

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

CARLOS ALBERTO HERNANDEZ
ESCALONA,

Petitioner,

v.

Case No. 2:26-cv-769-SPC-NPM

KRISTI NOEM, et al.,

Respondents.

**RESPONSE TO PETITIONER'S MOTION TO ENFORCE COURT ORDER
AND FOR IMMEDIATE RELEASE**

Yesterday, Petitioner Carlos A. Hernandez Escalona moved to enforce the Court's prior order and for immediate release arguing that the Immigration Judge did not comply with the Court's order. While the Immigration Court did make conclusions on jurisdiction, it nevertheless considered the merits of Petitioner's release on bond, complying with this Court's prior order. *See* Dkt. 7. The Immigration Court order reads, in relevant part, as follows:

The burden is on the alien to show to the satisfaction of the Immigration Judge that he merits release on bond. In general, an Immigration Judge must consider whether an alien who seeks a change in custody status is a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk. *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976); *Matter of Guerra* 24 I&N Dec 37 (BIA 2006). Respondent has not met his burden of establishing that he is not a risk of flight. The Respondent has minimal and distant family ties with legal status in the United States, has not demonstrated a stable fixed residence or employment, and has been in the United States for less than two years. The Court finds that Respondent has not met his burden in establishing he is a suitable bail risk. *see Matter of Guerra, supra.*

April 10, 2026, Order of the Immigration Judge, previously filed at Dkt. 10-1 at 2. Based on the written order, the bond hearing provided to Hernandez Escalona complied with this Court's order because the immigration judge specifically considered the *In re Guerra* factors and whether Petitioner had met his burden to establish those factors. *See* Dkt. 7.

WHEREFORE, this Court should deny Petitioner's Motion to Enforce.

DATED this 15th day of April, 2026.

Respectfully submitted,

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