

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JOSE ISAAC CABALLERO,

Petitioner,

Case No. 3:26-cv-1001-WWB-MCR

v.

TODD BLANCHE, et al.,

Respondents.

\_\_\_\_\_ /

**FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner Jose Isaac Caballero challenges his detention by the United States Immigration and Customs Enforcement ("ICE"), arguing he is entitled to a bond hearing under 8 U.S.C. § 1226(a). Dkt. 1. The undersigned recognizes that Petitioner should receive an individualized bond hearing based on binding Eleventh Circuit precedent.

**BACKGROUND**

Petitioner is a Venezuelan citizen who first entered the United States on August 27, 2023. Composite Ex. 1. at 1. He presented himself at the Paso Del Norte Port of Entry in El Paso, Texas, and booked an appointment via CBPOne. *Id.* at 2. He was paroled into the United States. *Id.*

On February 13, 2026, Petitioner was encountered at the Alachua County Jail after being arrested on immigration charges. *Id.* He has been in ICE custody since February 14, 2026. *Id.* at 10.

### CERTIFIED HABEAS RETURN

Pursuant to 28 U.S.C. § 2243, “[t]he person to whom the writ or order is directed shall make a return certifying the true cause of the detention.” Petitioner 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). Based on the Eleventh Circuit’s precedential ruling in *Hernandez Alvarez*, the undersigned concludes that Petitioner is detained under 8 U.S.C. § 1226(a). See generally *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, Case No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026).

### ARGUMENT

On May 6, 2026, the Eleventh Circuit issued a decision in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, Case No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026), which controls the issue in this case. The Eleventh Circuit’s decision concludes that the Immigration and Nationality Act (“INA”) does not “authorize the detention of unadmitted aliens who are simply present in the country.” *Hernandez Alvarez*, 2026 WL 1243395, at \*2. In doing so, the Eleventh Circuit concluded that “[t]he text of [8 U.S.C.] § 1225(b)(2)(A) is clear that mandatory detention applies only to a narrower category of applicants for admission: those seeking lawful entry into the United States” and does not apply

to “present aliens not seeking admission.” *Id.* at \*13. The Eleventh Circuit also agreed with the petitioners’ interpretation that 8 U.S.C. § 1225(b)(2)(A) applies to a “distinct group of aliens—those who have not yet entered the United States, but are seeking admission at the border.” *Id.* at \*18 (also stating that “[t]he distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law”). In short, the Eleventh Circuit drew the following distinction: “§ 1225 applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully in the interior.” *Id.* at \*14.

Based on the Eleventh Circuit’s decision in *Hernandez Alvarez*, the undersigned recognizes that Petitioner is entitled to an individualized bond hearing under 8 U.S.C. § 1226(a). The Court recently ruled on similar facts in *Pena Flores v. Mullin*, Case No. 3:26-cv-01091-WWB-MCR at Dkt. 8 (M.D. Fla. May 19, 2026).

Federal Respondents acknowledge, as does this Court, that *Hernandez Alvarez* is binding on this Court and controls the outcome of this matter. In the event the Court orders a bond hearing to be conducted by an immigration judge under 8 U.S.C. § 1226(a), Federal Respondents request a reasonable period of seven days to arrange an individualized bond hearing.

**Dated:** May 28, 2026

Respectfully submitted,

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**ARTIFICIAL INTELLIGENCE CERTIFICATION**

No generative AI was used in the drafting and preparation of this filing.

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