

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

LAZARO REINIER ALONSO DOMINICHE,
Petitioner,

v.

Case No. 2:26-cv-795-JES-NPM

ATTORNEY GENERAL PAMELA BONDI,
ET AL.
Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Lazaro Reinier Alonso Dominiche seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his detention by U.S. Immigration and Customs Enforcement and seeking his immediate release from custody.¹ His petition should be denied. This case is distinct from recent immigration habeas cases filed in this district, which have primarily dealt with petitioners who—critically—had not been paroled into the United States as an arriving alien. Petitioner, however, received such temporary parole. Because his parole has now ended, Alonso Dominiche is restored to the status he had prior to parole as an applicant for

¹ Pursuant to its Inter-Governmental Services Agreement for Glades County Detention Center, U.S. Immigration and Customs Enforcement requests Warden of Glades County Detention Center be terminated from this case. *See Mota-Constanzo v. Noem*, 2:26-cv-00369-KCD-DNF, 2026 WL 681819, at *2 & n.2 (M.D. Fla. Mar. 11, 2026).

admission; he is therefore subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A).

FACTS

Alonso Dominiche is a national and citizen of Cuba who arrived in the United States seeking admission on March 16, 2024. *See* Petition for Writ of Habeas Corpus (“Petition”) at ¶¶ 7, 25, 32; *see also* ECF No. 1-2 at 1. He was granted humanitarian parole into the United States and issued a Notice to Appear on that same day. *See* Petition at ¶¶ 33, 35; *see also* ECF No. 1-2 at 1; ECF No. 1-4 at 1; ECF No. 1-5 at 1. Alonso Dominiche’s humanitarian parole was extended one time—through March 15, 2026. *See* ECF No. 1-5 at 1. On October 14, 2025, Petitioner was arrested by the Miami Dade County Sheriff’s Office on several charges: insurance fraud, grand theft, organized scheme to defraud, false report of a crime to the police, and criminal solicitation. *See* From I-213, Record of Deportable/Inadmissible Alien, attached as “Exhibit A” at p. 2. Immigration enforcement encountered him while he remained detained on those pending charges and assumed custody. *Id.* Petitioner has sought—and been denied—bond from EOIR. Petition, ¶¶ 9, 39. At present, Petitioner is detained at the Glades County detention facility. *Id.* at ¶¶ 1, 38.

On March 18, 2026, Alonso Dominiche filed a petition for writ of habeas corpus alleging his custody violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. *See* Petition, ¶¶ 80-93. His Petition should be denied.

CERTIFIED HABEAS RETURN

ICE is detaining Alonso Dominiche under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A). *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.”). Alonso Dominiche 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. Alonso Dominiche’s detention comports with the INA and the Due Process Clause of the Fifth Amendment.

Title 8 U.S.C. § 1225—applicable to “applicants for admission,” that is, aliens present in the United States who have not been admitted—is the specific detention authority applicable to Alonso Dominiche. Under § 1225(a), an “applicant for admission” is defined as an “alien present in the United States who has not been admitted *or who arrives in the United States.*” (Emphasis added). Applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Section 1225(b)(2)—the provision relevant here—is the “broader” of the two. *Id.* It “serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1) (with specific exceptions not relevant here).” *Id.* And § 1225(b)(2) mandates detention. *Id.* at 297; *see also* 8 U.S.C. § 1225(b)(2); *Matter of Q. Li*, 29 I & N. Dec. at 69 (“[A]n applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and

subsequently placed in removal proceedings is detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), and is ineligible for any subsequent release on bond under section 236(a) of the INA, 8 U.S.C. § 1226(a).”); *see also Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025).

As Petitioner concedes—Petition, ¶ 41—he entered the United States as an “arriving alien.” His Notice to Appear reflects as such as the box indicating he is an arriving alien has been selected and his charge of removability corresponds with that appropriate for an arriving alien. *See* ECF No. 1-2 at pp. 1, 4. An Immigration Judge has already correctly determined that his detention is mandatory on this basis. Petition, ¶¶ 9, 39. Though Petitioner attempts to evade this inconvenient fact by asserting that mandatory detention does not apply because his re-detention was not at a port of entry—Petition, ¶¶ 10, 71-77, 84—there is simply no basis in law to support this conclusion. As this Court has properly determined previously, aliens apprehended at the border fall squarely within § 1225. *See e.g. e.g., Oviedo v. Warden, Glades County Detention Center*, No. 2:26-cv-421-JES-DNF, 2026 WL 693205 (M.D. Fla. Mar. 12, 2026); *Misiara Erbite v. Ripa, et al.*, No. 2:26-cv-558-JES-NPM (M.D. Fla. Mar. 19, 2026), Dkt. 6. That Alonso Dominiche was redetained does not impact the nature and circumstances underlying his arrival.

Furthermore, the present case is factually and legally distinct from recent cases Petitioner references finding § 1225(b)(2) an inapplicable basis for detention. *See* Petition, ¶¶ 11-14, 49-70. Here, the record establishes that Alonso Dominiche was

paroled into the United States in 2024 as an arriving alien. ECF No. 1-4 at 1; Ex. A at 2. Alonso Dominiche's parole at a port of entry allowed his otherwise mandatory § 1225(b)(2)(A) detention to be suspended. 8 U.S.C. § 1152(d)(5)(A). Alonso Dominiche's parole terminated April 24, 2025. *See Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, 90 Fed. Reg. 13,611 (Mar. 25, 2025), available at <https://www.federalregister.gov/documents/2025/03/25/2025-05128/termination-of-parole-processes-for-cubans-haitians-nicaraguans-and-venezuelans> (last accessed Apr. 6, 2026) (explaining DHS's termination of parole programs for Cuban nationals effective April 24, 2025 for those parole recipients whose parole had not yet expired as of that date). Even were termination not effected at that time, his parole period has since elapsed without renewal. *Cf. Chanaguano Caiza v. Scott*, No. 1:25-CV-00500-JAW, 2025 WL 3013081, at *6 (D. Me. Oct. 28, 2025) (holding the petitioner's parole automatically terminated upon expiration subjecting him to mandatory detention).

Critically, as the humanitarian parole statute explicitly states “ . . . when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.” 8 U.S.C. § 1182(d)(5)(A); *see also* 90 Fed. Reg. 13,611, 13,612 (“ . . . upon termination of parole, such alien will remain an arriving alien.”).

Put simply, Alonso Dominiche was an arriving alien when he entered the United States, remained an arriving alien during the period in which he was afforded humanitarian parole, and continues to be an arriving alien today. Humanitarian parole acts in essence as a blanket—it affords a recipient the comfort of not remaining detained—but underneath the blanket the underlying status of the individual is undisturbed and when that blanket is removed, he is still the same individual in the same legal posture that he was before he was offered that blanket. Because he is an arriving alien, Alonso Dominiche’s detention is considered mandatory absent valid, continuing humanitarian parole. 8 U.S.C. § 1225(b).

For noncitizens who have never been “been admitted into the country pursuant to law . . . the decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.” *Thuraissigiam*, 591 U.S. at 139. Accordingly, Alonso Dominiche has been lawfully detained under 8 U.S.C. § 1225(b)(2) and his Petition should be denied.

CONCLUSION

Alonso Dominiche’s Petition for Writ of Habeas Corpus should be denied

DATED: April 6, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Amanda Saylor
Amanda Saylor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 6, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system which will furnish copies of these documents to all registered counsel of record.

Dated: April 6, 2026

Signed:

/s/Amanda Saylor

Amanda Saylor

Assistant United States Attorney