

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ISIDRO ALBERTO RAPALO
CASTELLON,

Petitioner,

v.

SECRETARY, UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY, et al. (all official capacity),

Respondents.

Case No. 2:26-cv-732-SPC-DNF

A No. 2 

Honduras

Response to Motion to Enforce Judgment

The Federal Respondents oppose Petitioner's Motion seeking enforcement and immediate release. (Doc. 14). This Motion merely disagrees with the immigration judge ("IJ") merits decision of whether bond is appropriate. As the Court noted many times now, such disputes are matters for appeal—not motions in the underlying habeas case. *Lopez Galicia v. ICE*, No. 2:26-cv-255-SPC-DNF (M.D. Fla. Mar. 5, 2026); *see also Escalante Salazar v. Noem*, No. 2:26-cv-433-SPC-NPM (M.D. Fla. Mar. 5, 2026).

The Court issued an Order—granting habeas and requiring a prompt bond hearing or release. (Doc. 12). Respondents complied with that Order and ensured that Petitioner received a timely bond hearing with the IJ on the merits. Petitioner concedes as much. (Docs. 14 at 1-2; 14-2 at 1-2). Petitioner was even represented by

counsel at that bond hearing. (Doc. 14-2 at 1-2). The IJ found that Petitioner failed to establish he was suitable for bail due to danger and risk of flight—denying bond. (Doc. 14-2 at 1). Petitioner reserved his right to appeal that decision to the Board of Immigration Appeals (“BIA”). (Doc. 14-2 at 2).

The US Attorney’s Office attempted to retrieve a recording of the bond hearing for the Court’s review. But EOIR does not have a recording for this hearing. So the only information available is the IJ’s terse order and Petitioner’s recitation of events.

That said, the Motion indicates the IJ did consider the factors announced in *Guerra* and simply disagreed with Petitioner. According to Petitioner, the IJ erred by relying too heavily on Petitioner’s DUI convictions, two unlawful entries, lack of legal status (for Petitioner and certain family members on whose ties he relied), and likelihood of not achieving immigration relief. Yet these are exactly some of the factors suggested in *Guerra*. In short, it appears the IJ held a bond hearing on the merits, considered the factors from *Guerra*, and denied bond.

When an IJ makes an unfavorable 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, they have the right to appeal it to the BIA. 8 C.F.R. § 1003.19(f). As the Court recognized, “the proper way

to challenge the [bond] result is appeal to the Board of Immigration Appeals.” *Lopez Galicia*, No. 2:26-cv-255, Doc. 12 at 2.

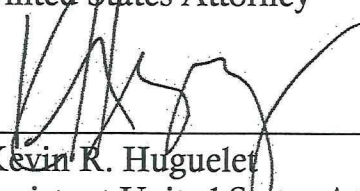
The answer here is no different. Petitioner challenges the merits of an IJ bond denial as incorrect both legally and factually. The avenue for any disagreement is appeal—not misplaced habeas relief with which Respondents already complied. There is simply no jurisdiction for the Court to review the IJ decision. Nor is there anything to enforce since Respondents provided what the Order required.

For those reasons, the Court must deny the Motion.

Date: April 16, 2026

Respectfully submitted,

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