

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CARLOS MANUEL GOMEZ
MARTINEZ,

Petitioner,

Case No.: 3:26-cv-01007-MMH-MCR

v.

FIELD OFFICE DIRECTOR,
IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondent.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

On April 24, 2026, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his designation as an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Petitioner contends that his detention is properly grounded in 8 U.S.C. § 1226, which—unlike § 1225—generally authorizes immigration judges to release aliens on bond. Petitioner claims that Federal Respondents’ incorrect reading of the Immigration and Nationality Act (“INA”) has deprived him of the opportunity for release on bond—thus resulting in his unlawful detention.

Although Petitioner alleges that he requested bond from the immigration judge, and that his bond request was denied (presumably for lack of jurisdiction), he did not attach the bond denial decision to his Petition, and ICE reports that it has no records reflecting that Petitioner made a request for bond in the immigration court or that bond

was denied by the immigration judge. If Petitioner has not requested bond, he has failed to exhaust his administrative remedies, and the Petition should be dismissed.

Nonetheless, the Federal Respondents have reviewed the Petition and have determined that the United States Court of Appeals for the Eleventh Circuit's recent decision controls. *Hernandez Alvarez v. Warden, Federal Det. Ctr. Miami*, No. 25-14065, - -- F.4th ----, 2026 WL 1243395, at *1 (11th Cir. May 6, 2026). There, the Eleventh Circuit held that mandatory detention under § 1225(b)(2)(A) "generally applies to arriving aliens seeking lawful entry to the country, and not to aliens who are simply present here." *Id.* at *1. Thus, pursuant to *Hernandez Alvarez*, Petitioner is detained under 8 U.S.C. § 1226(a) and may seek a bond hearing in immigration court. As the Court may resolve the Petition on the statutory question, it need not proceed to evaluate any other claims raised in the Petition.

Federal Respondents are evaluating whether to seek further appellate review of *Hernandez Alvarez*. While reserving all rights, including the right to appeal on the issue of the proper detention authority for aliens like Petitioner who are present in the United States unlawfully, Federal Respondents acknowledge *Hernandez Alvarez* is binding on this Court and controls the outcome of this matter.

Petitioner is not entitled to release; Petitioner is entitled to a bond hearing. To that end, Petitioner may request a bond hearing in immigration court directly or may wait for the Court to order a bond hearing to be conducted by an immigration judge

under 8 U.S.C. § 1226(a). In the event Petitioner elects to wait for a Court order instead of requesting the bond hearing in immigration court himself, Federal Respondents respectfully request that the Court provide Respondents with no less than seven (7) working days within which to arrange an individualized bond hearing to be conducted pursuant to the rules and standards applicable in immigration court.

Dated: May 27, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Katherine Branch
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Attorneys for Federal Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 27, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and on May 28, 2026, mailed a copy of the foregoing to:

Carlos Manuel Gomez Martinez
A# 
Baker County Detention Center
1 Sheriff's Office Drive
Mcclenny, Florida 32063
Petitioner

/s/ Katherine Branch
KATHERINE BRANCH
Assistant United States Attorney