

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ALIESKY ALVAREZ SANCHEZ,

Petitioner,

Case No. 2:26-cv-812-JES-NPM

v.

WARDEN¹, et al.,

Respondents.

**RESPONSE TO PETITIONER'S EMERGENCY MOTION TO ENFORCE
JUDGMENT AND IMMEDIATE RELEASE**

Petitioner Aliesky Alvarez Sanchez (hereafter Sanchez) claims he did not get a fair bond hearing and that he should be released. Dkt. 11.

In compliance with the court's order, Sanchez had a bond hearing on April 21, 2026. Ex. 1 (Bond Order). The IJ was unable to grant bond, amongst other factors, because the Petitioner submitted **no evidence** to support the 9 Guerra factors, as was his burden. *Id.* The IJ's reasoning in his decision was as follows:

The court has conducted an individualized bond hearing pursuant to the Habeas Order entered by the US District Court, and has considered the Respondent's motion for bond. Respondent has not submitted any documents to address any of the 9 Guerra factors in setting a bond in Respondent's case.

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] / [David Hardin] be terminated from this case. *See* Inter-Governmental Services Agreement for Glades County Detention Center, Dkt. 6, Ex. 1 at 12; *Mota-Constanzo v. Noem*, 2:26-cv-00369-KCD-DNF, 2026 WL 681819, at *2 & n.2 (M.D. Fla. Mar. 11, 2026).

The Court has not been presented with proof of a fixed address, proof that Respondent has any close immediate family with any status in the US, the Court has not been presented any proof that Respondent owns any property in the US, nor any proof of savings, nor proof of relief that there is any relief upon which the Court can adjudicate.

Id.

I. The proper vehicle to challenge an adverse bond determination in immigration proceedings is appeal to the Board of Immigration Appeals.

Sanchez fails to demonstrate why this Court should intervene when Sanchez has available to him means through which he may challenge a bond determination made by EOIR. *See* 8 C.F.R. § 1003.1(b)(7) (allowing Board of Immigration Appeals jurisdiction over appeals of bond determinations made under 8 C.F.R. § 1236). Sanchez reserved his right to appeal. Ex. 1 at 3. Sanchez may also seek a new bond hearing before the immigration judge if he can demonstrate a material change in circumstances. *See* 8 C.F.R. § 1003.19(e). Put simply, Sanchez's request for Court intervention is premature.

II. The Court lacks jurisdiction

The District Court does not have jurisdiction to overturn the IJ's decision under 8 U.S.C. § 1226(e). *See Lopez Galicia v. Field Office Director et al*, Case No. 2:26-cv-00255-SPC-DNF (M.D. Fla. March 5, 2026) (denying motion to enforce habeas order after petitioner received bond hearing). Sanchez reserved his right to appeal that bond hearing (*See* Ex. 4) and the appropriate vehicle for challenging a bond determination is with the Immigration Board of Appeals. Thus, the District Court does not have

jurisdiction to overturn the IJ's decision under 8 U.S.C. § 1226(e). Thus, the Petition should be denied.

CONCLUSION

The Court should deny Sanchez's emergency motion.

As such, the Court should deny Sanchez's Emergency Motion (Dkt. 11).

DATED this 28th day of April, 2026.

Respectfully submitted,

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