

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

Juan Carlos Ferretiz Gonzalez,

Petitioner,

Case No. 2:26-cv-846-KCD-DNF

v.

Warden, Florida Soft Side South,  
et al.,

Respondents.

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**FEDERAL RESPONDENTS' OPPOSITION TO MOTION TO  
REOPEN AND RENEW CONSTITUTIONAL CLAIMS**

The Federal Respondents hereby oppose the Petitioner's Motion to Reopen and Renew Constitutional Claims (Doc. 13; "the Motion"), on the grounds that the Court lacks jurisdiction to consider Petitioner's claims. Essentially, the Motion seeks to involve this Court in a debate over the substantive merits of an immigration judge's decision of whether bond is appropriate. As the Court has repeatedly held, such disputes should be presented to the Board of Immigration Appeals (BIA) rather than in motion practice in the underlying habeas case. *E.g., Chox v. Hardin*, 2:26-cv-00165-JES-DNF, Doc. 17 (M.D. Fla. Mar. 24, 2026).

In the underlying proceeding here, the Court issued an Order that granted habeas in part, and required a prompt bond hearing or release. (Doc. 11.) Respondents complied with that Order and ensured that Petitioner received a timely

bond hearing with the IJ. The IJ found that Petitioner failed to establish he was suitable for bail and denied bond. See order attached. The Petitioner reserved his right to appeal that decision to the BIA. *Id.* at 3.

When an IJ makes an unfavorable bond determination, federal courts have no jurisdiction to review those discretionary decisions:

The Attorney General's discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole.

8 U.S.C. § 1226(e). If an alien disagrees with a bond decision, the alien has the right to appeal the decision to the BIA. 8 C.F.R. § 1003.19(f). This Court has enforced this regulation and has recognized that "Petitioner's remedy for any alleged error by the immigration judge in the bond denial is to appeal that decision pursuant to the normal appellate procedures." *Chox v. Hardin*, *supra*, Doc. 17 at 2.

The answer here is no different. Petitioner's Motion asks the Court to re-open his habeas proceeding so that he can attack the merits of an IJ bond denial as incorrect both legally and factually. The Court lacks the authority to do this; the Respondents have complied with the habeas relief that was ordered and there is simply no jurisdiction for the Court to review the IJ decision. For all the foregoing reasons, the Petitioner's Motion to Reopen and Renew Constitutional Claims should be denied.

Dated: May 12, 2026

Respectfully submitted,

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Certificate of Service

I hereby certify that on May 12, 2026, I caused a true copy of the foregoing to be filed using the Court's CM/ECF filing system, which will send an electronic notice of filing.

/s/ Lacy R. Harwell, Jr.  
LACY R. HARWELL  
Assistant United States Attorney