

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

ANDRES VEGA CHAVEZ,

Case No: **3:26-cv-1032**

Petitioner,

v.

RONNIE WOODALL, Warden in Baker Correctional Institution,

MARCOS CHARLES, Immigration and Customs

Enforcement (ICE) Enforcement and Removal

Operations (ERO) Acting Executive Associate

Director.

CHARLES WALL, Principal Legal Advisor for ICE's

Office of the Principal Legal Advisor.

PAMELA BONDI, U.S. Attorney General,

TODD BLANCHE, Acting United States Attorney General

MARKWAYNE MULLIN, U.S. Secretary of the Department

of Homeland Security,

TODD M. LYONS, Senior Official Performing the

Duties of the Director of US Immigration and

Customs Enforcement;

JOHN DOE, Official Responsible for Petitioner's Detention.

Respondents.

_____/

PETITIONER'S REPLY TO ORDER REGARDING MOOTNESS

Petitioner, through undersigned counsel, respectfully submits this Reply in response to the Court's May 29, 2026 Order directing Petitioner to advise whether he agrees with Federal Respondents that this action has become moot as a result of the bond hearing conducted on May 19, 2026. Petitioner respectfully disagrees.

I. THE PETITION PRESENTED A LIVE CONTROVERSY WHEN FILED

When Petitioner filed the instant Petition for Writ of *Habeas Corpus* on April 27, 2026, he had not received an individualized bond hearing and remained detained without any custody determination on the merits.

Indeed, on March 26, 2026, Immigration Judge Pedro J. Espinal declined to adjudicate Petitioner's custody request and instead denied the request on jurisdictional grounds, concluding that the bond request should be filed before the Immigration Court having jurisdiction over the location of Petitioner's detention. As a result, Petitioner remained detained without any meaningful individualized custody determination.

Accordingly, at the time the Petition was filed, Petitioner had been detained for several months without an individualized bond hearing and without any Immigration Judge having evaluated the merits of his continued detention. The Petition therefore presented a live case or controversy within the meaning of Article III.

II. RESPONDENTS' SUBSEQUENT CHANGE IN POSITION CONFIRMS THE MERITS OF PETITIONER'S CLAIM

In their Response, Federal Respondents acknowledge that, "[f]ollowing the Eleventh Circuit's most recent decision, Federal Respondents determined it controls, and Petitioner is entitled to an individualized bond hearing." This admission is significant.

Prior to the filing of this action, Petitioner repeatedly sought custody review but was unable to obtain an individualized bond hearing. Only after the issuance of *Hernandez Alvarez*

and after this *habeas* action was initiated did Respondents recognize that Petitioner was entitled to such a hearing and proceed accordingly.

The timing of Respondents' actions is particularly telling. As Respondents expressly acknowledge, it was only after the Eleventh Circuit's decision in *Hernandez Alvarez v. Warden, Federal Detention Center Miami* that they determined Petitioner was entitled to an individualized bond hearing. Thus, the hearing provided on May 19, 2026, was not the result of any preexisting recognition of Petitioner's rights, but rather a direct consequence of intervening binding authority and the pendency of this *habeas* action.

Thus, rather than demonstrating that the Petition lacked merit, Respondents' actions confirm that Petitioner's challenge was well-founded and that judicial intervention was necessary to secure the relief ultimately provided.

Moreover, even if this Court were to find the individual claim moot, the controversy remains live under the "capable of repetition yet evading review" exception. As Federal Respondents themselves acknowledge, this petition is one of many now pending in this Court raising identical legal questions regarding the detention framework applicable to interior-arrested noncitizens. The Government's practice of providing bond hearings only after habeas petitions are filed ensures that this legal question will systematically evade judicial review, as each individual case will be rendered ostensibly moot before a court can resolve the underlying statutory question.

III. THE COURT MAY STILL GRANT EFFECTIVE RELIEF

Although Petitioner received a bond hearing on May 19, 2026, the Court retains the ability to provide meaningful relief.

A central issue raised in the Petition is whether Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), rather than INA § 235(b), 8 U.S.C. § 1225(b). Respondents' subsequent decision to provide a bond hearing reflects their recognition that Petitioner is entitled to custody review under the legal framework established by controlling Eleventh Circuit

authority.

Hernandez Alvarez confirms that noncitizens in circumstances similar to Petitioner's are detained pursuant to § 1226(a) and are therefore entitled to an individualized custody determination. Respondents' decision to provide Petitioner with a bond hearing following *Hernandez Alvarez* effectively acknowledges the applicability of that statutory framework to Petitioner's detention.

Accordingly, effective relief remains available because this Court may determine the legal basis governing Petitioner's detention and clarify the statutory framework applicable to his custody.

This determination is not merely academic. On May 19, 2026, the Immigration Judge denied Petitioner's bond request, citing danger to the community. Petitioner has reserved his right to appeal that determination to the Board of Immigration Appeals, with a deadline of June 18, 2026. Critically, the Immigration Judge's order does not specify the statutory framework under which Petitioner's detention was analyzed. No court has formally declared whether Petitioner's detention is governed by § 1226(a) or § 1225(b). This ambiguity has direct and concrete consequences for the pending BIA appeal, as the applicable statutory framework determines the scope and standard of appellate review. A declaration from this Court would resolve that ambiguity and constitute real, concrete relief beyond what the bond hearing itself provided.

Moreover, a case is not necessarily rendered moot simply because a defendant voluntarily ceases the challenged conduct after litigation has commenced. Here, the bond hearing was provided only after the filing of this *habeas* action and after Respondents changed their position in light of intervening precedent.

IV. ALTERNATIVELY, THE COURT SHOULD RECOGNIZE THAT THE RELIEF OBTAINED RESULTED FROM THIS ACTION

At a minimum, if the Court concludes that the May 19, 2026 bond hearing provided substantial portions of the relief requested, Petitioner respectfully submits that such relief was

obtained only after the filing of this action and after Respondents altered their position regarding Petitioner's entitlement to an individualized bond hearing.

Accordingly, Petitioner respectfully maintains that dismissal on mootness grounds would be inappropriate.

Petitioner further reserves all rights regarding administrative review of the Immigration Judge's bond determination, which presents issues separate and distinct from the mootness question currently before this Court.

Furthermore, the fact that the bond hearing resulted in an adverse determination confirms that Petitioner did not obtain the relief he sought. Petitioner requested release from custody or, alternatively, an individualized bond hearing that would result in his release. The Immigration Judge denied bond on the grounds of danger to the community. A bond hearing with an adverse outcome does not constitute the relief requested in the Petition, and therefore cannot render this action moot.

WHEREFORE, Petitioner respectfully requests that this Court: (1) decline to dismiss the Petition as moot; (2) declare that Petitioner's detention is and was governed by INA § 236(a), 8 U.S.C. § 1226(a), rather than INA § 235(b), 8 U.S.C. § 1225(b); and (3) grant such further relief as the Court deems just and proper.

Dated: June 5, 2026

Respectfully submitted,

By: /s/ Matthew P. Meyers, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 5, 2026, a true and correct copy of the foregoing was filed using the Court's CM/ECF system, which will send notice of electronic filing to all counsel of record.

June 5, 2026

Respectfully submitted,

/s/ Matthew P. Meyers, Esq.

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