

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ADONIS BLANCO ACOSTA,

Petitioner,

v.

Case No. 2:26-cv-763-SPC-NPM

PAMELA JO BONDI et al.

Respondents.

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RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Adonis Blanco Acosta challenges his detention by U.S. Immigration and Customs Enforcement (ICE), arguing he is entitled to immediate release. Pet. ¶ 15, ECF No. 1. While reserving all rights, including the right to appeal, Federal Respondents submit this abbreviated brief in lieu of an exhaustive memorandum to preserve their arguments and conserve judicial resources. Should the Court prefer a more exhaustive discussion, Federal Respondents request leave to submit additional briefing.

BACKGROUND

Adonis Blanco Acosta is a national and citizen of Cuba. Ex. 1 at 1-2 (2026 Form I-213).¹ On September 29, 2023, Petitioner applied for admission at the San

¹ To avoid delay and expedite the Court's consideration of this matter, the undersigned has attached the unsigned Form I-213 dated January 9, 2026, that Federal Respondents provided. *See* Ex. 1. The

Ysidro Port of Entry in California. Ex. 2 at 2 (2023 Form I-213). Upon entry, Petitioner claimed fear and requested asylum. *Id.* On September 30, 2023, Petitioner was paroled into the United States for two years pending his adjustment of status pursuant to the Cuban Humanitarian Parole program. Ex. 1 at 2. That same day, Petitioner was served with a Notice to Appear (NTA), placing him in removal proceedings and charging him as subject to removal pursuant to section 217(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA). Ex. 3 at 4 (2023 NTA); *see also* 8 U.S.C. § 1182(a)(7)(A)(i)(I) (“[A]ny immigrant at the time of application for admission who is not in possession of a . . . valid entry document . . . and a valid unexpired passport, or other suitable travel document . . . is inadmissible.”). The NTA ordered Petitioner to appear for a hearing before an immigration judge on December 1, 2023, in Miami, Florida. Ex. 3 at 1.

ICE represents that on December 1, 2023, Petitioner made a motion to terminate his removal proceedings so he could pursue relief outside of court, which the immigration judge granted. ICE also represents that on November 4, 2024, Petitioner filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS). Petitioner’s application was not approved, as he asserts; it remains pending. *Compare* Pet. ¶¶ 6-9,

undersigned has not received a signed version of Petitioner’s 2026 Form I-213 and defers to the Court as to what weight, if any, is appropriate to assign the attached. If the undersigned receives a signed version of Petitioner’s 2026 Form I-213 before the Court rules on this matter, the undersigned will supplement this response with the same.

13, and 15 *with* Ex. 4 (Petitioner's I-485 USCIS Case Status). Accordingly, Petitioner does not currently have lawful immigration status. ICE represents Petitioner did previously have an approved Form I-765, Application for Employment Authorization. However, on May 29, 2025, USCIS revoked Petitioner's employment authorization. Ex. 5 (Petitioner's I-765 USCIS Case Status). Thus, contrary to Petitioner's assertion, he is not currently permitted to work in the United States. *Compare* Pet. ¶ 13 (Ground One) *with* Ex. 5.

On January 8, 2026, Petitioner was arrested by the Miami-Dade Sheriff's Office for grand theft in the third degree and organized fraud for \$20,000 or less in violation of Florida laws. *See* Ex. 6 (2026 Arrest Affidavit); Ex. 7 at 4 (2026 State Case File Sheet). That same day, ICE encountered Petitioner while he was detained at the Turner Guilford Knight Correctional Center following his arrest. Ex. 1 at 2. ICE issued an I-247 Immigration Detainer. *Id.* On January 13, 2026, Petitioner was taken into immigration custody. Ex. 8 (Detention History). On March 4, 2026, the State Attorney's Office of the Eleventh Judicial Circuit of Florida filed a criminal information against Petitioner, charging him with one count of grand theft in the third degree, a felony under Florida law. Ex. 7 at 1-3 (Criminal Information).

On March 16, 2026, Adonis Blanco Acosta filed a petition for writ of habeas corpus alleging his custody violates the Due Process Clause of the Fifth Amendment. Pet. ¶ 13. At the time Petitioner signed and mailed the petition, he was detained at

Florida Soft Side South. Ex. 8. He is currently detained at Mesa Verda Detention Center in California. *Id.*; Ex. 9 (ICE Online Detainee Locator Results).

CERTIFIED HABEAS RETURN

ICE is detaining Adonis Blanco Acosta under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). *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.”). Petitioner “has the burden of establishing his right to federal habeas relief and of proving all facts necessary to show a constitutional violation.” *Romine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001).

MEMORANDUM OF LAW

The questions of law in this case, and the challenges to the government’s policy and practice, substantially overlap with *Garcia v. Noem et al.*, No. 2:25-cv-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025). Federal Respondents respectfully disagree with the Court’s decision in *Garcia v. Noem*. However, in the interest of judicial economy and to expedite the Court’s consideration of this matter, Federal Respondents make the following arguments:

1. Title 8 U.S.C. § 1252(g) bars review of Petitioner’s claims. *Garcia v. Noem et al.*, No. 2:25-cv-00879-SPC-NPM, Doc. 14 at 4-5 (M.D. Fla. Oct. 10, 2025).²

² Respondents acknowledge Local Rule 3.01(h) prohibits incorporation by reference of any other motion, legal memorandum, or brief. To achieve the purpose of efficiency, Respondents respectfully request the Court to suspend application of the rule in this instance. *See* Local R. 1.01(a) & 1.01(b); Fed. R. Civ. P. 1.

2. Title 8 U.S.C. § 1252(b)(9) bars review of Petitioner's claims. *Id.* at 6-7.
3. Petitioner failed to exhaust his administrative remedies. *Id.* at 7-8.
4. Petitioner is properly detained under 8 U.S.C. § 1225. *Id.* at 9-14; *see also Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026); *Herrera Avila v. Bondi et al.*, No. 25-3248 (8th Cir. Mar. 25, 2026).

Finally, Federal Respondents contend that, should this Court determine that Petitioner's detention is subject to 8 U.S.C. § 1226, they oppose outright release. To the extent the Court orders a bond hearing before an immigration judge for the purpose of determining whether Petitioner is a flight risk or danger to the community—*see, e.g., Garcia*, 2025 WL 3041895, at *6—Federal Respondents aver that such bond hearings are not conducted or managed by ICE, rather by the Executive Office for Immigration Review, which is not a proper party to this suit. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (“[I]n habeas challenges to present physical confinement . . . the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.”).

CONCLUSION

Federal Respondents argue Mr. Adonis Blanco Acosta's Petition for Writ of Habeas Corpus should be denied.

DATED this 25th day of March, 2026.

Respectfully submitted,

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