

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.

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OPPOSITION TO MOTION TO ENFORCE HABEAS ORDER

Petitioner Juan Felix Marte-Cortorreal (“Petitioner”) has filed an emergency motion to enforce habeas order. (Doc. 14) (the “Motion”). The Motion should be denied.

The Court directed the Respondents to bring Petitioner for an individualized bond hearing before an immigration judge. Doc. 11 at pp. 4-5. ICE complied with the Order and an Immigration Judge (“IJ”) conducted a bond hearing on April 1, 2026. (*See* Doc. 14-1, bond order). The IJ heard arguments from counsel, determined the Petitioner is a flight risk, and denied bond. Therefore, Respondents have complied with the Court’s Order and the District Court does not have jurisdiction to overturn the IJ’s decision under 8 U.S.C. § 1226(e). *See Lopez Galicia v. Field Office Director et al*, Case No. 2:26-cv-00255-SPC-DNF (M.D. Fla. March 5, 2026) (denying motion to enforce habeas order after petitioner received bond hearing).

The Petitioner reserved his right to appeal that bond hearing (*See* Doc. 14-1, bond order) and the appropriate vehicle for challenging a bond determination is with the Immigration Board of Appeals. Thus, the District Court does not have jurisdiction to overturn the IJ's decision under 8 U.S.C. § 1226(e). Respondents complied with the Court's order and the Motion should be denied.

DATED this 13th day of April, 2026.

Respectfully submitted,

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