

INTRODUCTION

Petitioner Aliesky Alvarez Sanchez is being held in immigration detention in direct violation of this Court's April 15, 2026 Opinion and Order (the "Habeas Order"). Doc. 9. This Court's ten-day compliance deadline expired on April 25, 2026. No compliant bond hearing has been held. Every day of continued detention constitutes irreparable harm to Petitioner. Therefore, Petitioner requests that the Court rule on this motion on an expedited basis, without awaiting a further response, given that the compliance deadline has already lapsed and the Court's own order mandates release under these circumstances.

This is a motion to enforce, not a motion to re-litigate. This Court has already resolved the governing legal question: Petitioner's detention is governed by 8 U.S.C. § 1226(a), not § 1225(b). *Id.* at 5–6. On April 21, 2026—six days after this Court's Habeas Order—Immigration Judge ("IJ") Stuart A. Siegel of the Miami Krome Immigration Court refused to conduct the merit-based bond hearing this Court directed. The IJ determined he lacked jurisdiction because the Department of Homeland Security ("DHS") classifies Petitioner as an "arriving alien." In doing so, the IJ did precisely what this Court predicted and for which this Court prescribed a mandatory remedy.

This Court's Habeas Order is unambiguous: "If the immigration judge in this case reaches the same conclusion or otherwise declines to consider bond,

Petitioner must be released.” *Id.* at 7 n.3. The condition has been met.
 Petitioner must be released.

The IJ’s “arriving alien” rationale is also factually untenable on this record. Documents already before this Court—Petitioner’s DHS travel authorization (Doc. 1-2 at 3) and his Customs and Border Patrol (“CBP”) I-94 record reflecting Class of Admission “CHP” (Cuban Humanitarian Parole) (*Id.* at 5)—confirm that Petitioner was formally *paroled into* the United States by a CBP officer at a port of entry on February 8, 2023, and resided here continuously for over three years. An administrative classification cannot override a federal court’s habeas judgment. Immediate release is required.

FACTUAL AND PROCEDURAL BACKGROUND

A. Petitioner’s Lawful Entry and Continuous Residence.

Petitioner Aliesky Alvarez Sanchez is a Cuban national born 
 He did not cross the border unlawfully. He applied through the CHP program and received a formal DHS “Travel Authorized” letter confirming that his travel authorization was approved under the “Cuban parole process.” Doc. 1-2 at 3. The letter identifies Petitioner by name, Alien Number, and Passport Number, with Status “Authorization Approved” and expiration May 7, 2023. *Id.* Petitioner traveled to the United States by commercial air as required by the program.

Upon arrival on February 8, 2023, a CBP officer formally granted Petitioner parole under 8 U.S.C. § 1182(d)(5). His official CBP I-94 record reflects: Arrival Date February 8, 2023; **Class of Admission “CHP” (Cuban Humanitarian Parole)**; Admitted Until Date February 6, 2025. *Id.* at 5. His Cuban passport confirms his identity. *Id.* at 2. He was not held, detained, or processed for expedited removal upon arrival. He was granted parole and released.

Petitioner resided continuously in the United States from February 8, 2023—more than three years. He has a United States citizen child and close family members who are lawful permanent residents. Doc. 1 at Paragraph 18. On March 12, 2026, he was arrested by Miami-Dade police on pending criminal charges, posted bond in state court, and was immediately transferred to ICE custody. Doc. 1 at Paragraph 19; Doc. 6 at 2. ICE detained him at the Glades County Detention Center under § 1225(b)(2). Doc. 6 at 3.

B. This Court’s Habeas Order and Its Explicit Release Trigger.

On April 15, 2026, this Court granted Petitioner’s habeas petition. (Doc. 9). The Court held that the government’s authority to detain Petitioner “stems from section 1226(a),” not § 1225(b), because the government “released him and allowed him to stay for more than three years before rearresting him.” Doc. 9 at 5. The Court applied *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 400–01 (2024), expressly rejecting deference to the BIA’s contrary

interpretation: “agencies have no special competence in resolving statutory ambiguities. Courts do.” *Id.* at 4 n.1.

The Court ordered Respondents, “[w]ithin TEN (10) DAYS,” to “provide Alvarez Sanchez with the statutory process required under § 1226—which includes a merit-based bond hearing—or release him under reasonable conditions of supervision.” *Id.* at 7, Paragraph 2. The hearing was required to include “consideration of all evidence properly submitted by the petitioner and the factors announced in *In re Guerra*, 24 I. & N. Dec. 37 (BIA 2006),” with “at least 48 hours’ notice” to counsel. *Id.* at 6.

The Court anticipated precisely what occurred here. In footnote 3 of the Habeas Order, the Court warned: “In recent cases in the Middle District of Florida—and despite being ordered to do so—the immigration judge has refused to provide a merit-based bond hearing, determining that under *Hurtado* he had no discretion to issue a bond. . . . If the immigration judge in this case reaches the same conclusion or otherwise declines to consider bond, Petitioner must be released.” Doc. 9 at 7 n.3 (emphasis added). The ten-day deadline expired April 25, 2026. Petitioner remains detained.

C. The Immigration Judge’s Refusal to Comply.

On April 21, 2026, IJ Stuart A. Siegel issued a written order denying bond. See Exhibit (“Exh.”) A, IJ Order Denying Bond. The IJ did not conduct a merit-based bond hearing. He denied bond on two grounds.

First, the IJ determined that Petitioner, classified by DHS as an “arriving alien” under 8 C.F.R. § 1001.1(q), is categorically barred from bond proceedings before an immigration judge under 8 C.F.R. § 1003.19(h)(2)(i)(B). The IJ acknowledged the Habeas Order expressly—“[t]his matter is before the court pursuant to a Habeas Corpus Order issued by the U.S. District Court”—and nonetheless declined to exercise jurisdiction. See Exh. A. The IJ invited this Court to address “whether the Immigration Court has jurisdiction to consider bond for Respondent as an arriving alien, notwithstanding the 8 C.F.R. § 1003.19(h)(2)(i)(B).” *Id.*

Second, as an alternative finding, the IJ noted that no evidence addressing the nine *Guerra* factors had been submitted. *Id.* As explained below, this secondary finding cannot justify noncompliance: the IJ never reached the merits of bond eligibility because he declined jurisdiction on the first ground.

ARGUMENT

I. THIS COURT’S HABEAS ORDER IS SELF-EXECUTING: THE IJ’S REFUSAL TO CONDUCT A MERIT-BASED BOND HEARING TRIGGERS MANDATORY RELEASE.

The relief Petitioner seeks requires no further statutory analysis. The Court’s Habeas Order already resolved the governing legal question, already predicted the IJ’s response, and already prescribed the remedy. The operative language is dispositive: “If the immigration judge in this case reaches the same

conclusion or otherwise declines to consider bond, Petitioner must be released.” Doc. 9 at 7 n.3. That condition has been met. The remedy follows automatically.

Federal courts possess inherent authority to enforce their own judgments. *Shillitani v. United States*, 384 U.S. 364, 370 (1966). The All Writs Act, 28 U.S.C. § 1651, further empowers this Court to “issue all writs necessary or appropriate in aid of [its] jurisdiction.” A habeas court retains jurisdiction to ensure compliance with its writ. *Harris v. Nelson*, 394 U.S. 286, 300 (1969). Where respondents fail to comply, the court may enforce by ordering the relief it originally authorized. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). The compliance obligation runs to Respondents. Respondents cannot discharge it by presenting Petitioner to an immigration tribunal that then refuses to act. As the Court made explicit: “If Respondents are unable to ensure that Alvarez Sanchez timely receives the meaningful and thorough bond hearing to which he is entitled under § 1226(a), they must release him.” Doc. 9 at 6–7. Respondents have not ensured that hearing. They must release him.

II. THE IJ’S “ARRIVING ALIEN” RATIONALE CANNOT EXCUSE NONCOMPLIANCE WITH THIS COURT’S JUDGMENT.

The IJ’s jurisdictional rationale fails as a matter of law and as a matter of this Court’s binding determination. Two independent grounds compel this conclusion.

First, this Court has already held that § 1226(a) governs Petitioner's detention. Doc. 9 at 5–6. That holding necessarily displaces any administrative regulation purporting to bar an IJ bond hearing. An administrative tribunal cannot re-interpret or nullify a federal district court's habeas judgment. The IJ's reliance on 8 C.F.R. § 1003.19(h)(2)(i)(B) and *Matter of Oseiwusu*, 22 I&N Dec. 19 (BIA 1998), represents an agency-level interpretation of a regulatory scheme. This Court has already held, under *Loper Bright*, that “agencies have no special competence in resolving statutory ambiguities. Courts do.” Doc. 9 at 4 n.1. Under the Supremacy Clause, this Court's statutory ruling that § 1226(a) governs supersedes any administrative regulation to the contrary. U.S. Const. art. VI, cl. 2. The IJ was bound to follow this Court's order, not to re-adjudicate the detention statute.

Second, the “arriving alien” classification is factually inapt. Petitioner is not a newly-arrived alien at the threshold of entry. He was formally *paroled into* the United States under 8 U.S.C. § 1182(d)(5) on February 8, 2023, and resided here for over three years under that grant. His CBP I-94 reflects Class of Admission “CHP” (Doc. 1-2 at 5)—a formal parole grant, not an inspection-pending status. He was released by CBP at the port of entry, not held. A parolee who has been physically present in the United States for years under an affirmative government grant of admission is not in the same legal posture as an alien who has just arrived and remains subject to inspection. As this

Court observed in the Habeas Order, “[t]he government could have detained Alvarez Sanchez when he entered the country in 2023. Instead, they released him and allowed him to stay for more than three years before rearresting him.” Doc. 9 at 5. That government-created reliance forecloses the mandatory detention argument and forecloses the IJ’s jurisdictional bar for the same reason.

III. THE IJ’S SECONDARY FINDING REGARDING GUERRA EVIDENCE DOES NOT CONSTITUTE COMPLIANCE.

The IJ’s secondary observation—that no *Guerra* factor evidence was submitted—cannot independently justify noncompliance with this Court’s order for a *merit-based* bond hearing. The IJ’s own order makes clear that his primary and controlling basis for denial was lack of jurisdiction. He never reached the merits of Petitioner’s bond eligibility. A proceeding that is terminated at the threshold for want of jurisdiction is not a “merit-based bond hearing” within the meaning of this Court’s order. See Doc. 9 at 6 (requiring “consideration of all evidence properly submitted by the petitioner and the factors announced in *In re Guerra*, 24 I. & N. Dec. 37 (BIA 2006)”). Evidence cannot be “properly submitted” to a tribunal that has declined to exercise jurisdiction.

Should the Court nonetheless order a new hearing in lieu of immediate release, Petitioner is fully prepared to present evidence of his CHP parole grant

(Doc. 1-2 at 3, 5), his U.S. citizen child, his lawful permanent resident family members, his fixed address, and other *Guerra* factors. The absence of such evidence at the April 21 hearing that was never properly convened does not constitute a meaningful hearing on the merits.

IV. IN THE ALTERNATIVE, THE COURT SHOULD ISSUE A CLARIFYING ENFORCEMENT ORDER DIRECTING A NEW HEARING BEFORE A DIFFERENT IMMIGRATION JUDGE WITH SPECIFIC COMPLIANCE MECHANICS.

Should the Court decline to order immediate release, Petitioner requests that this Court issue a clarifying enforcement order providing as follows:

- (1) This Court's April 15, 2026 ruling that 8 U.S.C. § 1226(a) governs Petitioner's detention supersedes any administrative regulation—including 8 C.F.R. § 1003.19(h)(2)(i)(B)—purporting to bar an immigration judge from conducting a bond hearing for Petitioner;
- (2) Respondents shall, within five (5) calendar days of this Order, ensure that Petitioner receives a merit-based bond hearing before a *different* immigration judge than IJ Siegel, with at least 48 hours' advance written notice to Petitioner's counsel;
- (3) The hearing must include full consideration of all evidence timely submitted by Petitioner and all factors under *In re Guerra*, 24 I. & N. Dec. 37 (BIA 2006); Respondents bear the burden of demonstrating by

clear and convincing evidence that Petitioner presents a danger or flight risk warranting continued detention;

(4) The presiding immigration judge shall issue a written, reasoned decision on the merits of bond within 24 hours of the conclusion of the hearing; and

(5) If any immigration judge declines to exercise jurisdiction, refuses to adjudicate bond on the merits, or if no compliant hearing is held within five calendar days of this Order, Respondents shall immediately release Petitioner under reasonable conditions of supervision and shall file a compliance affidavit with this Court within 24 hours of release confirming compliance.

CONCLUSION

This Court's Habeas Order required one of two things: a merit-based bond hearing, or release. The immigration judge refused to conduct the hearing. This Court predicted that outcome and mandated the consequence: "Petitioner must be released." Doc. 9 at 7 n.3. The ten-day compliance deadline has passed. Petitioner remains unlawfully detained.

Petitioner entered the United States lawfully through the Cuban Humanitarian Parole program, was formally paroled by a CBP officer—as confirmed by documents already in this Court's record (Doc. 1-2 at 3, 5)—and

resided here for over three years. This Court has already held that § 1226(a) governs. No administrative classification can override that judgment.

For the foregoing reasons, Petitioner respectfully requests that this Court:

- (1) enforce its April 15, 2026 Habeas Order and direct Respondents to release Petitioner immediately under reasonable conditions of supervision; or, in the alternative,
- (2) Issue a clarifying enforcement order as set forth in Section IV above, directing a new merit-based bond hearing before a different immigration judge within five days with the compliance mechanics and automatic release trigger specified therein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **PETITIONER'S EMERGENCY MOTION TO ENFORCE JUDGMENT AND FOR IMMEDIATE RELEASE** was filed via CM/ECF and served on all counsels of record on this 27th day of **APRIL 2026**.

Respectfully submitted,

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