

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAISON D. NUNEZ-VALLADARES,

Petitioner,

Case No. 2:26-cv-794-SPC-NPM

v.

KRISTI NOEM, et al.,

Respondents.

**PETITIONER'S REPLY TO RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner, DAISON D. NUNEZ-VALLADARES, through undersigned counsel, replies to Respondents' Response and states:

I. INTRODUCTION

The parties do not dispute the relevant facts. Petitioner is detained, has not received a bond hearing, and is being held under 8 U.S.C. § 1225(b)(2). The issue before the Court is whether that detention is lawful.

It is not. The declaratory judgment in *Maldonado Bautista v. Santacruz* governs Petitioner's custody classification and requires that individuals in his position be treated as detained under 8 U.S.C. § 1226(a), with access to a bond hearing. Respondents have not shown otherwise.

II. RESPONDENTS' STATUTORY ARGUMENT DOES NOT JUSTIFY DETENTION

Respondents maintain that Petitioner is subject to mandatory detention under § 1225(b)(2), relying on *Matter of Yajure Hurtado*.

That reliance is insufficient. The interpretation in *Yajure Hurtado* has been rejected by a federal district court, and Respondents acknowledge that development. The Court need not resolve broader questions regarding that decision's status because Petitioner's claim turns on the applicability of *Maldonado Bautista*.

In *Maldonado Bautista*, the district court held that noncitizens who entered without inspection but were not apprehended at the border are detained under § 1226(a), not § 1225(b). Petitioner falls within that category based on the record before the Court.

Respondents do not meaningfully dispute those facts. Accordingly, their statutory argument does not justify continued detention without a bond hearing.

III. MALDONADO BAUTISTA PROVIDES CONTROLLING GUIDANCE

Respondents argue that *Maldonado Bautista* is not binding in this Court.

The Court need not resolve the full scope of its preclusive effect to grant relief here. The decision provides clear and reasoned guidance on the statutory

framework at issue. Respondents have not offered a more persuasive interpretation of the relevant provisions.

Moreover, the declaratory judgment in *Maldonado Bautista* extends to a certified class that includes individuals in Petitioner's position. Respondents' continued reliance on § 1225(b) is inconsistent with that framework.

IV. THIS COURT HAS HABEAS JURISDICTION

Respondents assert that jurisdiction is barred under 8 U.S.C. §§ 1252(g) and 1252(b)(9). Those provisions do not apply here.

Petitioner challenges the legality of his detention, not a decision to commence proceedings or execute a removal order. Claims challenging detention without a bond hearing fall within the core of habeas review under 28 U.S.C. § 2241.

V. EXHAUSTION DOES NOT BAR RELIEF

Respondents contend that Petitioner failed to exhaust administrative remedies.

Exhaustion is not required where it would be futile or where the agency cannot provide the requested relief. The record reflects that immigration judges have not been applying the framework recognized in *Maldonado Bautista*. Under

those circumstances, requiring further administrative proceedings would not resolve the issue presented.

VI. APPROPRIATE RELIEF

If the Court determines that Petitioner is detained under § 1226(a), he is entitled to a bond hearing.

Courts addressing similar circumstances have ordered either release or a prompt bond hearing. A hearing within a defined timeframe ensures compliance with the statutory framework while allowing the immigration court to make any individualized determinations.

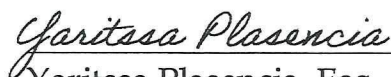
VII. CONCLUSION

Respondents have not demonstrated that Petitioner's continued detention without a bond hearing is authorized by law.

Petitioner respectfully requests that the Court grant the Petition and order Respondents to provide a bond hearing under 8 U.S.C. § 1226(a) within seven days. In the alternative, Petitioner requests any further relief the Court deems appropriate.

DATED: March 29, 2026

Respectfully submitted,



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