

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

VLADIMIR RICARDO HERNANDEZ,

Petitioner,

v.

Case No. 3:26-cv-1050-JEP-PDB

GARRETT RIPA, et al.,

Respondents.

**REPLY IN OPPOSITION TO RESPONDENT WARDEN'S MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Vladimir Ricardo Hernandez, hereby submits this Reply in Opposition to Respondent Warden's Motion to Dismiss Petition for Writ of Habeas Corpus pursuant to the Court's Order dated May 7, 2026. See Doc. 7. Petitioner asserts that the Warden of the facility in which Petitioner is detained is the proper Respondent and respectfully requests that Respondent Warden's Motion to Dismiss is denied.

Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on or around April 29, 2026. See Doc. 1. In response, the Warden of Baker Correction Institution requests the Court "dismiss him from this proceeding with prejudice" as an improper respondent. See Doc. 6. Respondent Warden argues that ICE is Petitioner's "immediate custodian" and "the director of ICE's local field office responsible for the Facility, not its 'warden', is the proper respondent." See Id.

Because the Warden is the official who exercises immediate physical custody over Petitioner, the Warden is a proper respondent under 28 U.S.C. § 2241.

As Respondent Warden admits there are several courts that have applied this default “immediate custodian” rule to conclude that the proper respondent to a § 2241 habeas petition is the warden of the facility holding the petitioner, as well as others that have concluded the proper respondent is the federal agent responsible for overseeing the non-federal immigration detention facility. See Doc. 6.

Petitioner notes however, that this Court has recently addressed Respondent Warden’s argument, and has declined to find that the warden is not a proper respondent.

This Court recently observed:

[T]here is much confusion and difference of opinions on who the proper respondent is when an immigration detainee files a § 2241 petition. The Court recognizes [the Warden’s] argument that while a warden may technically maintain day-to-day control of a facility, the warden does not have ultimate control over an immigration detainee’s custody status, and a warden is ill-equipped to respond to a habeas petition and defend the federal government’s interests. Nevertheless, the warden is the “immediate custodian” and presumably the individual who, upon ICE’s direction, opens the door to release the detainee. Given the uncertainty and wide-ranging decisions on this particular issue, the Court declines to find that the warden is not a proper respondent. See, e.g., *Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir. 2000) (“[W]e hold that an alien who seeks a writ of habeas corpus

contesting the legality of his detention by the INS normally must name as the respondent his immediate custodian, that is, the individual having day-to-day control over the facility in which he is being detained.”); *Pak v. Hoover*, No. 3:26-CV-00379, 2026 WL 624165, at *1 n.1 (M.D. Pa. Mar. 5, 2026) (maintaining the warden as the only respondent, but recognizing that “the government will be bound by the [c]ourt’s judgment because [the warden] is acting as an agent of the federal government by detaining [the petitioner] on behalf of [ICE]”); *Cid-Barrios v. Raycraft*, No. 25-13630, 2025 WL 3724377, at *4 (E.D. Mich. Dec. 24, 2025) (“[T]he Acting Director of Enforcement and Removal Operations for the USCIS Detroit Field Office, and not the administrator of the contract detention facility in Lake County, is the proper respondent to be named in a habeas corpus petition filed by a non-citizen challenging his detention under section 2241.”); *Krechmar v. Parra*, No. 2:25-CV-01095-SPC-DNF, 2025 WL 3620802, at *2 (M.D. Fla. Dec. 15, 2025) (recognizing that “[t]he warden of Alligator Alcatraz would be ill-equipped to respond to the merits of [the petitioner’s] claims and to be the sole defender of the federal government’s interests” (emphasis added)); *Beltran v. Raycraft*, - - - F. Supp. 3d - - -, 2025 WL 3237429, at *11-12 (W.D. Mich. Nov. 20, 2025) (recognizing that while the Sixth Circuit has concluded that a noncitizen must generally name his immediate custodian, that is ICE’s district director for the district in which he is confined, there are exceptions, such as naming the Secretary of DHS to ensure at least one respondent maintains authority over the petitioner’s custody in the event he is transferred out of the district; dismissing all respondents other than the

Secretary of DHS, including the warden of the facility at which the noncitizen was housed).

Lanvin-Valdez v. U.S. Immigration and Customs Enforcement, No. 3:26-cv-180-JEP-SJH, 2026 WL 1004569, at *2 and *3 (M.D. Fla. Apr. 14, 2026) citing Lara-Reyes v. Warden, No. 3:25-CV-1618-MMH, 2026 WL 733712, at *5 (M.D. Fla. Mar. 16, 2026). And another judge on this Court subsequently explained how the Warden's argument "runs headlong into a firm rule of law" despite its "common-sense appeal." Id. citing Jimenez v. Mordant, No. 2:26-cv-451-KCD, 2026 WL 820536, at *1 (M.D. Fla. Mar. 25, 2026).

Notwithstanding these observations, in Jimenez v. Mordant, No. 2:26-cv-451-KCD-NPM, 2026 WL 820536 (M.D. Fla. Mar. 25, 2026), and in Lara-Reyes v. Warden, No. 3:25-cv-1618-MMH-PDB, 2026 WL 733712 (M.D. Fla. March 16, 2026), this Court found against Respondent Warden concluding that the warden is the "immediate custodian" because he exercises day-to-day control over the facility where Petitioner is currently detained, see Jimenez, 2026 WL 820536 at *2, and presumably the individual who, upon ICE's direction, opens the door to release the detainee, see Lara-Reyes, 2026 WL 733712 at *5.

As Respondent Warden also admits, the Supreme Court did not clarify whether the "immediate custodian" rule applies to immigration detention centers. See Doc. 6 citing Saravia v. Sessions, 280 F. Supp. 3d 1168, 1186 (N.D. Cal. 2017). Nevertheless, the Supreme Court has held that the only appropriate respondent for a traditional habeas corpus petition involving a "core challenge" to "present physical confinement" is the individual's

"immediate custodian," meaning the person in charge of the facility where the individual is being held. See *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

At bottom, the rules governing habeas corpus are as practical as the relief the writ provides. see *Jimenez*, 2026 WL 820536 at *2. A petitioner seeking release from physical confinement must sue the person who actually holds him. *Id.* citing *Rumsfeld*, 542 U.S. at 434-35.

CONCLUSION

For the reasons stated herein, Respondent Warden's Motion to Dismiss should be denied.

Date: May 15, 2026

Respectfully submitted,

TOCADO'S LAW FIRM

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2026, I filed the foregoing Reply electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Date: May 15, 2026

Respectfully submitted,

/s/Lisette Tocado

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