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Attorney for Petitioner

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

ALONSO DOMINICHE, Lazaro Antonio)
(A ))

Petitioner,)

v.)

PAMELA BONDI, U.S. Attorney General)

KRISTI NOEM, U.S.)
Secretary of Homeland Security ("DHS"),)

TODD LYONS, Acting)
Director U.S. Immigration and Customs)
Enforcement,)

JUAN AGUDELO, Acting Miami Field)
Office Director,)

DAVID HARDIN, Sheriff and Warden)
of Glades County Detention Center)

IN THEIR OFFICIAL)
CAPACITIES)

Respondents.)

Case No.: 2:26-cv-00795-JES-NPM

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

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

1. The Petitioner, Lazaro Antonio Alonso Dominiche, by and through his undersigned counsel, hereby files, in compliance with the Court's Order (Doc. 5), this Reply to Respondent's Response to Petition for Writ of Habeas Corpus.

DISCUSSION

2. Respondents cite two recent cases from this Honorable Court that speak to the issue at bar: *Oviedo v. Warden, Glades County Detention Center*, No. 2:26-cv-421-JES-DNF, 2026 WL 693205 (M.D. Fla. Mar. 12, 2026) and *Misiara Erbite v. Ripa, et al.*, No. 2:26-cv-558-JES-NPM (M.D. Fla. Mar. 19, 2026).
3. Respondents suggest that these cases stand for the same proposition: that "aliens apprehended at the border fall squarely within § 1225." *See* Response at 4.
4. However, there is a crucial distinction between this Court's holdings in *Oviedo* and *Misiara Erbite*, and that distinction happens to be crux of this case.
5. In *Oviedo*, the petitioner entered the United States on September 17, 2023, was taken into custody, and released into the United States on temporary parole, much like Mr. Alonso Dominiche. On February 9, 2026, Oviedo was re-detained incident to a traffic accident.
6. In *Misiar Erbite*, the petitioner was apprehended when he attempted to enter the United States on October 21, 2025 and he was never released into the interior of the United States—he remained in immigration custody and ostensibly will remain in immigration custody until the end of his removal proceedings.
7. Here, Petitioner's relevant facts match those of *Oviedo* **not** *Misiar Erbite*.

8. Petitioner entered the United States on March 14, 2024, was released into the United States on temporary parole, and re-detained on October 14, 2025 after living and working within the United States for over a year and a half.

9. In *Oviedo*, this Honorable Court states:

The government could have detained Pedrozo Oviedo without a bond hearing when he entered the country in 2023. Instead, they released him on parole and [*5] allowed him to stay form more than two years before rearresting him. Thus, the Court rejects the government's argument that Pedrozo Oviedo is subject to expedited removal and concludes that Respondents' authority to detain him stems from section 1226(a). As a noncitizen detained under section 1226(a), Pedrozo Oviedo has a right to a bond hearing.

Pedrozo Oviedo v. Warden, No. 2:26-cv-421-JES-DNF, 2026 U.S. Dist. LEXIS 50783, at *4-5 (M.D. Fla. Mar. 12, 2026).

10. Thus, based on factual and legal reality, this Court should find that at the time of his detention by ICE he was not an “arriving alien” who was “seeking admission” into the United States. Instead, he was a noncitizen residing in the United States with all the constitutional protections that stem from that residence, who, 1.5 years after his lawful entry, was apprehended by ICE and treated as if he had just entered.

11. Therefore, § 1226(a), not § 1225(b)(2)(A), governs his prolonged detention by Federal Respondents, and Petitioner is not subject to mandatory detention.

12. Instead, he is entitled to a bond hearing, or immediate release because of his unreasonably long detention.

Respectfully submitted
this 20th day of April 2026,

/s/ Jan Peter Weiss

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