UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN JOSE VEGA SANCHEZ,

Petitioner,

v. Case No. 2:26-cv-01284-JES-NPM

EXECUTIVE DIRECTOR KEVIN GUTHRIE, et al.,

Respondents.
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RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Juan Jose Vega Sanchez ("Vega Sanchez" or "Petitioner") challenges his detention by U.S. Immigration and Customs Enforcement, arguing he is entitled to a bond hearing under 8 U.S.C. § 1226. While reserving all rights, including the right to appeal, Federal Respondents submit this abbreviated brief in lieu of an exhaustive memorandum to preserve the Federal Respondents' arguments and to conserve judicial resources. Should the Court prefer a more exhaustive discussion, Federal Respondents request leave to submit additional briefing.

FACTS

Vega Sanchez is a national and citizen of Mexio who last entered the United States without inspection near Laredo, Texas on or about January 20, 2003 (Composite Exhibit, Ex. A at 8.) On or about January 20, 2021, ICE advises that

Vega Sanchez was arrested for domestic battery. He was served a Notice to Appear on January 22, 2026, and placed in removal proceedings. *Id.* at 1-3. On February 16, 2025, ICE advises that he was released on a bond. *Id.* at 15. He was detained for 27 days.

On March 2, 2026, Vegas Sanchez was encountered by Border Patrol Agents while driving on the Florida Turnpike. Ex. A at 8. He was placed in immigration custody on the same day. *Id.* at 6. He was served with a Notice to Appear on or about March 2, 2026. *Id.* at 11-13. Vega Sanchez is currently detained at the Florida Soft-Sided South Facility. *Id.* at 15. To date, he has been detained during his current detention for 62 days.

On April 21, 2026, Vega Sanchez filed a petition for writ of habeas corpus alleging his custody violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment. (Doc. 1.)

CERTIFIED HABEAS RETURN

ICE is detaining Vega Sanchez under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A). *See* 28 U.S.C. § 2243 ("The person to whom the writ or order is directed shall make a return certifying the true cause of the detention."). Vega Sanchez bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021).

ARGUMENT

I. Vega Sanchez's detention does not violate the Immigration and Nationality Act or the Fifth Amendment's Due Process Clause.

In *In re Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025) the Board of Immigration Appeals (BIA) examined the plain language of Section 1225, the INA's statutory scheme, Supreme Court and BIA precedent, the legislative history of the INA and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub L. No. 104-208, and DHS's prior practices. After doing so, the BIA held that "under a plain language reading of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens, like the petitioner, who are present in the United States without admission." 29 I&N Dec. at 225. [1] This Court should rule the same.

Three Courts of Appeals have conclusively reached the merits of the issue of whether § 1225(b)(2)(A) or § 1226(a) governs detention of aliens who are present without admission or inspection.[2] In *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th

[1] Respondents submit *Yajure Hurtado* remains persuasive authority in this Court regarding the proper interpretation of 8 U.S.C. § 1225(b)(2)(A). The Court does not need to decide whether *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284 (C.D. Cal.) carries any preclusive effect. *See Avendano v.* Warden, Fla. Soft Side S., No. 2:25-CV-01221-SPC-NPM, 2026 WL 145499, at *1 (M.D. Fla. Jan. 20, 2026) (declining to rule on *Bautista*'s preclusive effect). Of note, on March 31, 2026, the Ninth Circuit granted the government's motion to stay (1) *Bautista*'s class certification order and judgment to the extent it extends beyond the Central District of California, and (2) the *Bautista* court's February 18, 2026, post-judgment order vacating *Yajure Hurtado*. 26-1044, Dkt Entry 17 (9th Cir.).

[2] Appeals are also pending in the First, Third, Fourth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits. *See Guerrero-Orellana v. Moniz*, No. 25-2152 (1st Cir.) (oral argument set for May 4, 2026);

Cir. 2026), and *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026), the Fifth and Eighth Circuits held that such aliens are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). However, in *Da Cunha v. Freden*, No. 25-3141-pr, --- F.4th ----, 2026 WL 1146044, at *1 (2d Cir. Apr. 28, 2026), the Second Circuit rejected the Government's position and found that aliens present in the United States after entering the country without inspection and admission, and who were not apprehended at or near the border at the time of entry are subject to detention under 8 U.S.C. § 1226(a). The Government believes that the Fifth and Eighth Circuit decisions reflect the correct interpretation of the law.

In *Buenrostro-Mendez*, the Fifth Circuit held that unadmitted applicants for admission apprehended within the United States are seeking admission and are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). 166 F.4th at 498. The Fifth Circuit concluded that "[f]ollowing the passage of IIRIRA, then, an alien's status as an applicant for admission does not turn on where or how the alien entered the United States[,]" *id.* at 499, and that "an applicant for admission to the United States is

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Lopes de Andrade v. Dir., Philadelphia Field Off. Immig., No. 26-1454 (3rd Cir.) (oral argument set for May 11, 2026); *Lopez Garcia v. Guadian*, No. 25-7044 (4th Cir.) (oral argument set for May 5, 2026); *Pizzaro Reyes v. Raycraft*, No. 25-1982 (6th Cir.) (argued Mar. 18, 2026); *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, No. 25-3050 (7th Cir.) (argued Feb. 3, 2026); *Cirrus Rojas v. Olson*, No. 25-3127 (7th Cir.) (fully briefed; no argument scheduled); *Rodriguez Vazquez v. Bostock*, No. 25-6842 (9th Cir.) (argued Mar. 4, 2026); *Mendoza Gutierrez v. Baltasar*, No. 25-1460 (10th Cir.) (briefing in progress); *Cerro Perez v. Assist. Dir., Krome North Serv. Processing Ctr.*, No. 25-14075 (11th Cir.) (argued Mar. 26, 2026).

'seeking admission' to the same, regardless whether the person actively engages in further affirmative acts to gain admission[,]" *id.* at 502.

The Eighth Circuit determined that "just as an alien is an 'applicant for admission' even though no literal 'application' is filed, so too is an alien 'seeking admission' even when the alien does not literally 'request' or 'ask for' admission into the country." *Avila*, 170 F.4th at 1135. The Eighth Circuit found that the statutory purpose of 8 U.S.C. § 1225 was to ensure that all immigrants who have not been lawfully admitted, regardless of their physical presence in the country, are placed "on equal footing" in removal proceedings. *Id.* at *1135-36 (quoting *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020)).

Federal Respondents acknowledge the split within the appellate courts and within district courts across the country regarding whether § 1225(b)(2)(A) or § 1226(a) applies to aliens present in the United States without admission or inspection. and note that courts have recently ruled against petitioners in similar cases. *See, e.g.*, *Diaz Lopez v. Dir. of Enf't and Removal Operations*, --- F. Supp. 3d ----, No. 3:25-CV-1313-JEP-SJH, 2026 WL 261938, at *1 (M.D. Fla. Jan. 26, 2026); *Lourival Dos Santos Lopes v. Sec'y, Dep't of Homeland Sec.*, No. 3:25-cv-1522-WWB-LLL, 2026 WL 776158 (M.D. Fla. Mar 19, 2026); *Iraheta Morales v. Noem*, --- F. Supp. 3d ----, No. 25-62598-CIV-SINGHAL, 2026 WL 236307 (S.D. Fla. Jan. 29, 2026); *but see, e.g., Ordonez Cinto v. Warden, Fla. Soft Sided Facility S.*, No. 2:26-cv-00459-SPC-NPM, 2026

WL 657091, at *1 n.1 (M.D. Fla. Mar. 9, 2026) (rejecting the reasoning of *Buenrostro-Mendez*); *Garcia v. Warden, Fla. Soft Side S. Det. Facility*, No. 2:26-cv-636-JES-DNF, 2026 WL 828923, at *2 (M.D. Fla. Mar. 26, 2026) (rejecting the analyses of the Fifth and Eighth Circuits); *Barco Mercado v. Francis*, 811 F. Supp. 3d 487, 506 (S.D.N.Y. 2025) (listing 350 decisions rejecting the Government's position regarding the applicability of 8 U.S.C. § 1225(b)(2)(A) to aliens present in the United States without inspection or admission).

Federal Respondents acknowledge that questions of law in this case, and the challenges to the government's policy and practice, substantially overlap with *Patel v. Hardin*, No. 2:25-cv-00870-JES-NPM (M.D. Fla.) (Doc. 22) (granting habeas in part). Federal Respondents respectfully disagree with the Court's decision in *Patel*. That said, in the interest of judicial economy and to expedite the Court's consideration of this matter, Federal Respondents make the following arguments:

1. Title 8 U.S.C. § 1252(g) bars review of Vega Sanchez's claims. *Patel v. Hardin*, No. 2:25-cv-00870-JES-NPM, Doc. 15 at 4-7 (M.D. Fla. Oct. 22, 2025).[3]
2. Title 8 U.S.C. § 1252(b)(9) bars review Vega Sanchez's claims. *Id.* at 7-8.
3. Vega Sanchez failed to exhaust his administrative remedies. *Id.* at 8-9.

[3] Federal Respondents acknowledge Local Rule 3.01(h) prohibits incorporation by reference of any other motion, legal memorandum, or brief. To achieve the purpose of efficiency, Federal Respondents respectfully request the Court to suspend application of the rule in this instance. *See* Local Rule 1.01(a) and 1.01(b); Fed. R. Civ. P. 1.

4. Vega Sanchez is properly detained under 8 U.S.C. § 1225. *Id.* at 10-16.

Finally, Federal Respondents contend that should this Court determine that Vega Sanchez's detention is subject to 8 U.S.C. § 1226, outright release is inappropriate. To the extent the Court orders a bond hearing before an Immigration Judge for the purpose of determining whether Petitioner is a flight risk or danger to the community—*see, e.g., Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *6 (M.D. Fla. Oct. 31, 2025)—Federal Respondents aver that such bond hearings are not conducted or managed by ICE, rather by the Executive Office for Immigration Review, which is not a proper party to this suit. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-36 (2004) (noting that for habeas petitions challenging detention, "the default rule is that the proper Respondents is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official").

II. Release from custody is not available in an action alleging unconstitutional conditions of confinement.

Vega Sanchez also challenges his conditions of confinement. *See* Doc. 1 at ¶¶ 81-88. "[R]elease from imprisonment is not an available remedy for a conditions-of-confinement claim." *Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015 (per curiam); *see also Hidalgo v. Parra*, No. 2:25-CV-01214-SPC-NPM, 2026 WL 113587, at *1 (M.D. Fla. Jan. 15, 2026) ("Claims challenging the conditions of confinement, rather than the fact or duration of confinement, are not grounds for habeas

relief.") Indeed, in *Gomez v. United States*, the Eleventh Circuit stated that if conditions of confinement violate a prisoner's constitutional rights, "[t]he appropriate Eleventh Circuit relief . . . is to require the discontinuance of any improper practices, or to require correction of any condition causing cruel and unusual punishment." *Gomez v. United States*, 899 F.2d 1124, 1126-27 (11th Cir. 1990).

The Eleventh Circuit has further indicated that its holding from *Gomez* applies to civil detainees in ICE custody. *See Vaz*, 634 F. App'x at 781-82 (noting that a detained alien could not obtain release based on his conditions of confinement claim). This district has further refused to permit any exception for civil detainees in ICE custody. As stated in *St. Louis v. Martin*, "[R]elease under § 2241 unavailing when the alleged constitutional violation is predicated upon the conditions of a petitioner's confinement." No. 220CV349FTM60NPM, 2020 WL 3490179, at *7 (M.D. Fla. June 26, 2020). Because Eleventh Circuit precedent precludes the Court from ordering release from custody, the petition should be denied.

CONCLUSION

Federal Respondents request Vega Sanchez's petition be denied.

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Respectfully submitted,

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