

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

JOEL AMETH GIRON CAMARGO,

Petitioner,

v.

Case No. 2:26-cv-767-SPC-NPM

U.S. ATTORNEY GENERAL, et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Joel Ameth Giron Camargo challenges his detention by U.S. Immigration and Customs Enforcement, arguing that he is entitled to immediate release.¹ Dkt. 1 at ¶ 15. Because Petitioner was admitted into the United States in March 2020 through a nonimmigrant Visitor for Pleasure visa. Petitioner stayed beyond the August 31, 2020 expiration of that visa. Because Petitioner was admitted to the United States, he is under § 1226 not an applicant for admission under § 1225. Petitioner was convicted of a controlled substance violation, and is therefore subject to mandatory detention under 1226(c). Petitioner has not

¹ The only appropriate respondent to a habeas case is the official with physical custody of Giron Camargo. 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”); *Rumsfeld v. Padilla*, 542 U.S. 426, 434-36 (2004) (“[T]he 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.”). Accordingly, the only proper respondent in this case is the Warden of the South Florida Detention Center in his official capacity because this is where Petitioner was detained at the time he filed his petition. *See e.g., Vandersnick v. Sec’y, Fla. Dep’t of Corr.*, No. 5:18-cv-603-SPC-PRL, 2021 WL 1020914, at *1 n.3 (M.D. Fla. Mar. 17, 2021).

exhausted his administrative remedies and can file a bond motion at any time. His petition should be denied.

FACTS

Based on representations made to undersigned counsel by ICE², Giron Camargo is a national and citizen of Panama who entered the United States on or about March 1, 2020, at Hollywood International Airport with a nonimmigrant Visitor for Pleasure visa. Petitioner was authorized to remain in the United States for a temporary period not to exceed August 31, 2020. Petitioner remained in the United States beyond that date without authorization. In November 2021, Petitioner received a Withhold of Adjudication for Possession of a Controlled Substance; Methamphetamine, a third-degree felony, and Petitioner was sentenced to 18 months' probation by the 17th Judicial Circuit in and for Broward County. Ex. 1. He was placed in immigration custody on February 21, 2026. Dkt. 1 at 4. Giron Camargo is currently detained at California City Corrections Center. Ex. 2.

On March 12, 2026, Giron Camargo filed a petition for writ of habeas corpus alleging his custody violates the Due Process Clause of the Fifth Amendment. Dkt. 1. At the time he filed, Giron Camargo was detained at the South Florida Detention Center in Ochopee, FL. *Id.* at 1.

² Undersigned counsel provides the information in this paragraph based on email correspondence with agency counsel from ICE. Undersigned counsel has not yet received documentary evidence of the information in this paragraph unless specifically attributed. To the extent counsel receives additional documentation before the Court rules on the petition, she will amend its response to provide that documentation to the Court.

CERTIFIED HABEAS RETURN

ICE is detaining Giron Camargo under the mandatory detention provisions of 8 U.S.C. § 1226(c). *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.”). Giron Camargo 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

I. Plaintiff’s criminal conviction subjects him to mandatory detention under § 1226(c).

Because Petitioner was admitted to the United States as a tourist, he is not an “applicant for admission” under § 1225, but is instead under ¶§ 1226. Even though adjudication was withheld for Petitioner’s possession of methamphetamine, the withhold meets the definition of a “conviction” under 8 U.S.C. § 1101(a)(48):

The term “conviction” means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where— (i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and (ii) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed. (B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.

Based on this conviction, Petitioner qualifies as a controlled substance violator under

8 U.S.C § 1182(a)(2)(A)(i). Therefore, Petitioner is subject to mandatory detention under 1226(c)(1)(A), which reads:

The Attorney General shall take into custody any alien who—
(A) is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title

II. *Yajure Hurtado* is distinguishable because of Petitioner's manner of entry.

Because Petitioner entered the United States on a tourist visa, this case is distinguishable from *In re Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025). Respondents do not take the position that Petitioner is an applicant for admission under 8 U.S.C. § 1225 and the immigration judge would not be bound by *Hurtado*.

III. Petitioner has not exhausted his administrative remedies and Petitioner may file a bond motion at any time.

Finally, the Petitioner has not exhausted administrative remedies. Because Petitioner is being detained under § 1226, he can file a bond motion at any time under 1226(a). A bond motion can be filed in advance of a Notice of Appeal being filed, and petitioners are permitted to file multiple bond requests. *See generally* <https://www.justice.gov/eoir/policy-manual-eoir/part-II/icpm/chapter-8-3>.

CONCLUSION

Giron Camargo's Petition for Writ of Habeas Corpus should be denied.

DATED this 25th day of March, 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Mamie V. Wise
MAMIE V. WISE
Assistant United States Attorney
Florida Bar No. 65570
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
Telephone: 813-274-6000
Facsimile: 813-274-6200
E-mail: mamie.wise@usdoj.gov

Lead Counsel for Federal Respondents