

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

MARLON DAVID VASQUEZ-BANEGAS,

Petitioner/Plaintiff, v.

PAMELA BONDI, ET AL

Respondents/Defendants.

Case No. 2:26-CV-844-JES-NPM

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

Petitioner, through undersigned counsel, replies to Respondents' Response (ECF No. 4), and states:

1. The Government's response rests entirely on its assertion that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
2. That premise is incorrect as a matter of both fact and law.
3. The record reflects that Petitioner was apprehended inside the United States following a traffic stop in Florida.
4. These facts place Petitioner within the scope of 8 U.S.C. § 1226(a), not § 1225.
5. Section 1225 governs applicants for admission, not individuals arrested in the interior of the United States and placed into removal proceedings.

6. The Government's attempt to recharacterize an interior arrest as an "arriving alien" case is inconsistent with the statutory framework and is designed to avoid the procedural protections afforded under § 1226(a), including the right to a bond hearing.
7. Respondents' reliance on Matter of Yajure Hurtado is misplaced.
8. The Government acknowledges that Yajure has been vacated by a federal district court as contrary to law.
9. A vacated decision carries no precedential value and cannot support continued detention without a bond hearing.
10. Even if considered, Yajure does not resolve the constitutional issue presented here.
11. Petitioner challenges prolonged detention without a meaningful bond hearing in violation of the Fifth Amendment's Due Process Clause.
12. The Government's response fails to address this constitutional defect and instead relies solely on a disputed statutory classification.
13. Regardless of statutory labeling, due process requires a meaningful opportunity for release when detention becomes prolonged.
14. Respondents' jurisdictional arguments under 8 U.S.C. §§ 1252(g) and 1252(b)(9) are without merit.
15. Petitioner does not challenge any removal order, nor does he seek review of the decision to commence or execute removal proceedings.
16. Instead, Petitioner challenges the legality of his continued detention without a constitutionally adequate bond hearing.
17. Such claims fall squarely within the core of habeas jurisdiction and are not barred by § 1252.
18. Courts within this District have repeatedly exercised jurisdiction over materially identical claims.
19. Finally, the Government argues that if relief is granted, release is inappropriate and any remedy should be limited to a bond hearing before an Immigration Judge.

20. Petitioner agrees that, at a minimum, a constitutionally adequate bond hearing is required.
21. However, such a hearing must include proper procedural safeguards, including placing the burden on the Government to justify continued detention by clear and convincing evidence.
22. To the extent the Government suggests that this Court lacks authority to order such relief, that argument is incorrect, as habeas courts routinely order constitutionally compliant bond hearings.
23. Petitioner has now been detained for a prolonged period without adequate process, and continued detention without such safeguards violates due process.
24. Accordingly, the Petition should be granted, and the Court should order Respondents to provide Petitioner with a prompt, constitutionally adequate bond hearing, or in the alternative, order his release.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all Respondents and counsel for Respondents by U.S. Mail and/or electronic service on this day of April 10, 2026

Respectfully submitted,

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