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Case No. 3:26-cv-1105-MMH-PDB

ACTING ATTORNEY GENERAL of the United States;) MARKWAYNE MULLINS, Secretary, Department of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; GARRETT J. RIPA, Field Office Director - Miami ERO; and RONNIE WOODALL, Warden - Baker Correctional Institution.

Respondents.

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COMES NOW Petitioner Yenndy Nuñez González (“Petitioner” or “Mr. González”) by and through undersigned counsel, and respectfully submits this Reply to Respondents’ Abbreviated Response (“Response”) to Petitioner’s Petition for Writ of Habeas Corpus (“Petition”).

The Response correctly recognizes that the Eleventh Circuit, in *Alvarez v. Warden, Fed. Det. Ctr. Mia.*, rejected the statutory reinterpretation of 8 U.S.C. §§ 1225(b)(2)(A) and 1226(a) employed by DHS to legitimize Mr. González’ detention. 2026 U.S. App. LEXIS 13180, at *60-61 (11th Cir. May 6, 2026). The Response then suggests that, “[a]s the Court may resolve the petition on the statutory question, it need not proceed to evaluate any other claims raised in the Petition,” and requests a “reasonable period of ten days to arrange an individualized bond hearing.” Petitioner agrees that *Alvarez* determines the outcome of this matter, but objects that the Court need not consider the entirety of the Petition.

Respondents’ assertion that the court need not evaluate any of Petitioner’s other claims elides several pertinent facts. First, when he was detained more than a month ago, Mr. González was legally present in the United States, released on his own recognizance while pursuing a lawful asylum claim and adjustment to permanent resident status under the Cuban Adjustment Act.

Second, as nearly as can be determined prior to FOIA filings, the sole impetus to detain Mr. González was that he was listed (presumably as a noncitizen on the non-detained docket) as detainable under the now precedentially discredited DHS reinterpretation of § 1225(b)(2)(A), and the distribution of that list via 287(g) agreements to Florida law enforcement; therefore, his detention is illegitimate from its inception.

Third, as explained in the Petition and not countered in the Response, ICE violated due process, the INA, the APA, and its own regulations in violation of the *Accardi* doctrine by failing to grant Mr. González a pre-deprivation hearing.

Finally, Petitioner's rights to due process and access to the courts have already been impermissibly delayed, causing harm and deprivation of liberty. Petitioner was initially held at the Baker Correctional Institution, where he was initially denied bond for lack of jurisdiction, leading to the present Petition. Mr. González informed the Immigration Court of the change of circumstances created by *Alvarez*, requesting reconsideration of his custody. Respondents then transferred Petitioner to the Folkston ICE Processing Center approximately a week before his bond hearing and with full notice that this Petition is pending. It then took Respondents over two weeks to transfer Petitioner's case to the Folkston Immigration Court, further delaying his rights to custody redetermination.

This harm is significant to Petitioner and his family. Petitioner is separated from his family, hundreds of miles away, taken away from his wife, minor daughter, and business, suffering inside ICE detention centers infamous for inhumane and abusive conditions.¹

Therefore, while Petitioner does not necessarily object to an individualized bond hearing as soon as practicable, given the apparent lack of controversy regarding the justification for his detention, Petitioner respectfully requests that the Court consider ordering Petitioner's immediate release to prevent further delay and deprivation of liberty.

Respectfully submitted this 28th day of May, 2026.

/s/ Katherine H. Blankenship

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¹ See, e.g., Caitlin Philipo, *ICE finds violations at Folkston detention center but continues to contract with The GEO Group*, The Current, July 15, 2025, available at <https://www.gpb.org/news/2025/07/15/ice-finds-violations-at-folkston-detention-center-continue-s-contract-the-geo-group>; St. John Banned-Smith and Ko Lyn Cheang, *Inside ICE detention centers, medical misdiagnoses and delays prove deadly*, San Francisco Chronicle, April 9, 2026, available at <https://www.sfchronicle.com/projects/2026/ice-detention-deaths/>; Douglas MacMillan, Andrew Tran, Drea Cornejo, and Luis Melgar, *Internal ICE records reveal widespread use of force in detention centers*, Washington Post, May 24, 2026, available at <https://www.msn.com/en-us/crime/general/internal-ice-records-reveal-widespread-use-of-force-in-detention-centers/ar-AA221duC>.

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2026, a true and correct copy of the foregoing Petitioner's Reply In Support Of Petition For Writ Of Habeas Corpus was served via electronic ECF filing.

Respectfully submitted,

/s/ Katherine H. Blankenship
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