

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICARDO ABEL VELEZ CORONEL,

Petitioner,

Case No. 2:26-cv-719-SPC-NPM

v.

KEVIN GUTHRIE et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Ricardo Abel Velez Coronel (“Petitioner”) challenges his detention by U.S. Immigration and Customs Enforcement. As detailed below, the petition is premature because Petitioner has not exhausted administrative remedies. Notably, Petitioner did request a bond hearing with the court, and it is scheduled for April 1, 2026. Thus, the Petition should be denied.

FACTS

Ricardo Abel Velez Coronel is a national and citizen of Ecuador who last entered the United States on or about April 24, 2018, on a B-2 tourist visa with authorization to remain in the United States for a temporary period not to exceed October 23, 2018. (*See* Composite Ex. A at 1-2.) Petitioner remained in the United States beyond April 24, 2018.

He was placed in immigration custody on March 9, 2026. *Id.* He was served with a Notice to Appear on the same day. *Id.* at 4-6. Petitioner has a bond hearing scheduled before an Immigration Judge on April 1, 2026. *Id.* at 11-14.

On March 13, 2026, Ricardo Abel Velez Coronel filed a petition for writ of habeas corpus alleging his custody violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. (Doc. 1.) He is currently detained at Florida Soft Side Facility.

CERTIFIED HABEAS RETURN

ICE is detaining Ricardo Abel Velez Coronel 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.”). Ricardo Abel Velez Coronel 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

The petition is premature because it fails to establish administrative exhaustion. Respondents do not contest 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. In fact, the government filed Petitioner’s March 9, 2026, request for a review of custody determination with the immigration court on March 17, 2026. The bond hearing is scheduled for April 1, 2026. (*See* Composite Ex. A at 11-14). 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). Therefore, Petitioner's assertion that he "has no administrative remedies available to him other than the subject action, and seeking such would be futile[]" (Doc. 1 at ¶ 21) is false.¹

Petitioner's assertion that "Petitioner was not arrested pursuant to a warrant issued by the Attorney General which is requirement to effectuate an arrest under § 1226" is likewise false (*Id.* at ¶ 33). On the contrary, Petitioner was taken into ICE custody on March 9, 2026—the same day that the Form I-200 Warrant was served and the Notice to Appear was issued. (*See* Composite Ex. A at 7-10). Therefore, Petitioner's ICE detention clearly complied with the regulations' requirements that he was "arrested and taken into custody under the authority of Form I-200" when a Notice to Appear had been issued. *See* 8 C.F.R. § 1236.1.

CONCLUSION

The Petition for Writ of Habeas Corpus should be denied.

DATED this 23rd day of March, 2026.

¹ The Petitioner's manner of entry—admitted with a B-2 tourist visa—distinguishes his case from *Matter of Yajure Hurtado*, wherein the subject entered the United States without admission or inspection. 29 I&N Dec. 216 (BIA 2025). In other words, the government does not take the position that Petitioner is an applicant for admission under 8 U.S.C. § 1225, and the immigration judge will not be bound by *Yajure Hurtado* in his case.

Respectfully submitted,

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