

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLEFORT MYERS DIVISION

LAZARO REITOR RIVERON,

Petitioner,

Case No. 3:26-cv-1161-MMH-PDB

v.

ICE / U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT, et al.,

Respondents.

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

Petitioner Lazaro Reitor Riveron challenges his detention by U.S. Immigration and Customs Enforcement, arguing he is entitled to custody redetermination under 8 U.S.C. § 1226(a) or immediate release. Federal Respondents contend that Reitor Riveron is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) as an arriving alien whose parole previously terminated.

**BACKGROUND**

Reitor Riveron is a national and citizen of Cuba. (Ex. 1 at 1 and 2, I-213 Record of Deportable/Inadmissible Alien, Dated April 28, 2026). Reitor Riveron entered with Cuban Humanitarian Parole on May 13, 2023, in Miami Florida and the parole was valid until May 13, 2025. (Ex. 2, I-261, Additional Charges of Inadmissibility/Deportability, Dated June 3, 2026 and Doc. 1 at 19). Reitor Riveron's parole was terminated on April

24, 2025 or the original termination date, whichever was sooner, based on a discretionary decision by the U.S. Department of Homeland Security. (Ex. 3, Termination of Parole, Dated March 29, 2025). On April 28, 2026, He was encountered by ICE again and was returned to immigration custody. (Ex. 1 at 3 and 4). Reiter Riveron was served with a Notice to Appear on or about April 30, 2026. (Ex. 4 at 3, Notice to Appear, Dated April 30, 2026). On June 3, 2026, additional charges of inadmissibility/deportability was filed, charging Reiter Riveron as an arriving alien who applied for admission to the United States without a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I). Ex. 2 at 1). On June 4, 2026, a custody redetermination hearing was before an immigration judge, and the immigration judge determined it had no authority to consider the bond request because as an arriving alien, Reiter Riveron is subject to mandatory detention. (Ex. 5 at 3, Order of the Immigration Judge, Dated June 4, 2026). On May 5, 2026, Reiter Riveron filed a petition for writ of habeas corpus alleging his custody violates the Immigration and Nationality Act, and the Due Process Clause of the Fifth Amendment.

Reiter Riveron is currently detained at Baker Correctional Institution.

### **CERTIFIED HABEAS RETURN**

ICE is detaining Reiter Riveron under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A). See 28 U.S.C. § 2243 ("The person to whom the writ or order is directed shall make a return certifying the true cause of the detention."). Reiter Riveron bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of*

*State*, 853 F. App'x 327, 329 (11th Cir. 2021),

## ARGUMENT

### I. Reiter Riveron's detention comports with the INA and the Due Process Clause of the Fifth Amendment.

Title 8 U.S.C. § 1225—applicable to “applicants for admission,” that is, aliens present in the United States who have not been admitted—is the specific detention authority applicable to Reiter Riveron. Under § 1225(a), an “applicant for admission” is defined as an “alien present in the United States who has not been admitted *or who arrives in the United States.*” (Emphasis added). Applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Section 1225(b)(2)—the provision relevant here—is the “broader” of the two. *Id.* It “serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1) (with specific exceptions not relevant here).” *Id.* And § 1225(b)(2) mandates detention. *Id.* at 297; see also 8 U.S.C. § 1225(b)(2).

The present case is factually and legally distinct from recent cases finding § 1225(b)(2)(A) an inapplicable basis for detention. The Code of Federal Regulations define an “[a]rriving alien” as “an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport.” 8 C.F.R. § 1.2. Importantly, “[a]n arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the

Act, and even after any such parole is terminated or revoked.” *Id.*

Here, Reiter Riveron was paroled into the United States on or about May 15, 2023, as an arriving alien. (Ex. 2 at 1 and Doc. 1 at 19). His parole at a port of entry allowed his otherwise mandatory § 1225(b)(2)(A) detention to be suspended, subject, however, the government’s right to treat him “as if stopped at the border.” See *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020). Pursuant to 8 C.F.R. § 212.5(e)(1)(ii), parole automatically terminates without written notice “at the expiration of the time for which parole was authorized. Furthermore, it can terminated upon notice to the parolee. 8 C.F.R. § 212.5(e)(2)(i). Thus, Reiter Riveron’s parole terminated either on April 24, 2025, based on the DHS notice of Termination of parole or it expired on May 13, 2025, restoring him to an applicant for admission subject to mandatory detention. Cf. *Cooper Pedro v. Warden, Glades County Detention Center*, 2:26-cv-KCD-DNF (M.D. Fla. Apr. 2, 2026) (holding a previously paroled petitioner is an arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A)); *Chanaguano Caiza v. Scott*, No. 1:25-CV-00500-JAW, 2025 WL 3013081, at \*6 (D. Me. Oct. 28, 2025) (holding the petitioner’s parole automatically terminated upon expiration subjecting him to mandatory detention).<sup>1</sup> Federal Respondent’s acknowledge that some Courts have rejected this argument in light of the Eleventh Circuits recent precedential decision, finding no distinction between an arriving alien who is then paroled into the country and an alien encountered in the interior. See *Mendes v. Garrett J. Ripa, et al.*, No. 3:26-cv-118-JEP-PDB at 3 (M.D. Fla. May 19,

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<sup>1</sup> Immigration Judges generally lack jurisdiction to redetermine conditions of custody for “[a]rriving aliens” in removal proceedings, including previously paroled aliens. See 8 C.F.R. § 1003.19(h)(2)(i)(B).

2026).

Respondents further acknowledge *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026) in which the Eleventh Circuit held that “[t]he text of [8 U.S.C.] § 1225(b)(2)(A) is clear that mandatory detention applies only to a narrower category of applicants for admission: those seeking lawful entry into the United States . . . [not] to other present aliens not seeking admission.” *Id.* at \*13. In short, “§ 1225 applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully in the interior.” *Id.* at \*14. Federal Respondent’s believe that applicants for admission paroled into the country retain their status as those seeking lawful entry at the border once parole expires or is terminated as opposed to the latter category of aliens that are merely present not seeking admission contemplated in *Hernandez Alvarez*. 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.

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 working days to arrange an individualized bond hearing.

## CONCLUSION

Reiter Riveron's Petition for Writ of Habeas Corpus should be denied.

DATED this 11th day of June 2026.

Respectfully submitted,

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## Exhibit List

- 1-Ex. 1: I-213 Record of Deportable/Inadmissible Alien, Dated April 28, 2026
- 2-Ex. 2: I-261, Additional Charges of Inadmissibility/Deportability, Dated June 3, 2026
- 3-Ex. 3: Termination of Parole, Dated March 29, 2025
- 4-Ex. 4: Notice to Appear, Dated April 30, 2026
- 5-Ex. 5: Order of the Immigration Judge, Dated June 4, 2026