

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN FELIX MARTE-CORTORREAL,

Petitioner,

Case No. 2:26-cv-712-SPC-NPM

v.

KRISTI NOEM, et al.,

Respondents.

_____ /

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

Petitioner Juan Felix Marte-Cortorreal, through undersigned counsel, respectfully submits this Reply to Respondents' Response and states as follows:

INTRODUCTION

Respondents' Response confirms the central issue in this case: Petitioner remains detained without a bond hearing based on an interpretation of 8 U.S.C. § 1225(b)(2) that has already been rejected in *Maldonado Bautista v. Santacruz*. Respondents attempt to avoid that binding declaratory judgment by relying on vacated and legally unsustainable authority, while ignoring that Petitioner squarely falls within the certified Bond Eligible Class.

The Response does not dispute that Petitioner entered the United States in 2009, lived in the interior for over a decade, and was only detained in 2026. These

facts alone foreclose application of § 1225(b) and confirm that Petitioner is detained, if at all, under § 1226(a), entitling him to a bond hearing.

I. PETITIONER IS NOT SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C. § 1225(b)

Respondents' assertion that Petitioner is detained under § 1225(b)(2) is inconsistent with both the statutory framework and controlling case law. Petitioner entered the United States in 2009 and remained in the country for approximately seventeen years before being taken into custody in February 2026.

An individual who has effected entry and lived within the United States for such a prolonged period cannot reasonably be treated as an "arriving alien" or as someone subject to the expedited or mandatory detention provisions of § 1225(b). Courts, including in *Maldonado Bautista*, have rejected precisely this expansive interpretation.

Respondents' reliance on *Matter of Yajure Hurtado* is misplaced. As acknowledged in their own filing, that decision has been vacated as contrary to law. Although Respondents attempt to characterize it as "persuasive," a vacated agency decision cannot serve as the legal basis for continued detention, particularly where a federal court has already issued declaratory relief rejecting that interpretation.

II. MALDONADO BAUTISTA CONTROLS AND REQUIRES A BOND HEARING

Petitioner is a member of the Bond Eligible Class defined in *Maldonado Bautista v. Santacruz*, and Respondents do not meaningfully dispute that classification. As set forth in the Petition, the district court held that individuals in Petitioner's position are detained under § 1226(a) and are entitled to bond hearings.

Respondents argue that the effect of *Maldonado Bautista* is uncertain due to ongoing appellate proceedings. That argument fails for two reasons. First, a declaratory judgment remains binding unless and until it is reversed. Second, Respondents themselves acknowledge that the stay applies only in limited respects and does not negate the underlying legal determination. Moreover, the conduct described in the Petition where Immigration Judges were instructed to disregard *Maldonado Bautista* demonstrates systemic noncompliance, not legal ambiguity. This Court should not permit continued detention based on agency defiance of a federal judgment.

III. JURISDICTION IS PROPER UNDER 28 U.S.C. § 2241

Respondents' jurisdictional arguments under 8 U.S.C. §§ 1252(g) and 1252(b)(9) are unavailing. Petitioner is not challenging a discretionary decision to

commence proceedings or execute removal. Rather, he challenges the legality of his present detention without a bond hearing.

Such claims fall squarely within the core of habeas review. The Supreme Court has repeatedly recognized that § 2241 remains available to challenge unlawful detention, including in the immigration context. Respondents' attempt to characterize this claim as barred would effectively eliminate habeas review for detention claims, contrary to the Suspension Clause.

IV. EXHAUSTION DOES NOT BAR RELIEF

Respondents contend that Petitioner failed to exhaust administrative remedies. This argument fails because no meaningful administrative remedy exists. Immigration Judges, as acknowledged in the Petition, have been instructed not to apply *Maldonado Bautista*.

Where administrative bodies lack authority to grant relief or are operating under directives that preclude relief, exhaustion is not required. Requiring Petitioner to pursue futile administrative remedies would only prolong unlawful detention.

V. RESPONDENTS' POSITION RESULTS IN INDEFINITE AND UNLAWFUL DETENTION

Under Respondents' theory, Petitioner who has no criminal history and has lived in the United States since 2009 could be detained indefinitely without any individualized custody determination.

This result is incompatible with due process and long-standing principles governing immigration detention. At minimum, due process requires a prompt bond hearing before a neutral decisionmaker. The government's position eliminates that safeguard entirely.

VI. IF RELIEF IS GRANTED, RELEASE IS APPROPRIATE

Respondents argue that, if relief is granted, the Court should only order a bond hearing. However, where detention is based on a legally erroneous framework and has already been prolonged without justification, immediate release is warranted.

Alternatively, the Court should order that Petitioner receive a bond hearing under § 1226(a) within a strictly limited timeframe, not to exceed seven days, consistent with the relief requested in the Petition.

CONCLUSION

Respondents have failed to justify Petitioner's continued detention. Their arguments rely on vacated authority, disregard binding declaratory relief, and attempt to shield unlawful detention from judicial review.

For these reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order his immediate release, or, in the alternative, order that he be provided a bond hearing under 8 U.S.C. § 1226(a) within seven days.

DATED March 23, 2026

Respectfully submitted,

/s/ Yaritssa Plasencia

Yaritssa Plasencia, Esq.

Florida Bar No. 1021659

Great American Law Firm PLLC

greatamericanlaw@gmail.com

100 Frandorson Cir. Ste. 202c

Apollo Beach, FL 33572

Attorney for Petitioner