

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MILTON PEREZ ZUNIGA,

Petitioner,

Case No. 3:26-cv-1051-JEP-MCR

v.

WARDEN, FLORIDA BAKER
CORRECTIONAL INSTITUTE, et al.,

Respondents.

**FEDERAL RESPONDENTS' OPPOSITION
TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Milton Perez Zuniga filed a petition for writ of habeas corpus challenging his mandatory detention under 8 U.S.C. § 1225. (Doc. 1). Petitioner last entered the United States without inspection in or about 2006. (*Id.* ¶ 9). Petitioner alleges 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 he has been deprived of the opportunity for release on bond, resulting in his unlawful detention.

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.

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. In the event the Court orders a bond hearing to be conducted by an immigration judge under 8 U.S.C. § 1226(a), Federal Respondents request a reasonable period of seven days to arrange an individualized bond hearing.

Dated: May 14, 2026

Respectfully Submitted,

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