

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOSE WILVER VELASCO ARCO,

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Petitioner,

CIVIL CASE NO:3:26-cv-1116

v.

RONNIE WOODALL, Warden of
Baker County Institution; Detention
Center, MARKWAYNE MULLIN,
Secretary, U.S. Department of
Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; TODD BLANCHE,
Acting U.S. Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; KELLY
WALKER, Acting Field Office
Director of Enforcement and
Removal Operations, Miami Field
Office, Immigration and Customs
Enforcement

Respondent.

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REPLY TO THE GOVERNMENT'S AND WARDEN'S RESPONSE

Respondents: KELLY WALKER, Acting Field Office Director of
Enforcement and Removal Operations, Miami Field Office, Immigration and

Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; TODD BLANCHE, Acting U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW filed a Response to Petition for Writ of Habeas Corpus on May 19, 2026.

Respondent: RONNIE WOODALL, Warden of Baker County Correctional Institution; Detention Center filed Respondent Warden, Ronnie Woodall's Motion to Dismiss Petition for Writ of Habeas Corpus on May 19, 2026.

Per the Court's Order filed May 12, 2026 stating #6. "After Respondent's file a response, Petitioner shall have **3 business days** to file a reply to Respondent's response." The Petitioner is filing this Reply to the Government's and Warden's Response.

**PETITIONER'S REPLY TO THE GOVERNMENT'S RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

Respondent's response does not appear to dispute the Petitioner's Writ of Habeas Corpus.

"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.”

“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.”

Understanding the Respondents request of time for a bond hearing, the bond hearing was attempted on January 29, 2026 and again on April 7, 2026 and both were denied.

CONCLUSION

As such, the Petitioner is seeking the Habeas Corpus be granted and Petitioner be released immediately from detention without yet **another** bond hearing.

PETITIONER’S REPLY TO RESPONDENT WARDEN, RONNIE

WOODALL’S MOTION TO DISMISS PETITION FOR WRIT OF

HABEAS CORPUS

Respondent’s Motion to Dismiss Petition for Writ of Habeas Corpus argues he is not a proper party and therefore “the Court should dismiss him from this proceeding with prejudice.” The Respondent argues he is not the custodian of the Petitioner.

However in a footnote on the very first page, the Respondent notes the following:

“The Warden recognizes that this and other courts within the Middle District have rejected this argument that the Warden is not a proper respondent under 28 U.S.C. § 2241. To be clear, undersigned counsel respects those decisions. It continues to make the arguments, including here, only to preserve his appellate rights – not to dispute those decisions. Further, undersigned counsel is in the process of amending his arguments on this issue to address the courts’ analyses and (hopefully) change their minds. But until these updated arguments are ready, since there are often 10-20 new petitions filed daily, the Warden will continue making this argument to preserve the arguments for appeal.”

The Respondent proceeds on for seventeen (17) pages in their argument.

They also go on to say they do not dispute those decisions and they are “in the process” of amending their current argument to “(hopefully)” change the courts minds.

In their argument they cite the following;

“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over the petitioner.’” *Padilla*, 542 U.S. at 434 (quoting 28 U.S.C. § 2242); *see* 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”).

The Respondent cites many cases that have either not addressed the issue of if the Respondent has custody of the Petitioner or cited cases outside this court's jurisdiction.

The Middle District of Florida, as stated in Respondent’s argument; “... have rejected this argument that the Warden is not a proper respondent under 28 U.S.C. § 2241.”

The Habeas should not be dismissed based solely on the Respondent’s inaccurate title of his pleading as the relief he seeks is dismissal only of the

Warden as one of the Respondents from the Habeas and not for the entire proceeding to be dismissed.

CONCLUSION

As such, the Petitioner is seeking the Habeas Corpus be granted, and the Respondent not be dismissed from the proceeding and Petitioner be released immediately from detention without yet **another** bond hearing.

Respectfully submitted on May
21st, 2026,

By:/s/Laura L. Sterling, Esquire

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court's CM/ECF system, which provides notice to all parties, on May 21, 2026 .

By:/s/Laura L. Sterling, Esquire

LAURA L. STERLING, ESQUIRE

Bar No.: 14775

Counsel for Petitioner