

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Milton Perez Zuniga,	X	
<i>Petitioner,</i>	X	
	X	
v.	X	Case No.:
	X	3:26-cv-1051-JEP-MCR
Warden, Florida Baker Correctional	X	
Institute; Todd Blanche, Acting U.S.	X	
Attorney General, U.S. Department of	X	
Justice; Markwayne Mullin, Secretary,	X	
U.S. Department of Homeland Security;	X	
Garrett Ripa, Field Office Director,	X	
U.S. Immigration and Customs Enforcement,	X	
Miami, Florida,	X	
<i>Respondents.</i>	X	
_____	/	

STIPULATION OF DISMISSAL

COME NOW, Milton Perez Zuniga ("Petitioner"), and the Acting U.S. Attorney General, U.S. Department of Justice, *et al.* ("Respondents"), by and through the undersigned counsel and hereby file this stipulation of dismissal.

In support thereof, the Parties state as follows:

1. That this matter began when Petitioner filed a Petition for Writ of Habeas Corpus ("Petition") with this Court. The purpose of filing this Petition was to challenge the Board of Immigration Appeals' precedent decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), concluding that aliens like Petitioner who entered the United States without inspection are detained in accordance with 8 U.S.C. §1225(b)(2)(A) and are therefore subject to

mandatory detention while removal proceedings remain pending before the Executive Office for Immigration Review (“EOIR”).

2. That following the filing of the Petition, the Court entered an order requiring Respondents to respond.
3. That on or about May 14, 2026, Respondents filed a response to the Petition.
4. That on or about May 6, 2026, the Eleventh Circuit Court of Appeals published a panel opinion in Hernandez Alvarez, et al. v. Warden, FDC Miami, et al., -- F4th -- (Case No. 25-14065) (11th Cir. May 6, 2026). The panel held that aliens like Petitioner are not detained in accordance with 8 U.S.C. §1225(b)(2)(A). Rather, such individuals are detained in accordance with 8 U.S.C. §1226. The panel further concluded that an alien who is detained in accordance with §1226 is entitled to an individualized bond hearing before an Immigration Judge as described at 8 C.F.R. §1003.19.
5. That the Parties agree that these proceedings are no longer necessary in light of the panel’s opinion in Hernandez Alvarez, supra.
6. That the Parties agree that this matter should be dismissed in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.
7. That the undersigned has discussed this matter with Avery Holloman, Assistant United States Attorney, who has indicated that Respondents have no opposition to the request made herein being granted.

WHEREFORE, the Parties respectfully request that the Court enter and order dismissing these proceedings without prejudice in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

Dated: May 28, 2026

Respectfully submitted,

/s/ David Stoller /s/
David Stoller, Esquire
Attorney for Petitioner
Law Offices of David Stoller, PA
4445 Conway Rd.
Orlando, Florida 32812
Florida Bar No. 92797

/s/ Avery Holloman /s/
Avery Holloman, Esquire
Assistant United States Attorney
Attorney for Respondents
400 W. Washington St., Suite 3100
Orlando, Florida 32801

CERTIFICATE OF SERVICE

I, David Stoller, certify that on May 28, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to:

Avery Holloman, Esquire
Assistant United States Attorney
400 W. Washington St., Suite 3100
Orlando, Florida 32801

/s/ David Stoller /s/
David Stoller, Esquire
Attorney for Petitioner