

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WILLIAM ABNER MAZARIEGOS
LOPEZ,

Petitioner,

v.

SECRETARY, U.S. DEPARTMENT
OF HOMELAND SECURITY, et al. (all
official capacity),¹

Respondents.

_____ /

Case No. 2:26-cv-764-JES-NPM
A No. 220-329-164
Guatemala

Response to Petition for Writ of Habeas Corpus

Petitioner William Abner Mazariegos Lopez challenges his detention by U.S. Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”), arguing he is entitled to a bond hearing under 8 U.S.C. § 1226. The Federal Respondents disagree. This is a standard § 1225 v. § 1226. And before transfer, the parties briefed the underlying legal issues. (Docs. 1; 6; 7).

In the Southern District, the Federal Respondents stated their position on bond hearings sufficient to preserve without further discussion. They note, however, that this case substantially overlap with *Patel v. Hardin*, No. 2:25-cv-870-JES-NPM, 2025 WL 3442706 (M.D. Fla. Dec. 1, 2025)—where the Court disagreed.

¹ The Glades County Sheriff should be terminated from this case with DHS or ICE being left as the only remaining Respondents. *Mota-Constanzo v. ICE*, No. 2:26-cv-369-KCD-DNF, 2026 WL 681819, at *2 n.3 (M.D. Fla. Mar. 11, 2026).

The only issue that potentially needs to be addressed is Mazariegos Lopez's claims related to his former status as an unaccompanied minor ("UAC"). This Court and its colleagues rightly treat UACs who turned eighteen outside DHS or HHS custody the same as any other adult filing a habeas. *E.g.*, *Salucio Ramirez v. ICE*, No. 2:26-cv-598-JES-DNF, 2026 WL 820556, at *1 (M.D. Fla. Mar. 25, 2026). By its plain terms, 8 U.S.C. § 1232(c)(2)(B) applies to UACs who reach adulthood while in custody of HHS and get transferred from HHS to DHS custody. *See also Mendez Ramirez v. Decker*, 612 F. Supp. 3d 200, 217 (S.D.N.Y. 2020) (applying "to UACs who reach 18 years of age while in ORR's physical custody" (cleaned up)); *Ramirez v. ICE*, 568 F. Supp. 3d 10, 19 (D.D.C. 2021).

Should the Court determine Mazariegos Lopez's detention is subject to § 1226, the only appropriate remedy is to begin the process for a bond hearing—not outright release—during which an IJ can determine whether Mazariegos Lopez is a flight risk or danger to the community. *Vasquez Carcamo*, 2025 WL 3119263, at *5-6. Again, only EOIR can provide a bond hearing. That said, if ordered, ICE would do what is in its power to facilitate a hearing. *See Mirando Bravo*, No. 2:25-cv-1046, Doc. 8 at *3.

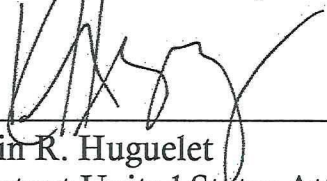
Conclusion

Mazariegos Lopez's Petition for Writ of Habeas Corpus should be denied. Even if the Court grants relief under § 1226, the only appropriate relief would be a bond determination by ICE and submission to an actual IJ bond hearing as set by EOIR.

Date: April 6, 2026

Respectfully submitted,

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