

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

**REGIE ALINXON HENRIQUEZ
NARANJO,**

Petitioner,

Case No. 3:26-cv-01027-JEP-SJH

v.

MARKWAYNE MULLIN, Secretary of
U.S. Department of Homeland Security;
TODD LYONS, Acting Director,
Miami Field Office, Enforcement and
Removal Operations; **TODD
BLANCHE**, Attorney General of the
United States, **U.S. ATTORNEY'S
OFFICE**, Middle District of Florida;
WARDEN, Florida Baker Correctional
Institution,¹

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Regie Alinxon Henrique Naranjo filed a habeas corpus petition pursuant to 28 U.S.C. § 2241, one of many now pending in this Court challenging a

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).

petitioner's 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 Respondent's 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. The Federal Respondents recognize that *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026) controls.

PRELIMINARY STATEMENT

On April 27, 2026, Petitioner filed the Petition, challenging his detention as unlawful. Doc. 1. By Order dated May 6, 2026, this Court ordered service of Petition and directed Respondents to respond within 30 days.

BACKGROUND

1. Petitioner is a 38-year-old male, native and citizen of Venezuela, who entered the United States without being admitted, inspected, or paroled. See **Exhibit A** (Notice to Appear). Petitioner was encountered on or about August 30, 2022 by a Border Patrol agent in Del Rio Sector, Eagle Pass, Texas and was issued an order of release on recognizance with a scheduled report date.

2. On March 7, 2026, Petitioner was cited for unlawful speeding and was subsequently placed into ICE custody. See **Exhibit B** (Petitioner's I-213) & **Exhibit C** (Warrant for Alien Arrest).

3. On March 8, 2026, Petitioner was issued a Notice of Rights. *See Exhibit D* (Notice of Rights).

4. On April 2, 2026, an Immigration Judge denied Petitioner bond on the grounds that the Court lacks jurisdiction. *See Exhibit E* (IJ Order April 2026).

5. On May 20, 2026, Petitioner had a Master Hearing where he admitted the allegations in the Notice to Appear and conceded the charges.

6. To date, Petitioner has been in ICE custody for approximately 89 days. *See Exhibit F* (Detention History).

7. Petitioner's criminal history includes another traffic infraction from May 2, 2018, for unlawful speeding. *See Exhibit G* (Case History).

8. Petitioner's next scheduled hearing is currently set for July 1, 2026.

MEMORANDUM OF LAW

I. CERTIFIED HABEAS RETURN

ICE is detaining Petitioner under detention provisions of 8 U.S.C. § 1226(a). *See* 28 U.S.C. § 2243 (stating "[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 of proving Petitioner's custody violates federal law. *Whitfield v. United States Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021).

II. LEGAL ANALYSIS

The Federal Respondents have reviewed this 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, ___ F.4th ___, No. 25-14065, 2026 WL 1243395 (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 he 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.

The 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 noncitizens like Petitioner who are present in the United States unlawfully, the Federal Respondents acknowledge 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), Respondent requests a reasonable period of seven days to arrange an individualized bond hearing.

Dated: June 4, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Mai Tran

MAI TRAN
Assistant United States Attorney
Florida Bar No. 100982

300 North Hogan Street, Suite 700
Jacksonville, FL 32202-4270
Telephone No. (904) 301-6358/6300
Email: Mai.Tran2@usdoj.gov
Attorneys for Federal Respondents

EXHIBIT LIST

- 1) Exhibit A – Notice to Appear dated April 1, 2026;
- 2) Exhibit B – Petitioner’s I-213 dated March 8, 2026;
- 3) Exhibit C – Warrant for Alien Arrest dated March 8, 2026;
- 4) Exhibit D – Notice of Rights dated March 8, 2026;
- 5) Exhibit E – IJ Order dated April 2, 2026;
- 6) Exhibit F – Detention History; and
- 7) Exhibit G – Case History

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 4, 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:

Michelle Reyes, *Esquire*
Florida Bar No.: 1004206
Law Firm of Michelle Reyes
8270 Woodland Center Blvd.
Tampa, FL 33614
Telephone: 813-600-5403
Email: attorney.reyes@reyesfirm.com
Attorney for Petitioner

/s/ Mai Tran

MAI TRAN
Assistant United States Attorney