

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

EDDY EDUARDO RIVERO EXPOSITO,

Petitioner,

v.

Case No.: 3:26-cv-1031-WWB-PDB

WARDEN, NORTH FLORIDA DETENTION  
FACILITY, et al.,<sup>1</sup>

Respondents.

**ABBREVIATED RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner filed a habeas corpus petition pursuant to 28 U.S.C. § 2241, one of many now pending in this Court challenging a petitioner's designation as an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Petitioner contends that he entered the United States without inspection in November 2020 so 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 Federal Respondents' 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.

Federal Respondents have reviewed this Petition and have determined that the United States Court of Appeals for the Eleventh Circuit's recent decision

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<sup>1</sup> Undersigned counsel does not represent the Warden.

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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**CERTIFICATE REGARDING GENERATIVE ARTIFICIAL INTELLIGENCE**

I HEREBY CERTIFY that no generative AI was used in the drafting and preparation of this filing.

/s/ Carolyn B. Tapie  
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Assistant United States Attorney