

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

**BRAYAN DAVID HERNANDEZ
BENITEZ**

Petitioner,

Case No. 3:26-cv-01017-JEP-SJH

v.

WARDEN,¹Baker Correctional
Institution; **GARRETT J. RIPA**,
Director of Miami Field Office, U.S.
Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of
U.S. Department of Homeland Security;
and **TODD BLANCHE**, Attorney
General of the United States,

Respondents.

RESPONSE TO PETITION AND NOTICE OF RELEASE

The Federal Respondents hereby notify the Court that on May 12, 2026, the Immigration Court granted Petitioner Brayan David Hernandez Benitez release on bond. *See Exhibit A* (IJ Order Granting Release on Bond). On May 26, 2026, the

¹ The individual having physical custody of a petitioner is the only appropriate respondent. 8 U.S.C. § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 434-36 (2004); *Vandersnick v. Sec'y, Fla. Dep't of Corr.*, No. 5:18-cv-603-SPC-PRL, 2021 WL 1020914, at *1 n.3 (M.D. Fla. Mar. 17, 2021). Any relief the Court awards should be fashioned within the power of the immediate custodian or ICE/DHS. *See, e.g., Mirando Bravo v. Noem*, No. 2:25-cv-1046-SPC-DNF, Doc. 8 at *3 (M.D. Fla. Dec. 5, 2025) (ordering ICE *either* to bring petitioner for a bond hearing or release by a specific date).

undersigned confirmed with Petitioner's counsel that Petitioner has since bonded out. Because this case concerned a challenge to detention, Petitioner's release rendered Petitioner's habeas action moot. *Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1289 (11th Cir. 2019) ("As a general rule, a habeas petition presents a live case or controversy only when a petitioner is in custody."). *See also Soliman v. INS*, 296 F.3d 1237, 1243 (11th Cir. 2002); *Djadju v. Vega*, 32 F.4th 1102, 1106-07 (11th Cir. 2022); *Mehmood v. U.S. Att'y General*, 808 Fed. Appx. 911, 913-14 (11th Cir. 2020). Accordingly, Petitioner's action should be dismissed as moot.

Dated: May 27, 2026

Respectfully submitted,

GREGORY W. KEHOE
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/s/ Mai Tran

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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, which will send a notice of electronic filing to the following CM/ECF participant:

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/s/ Mai Tran

MAI TRAN
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