 2:25-CV-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025). As set forth in the Petition (Doc. 1), Petitioner entered without inspection on or about November 27, 2023. *See* Doc. 1 at ¶98. He has been residing in the United States since then, and he is now in § 1229a removal proceedings. *Id.* He is not subject to expedited removal, Respondents contend he is detained under § 1225(b)(2)(A) (Doc. 4 at 2-3). Petitioner's husband filed Petition for Alien Relative on Petitioner's behalf on December 23, 2025, and Petitioner filed his Application to Register Permanent Residence or Adjust Status on February 14, 2026. *See* Doc. 1 at ¶101.

Nevertheless, Respondents argue that *In re Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) is controlling. *See* Doc. 4 at 3. Under the statutory structure of the INA, detention in these circumstances falls under § 1226(a). The Government does not meaningfully dispute the factual posture. Instead, it preserves its legal disagreement while conceding this Court's precedent governs absent reconsideration. *See* Doc. 4 at 4.

II. The Government's Preservation Posture Does Not Alter the Legal Analysis

Respondents state they "reserve all rights" and are appealing similar rulings to the Eleventh Circuit. *See* Doc. 4 at 1; *see also id.* at 4-5.

That appellate posture does not alter this Court's present obligation to apply the law as interpreted in this District. Until the Eleventh Circuit rules otherwise, this Court's prior decision in *Garcia v. Noem*, remains controlling authority within this case. The mere existence of a pending appeal does not suspend the binding effect of this Court's own precedent. *See* Doc. 4 at 5.

III. Respondents' incorrectly assert that *violations* of the APA cannot be raised in Habeas proceedings.

Respondents assertion that Petitioner's APA claims are "hybrid" actions that are "generally inappropriate" to raise in habeas proceedings. *See* Doc. 4 at 6. Respondents' argue that Petitioner's payment of the habeas filing fee forecloses him from arguing for "non-habeas relief." *See Id.*

Respondents do not deny that "§ 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges" to detention. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). The federal habeas statute, 28 U.S.C. § 2241(c)(3), "authorizes a district court to grant a writ of habeas corpus whenever a petitioner is 'in custody in violation of the Constitution or laws or treaties of the United States.'" *Wang v. Ashcroft*, 320 F.3d 130, 140 (2d Cir. 2003) (quoting 28 U.S.C. § 2241(c)(3)). "The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

That includes an attack on the legality of custody based on violations of the APA. A claim under the APA challenging the procedures employed in detaining an individual may be reviewed in “any applicable form of legal action, including actions for ... writs of ... habeas corpus, in a court of competent jurisdiction.” 5 U.S.C. § 703.

Thus, Respondents’ argument otherwise is without merit. *See Gimenez Rivero v. Sheriff John Mina, et al.*, No. 6:26-cv-66-RBD-NWH, 2026 WL 199319, at *5 (M.D. Fla. Jan. 26, 2026) (“If the Government is going to argue for expanding the interpretation of a law or maintain a widely rejected position to preserve its appellate rights, it may do so. But its lawyers must make those arguments in a way that comports with their professional obligations, as lawyers have done since time immemorial: Cite the contrary binding authority and argue why it's wrong. Don't hide the ball. Don't ignore the overwhelming weight of persuasive authority as if it won't be found.”).

IV. Fifth Circuit Decision

Respondents argue that “the Fifth Circuit recently ruled that aliens who have not been admitted to the United States are subject to mandatory detention under 8 U.S.C. § 1225(b)(2) regardless of whether the alien is already present in the United States. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026).” *See* Doc. 4 at 4.

However, Respondents fail to acknowledge that (1) the *Buenrostro-Mendez* court did not reach the due process question, confining its analysis and holding to statutory interpretation—*see generally Buenrostro-Mendez*, 2026 WL 323330, at *1–10—(2) the case was remanded to the district court, not for dismissal, but “for further proceedings consistent with this opinion”—(*id.* at *10)—and (3) even federal district court judges in Texas—who are bound by the Fifth Circuit’s decision in *Buenrostro-Mendez*—have concluded that the panel’s 2–1 decision permits them to continue ordering the release of certain noncitizens on alternative grounds¹.

In particular, the judges have relied on constitutional arguments asserting that individuals with longstanding ties to the United States possess a cognizable liberty interest. Under the Constitution, such an interest may not be deprived without, at minimum, an opportunity to be heard before a neutral judicial officer. Judge Kathleen Cardone, an El Paso based appointee of George W. Bush, stated that, “[t]his conclusion is not changed by the Fifth Circuit’s recent decision,” and concluded that the Fifth Circuit’s decision “has no bearing on this Court’s determination of whether [the petitioner] is being detained in

¹ Kyle Cheney, *Judges May Have Found a Way to Bypass 5th Circuit Ruling Upholding Trump’s Mass Detention Policy*, POLITICO (Feb. 10, 2026, 1:58 PM EST), <https://www.politico.com/news/2026/02/10/texas-immigration-detention-rulings-00774124>.

violation of his constitutional right to procedural due process.” *See Cumbe Lema v. De Anda-Ybarra*, 3:26-cv-00249, Doc. 4 at 2-3 (W.D. Tex. Feb. 9, 2026).

Judge David Briones, an El Paso-based Clinton appointee, reached an analogous conclusion, stating that, “[t]he Court reiterates its original holding that noncitizens who have ‘established connections’ in the United States by virtue of living in the country for a substantial period acquire a liberty interest in being free from government detention without due process of law.” *See Hassen v. Noem, Secretary, U.S. Department of Homeland Security*, 3:26-cv-00048, Doc. 8 at 3-4 (W.D. Tex. Feb. 9, 2026).

V. Respondents’ claim that Petitioner was served an I-200, Warrant for Arrest.

Respondents’ contend that Mr. Ceijas Cavezas was served with an I-200, Warrant for Arrest of Alien on December 19, 2025. *See* Doc 4. at 7. Respondents’ cite to “Composite Exhibit, Ex. 1 at 9” as proof thereof. However, their Ex. 1 at 9, is a Miami-Dade Clerk screenprint of Mr. Ceijas Cavezas booking information. *See* Doc. 4-1 at 9. The only I-200 attached to, and incorporated in, Respondents’ Response is Mr. Ceijas Cavezas Form I-200, Warrant for Arrest, from November 29, 2023. *See* Doc. 4-1 at 16.

On March 4, 2026, in this District, an opinion was issued in *Correa Cabral v. Quinones, et al.*, No. 6:26-cv-425-GAP-LHP, Doc. 20 (M.D. Fla. Mar. 4, 2026), wherein the Court found that “Respondents do not concede, or even

mention, is that **the Government has manipulated the process to ensure that Petitioner has no reasonable possibility of obtaining release on bond.**” *Id.* at 4-5 (emphasis added).

DHS/ICE’s use of illegitimate documentation, to mandatorily detain a noncitizen who has received “Certificate of Security Officer Training” from the Florida Department of Agriculture and Consumer Services Division of Licensing, who is in a same-sex marriage with a United States Citizen, and who has established deep and strong ties to the community is abhorrent. The United State’s Attorney’s Office is constrained to rely upon questionably inaccurate documentation as matters of the record in presenting argument to this Court. However, every attorney submitting filings to this Court is required to certify that all factual assertions are supported by evidence and that all legal arguments are grounded in existing law or a good-faith argument for its extension. *See* Fed. R. Civ. P. 11. It becomes an untenable position for the Attorney General’s Office, or any officer of the court acting on its behalf, to uphold their duty of candor to the Court. *See Gimenez Rivero*, No. 6:26-cv-66-RBD-NWH, 2026 WL 199319, at *6 (M.D. Fla. Jan. 26, 2026) (“Members of this Bar have a duty of candor to the Court.”).

The only appropriate remedy, under the facts of this case, is for the Petitioner to be immediately released. Petitioner’s immediate release is required to return him to the status quo. The status quo refers to “the last

uncontested status which preceded the pending controversy.” *Doe*, 778 F.Supp.3d at 1166 (citing *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)). That is the moment prior to Petitioner’s unlawful detention. *See Singh v. Andrews*, No. 25-cv-00801, 2025 WL 1918679, at *5, 2025 U.S. Dist. LEXIS 132500, at *13 (E.D. Cal. July 11, 2025) (entering a preliminary injunction ordering immediate release of immigration detainee on similar circumstances).

There remain no safeguards in the Immigration Court System to adequately protect Petitioner’s liberty interests. As such, the only suitable relief is for this Court to immediately release Petitioner and enjoin and restrain Respondents and all other persons or entities acting in active concert or participation with them from re-arresting or re-detaining Petitioner until further Order of this Court. Alternatively, Petitioner requests Oral Arguments should the Court determine that immediate release is unwarranted² on the pleadings.

² Undersigned counsel acknowledges that this Court has granted immediate relief, under similar circumstances, and would request the opportunity to present oral arguments on the merit of Petitioner’s request for immediate release under the facts of this case. *See Silva-Toruno, v. Garrett Ripa et al.*, No. 2:26-CV-199-SPC-DNF, 2026 WL 503333 (M.D. Fla. Feb. 24, 2026).

VI. Conclusion

This Court has already rejected Respondents' arguments in prior cases that presented the same issues, like *Escobar Rodriguez v. Mordant*, No. 2:26-CV-166-SPC-NPM, 2026 WL 369251 (M.D. Fla. Feb. 10, 2026). As such the Petition for Writ of Habeas Corpus should be granted.

DATED this 25th day of March, 2026.

/s/Joel Alexis Caminero
Joel Alexis Caminero, Esq.
Florida Bar # 127294
Caminero Law, PLLC
5728 Major Blvd, STE 750
Orlando, FL 32819
Tel. (407) 409-2529
Email: joel@caminerolawfirm.com

Attorney for Petitioner