

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SANTOS ELEUTERIO AMBROCIO MATIAS

Petitioner,

v.

WARDEN, et al.,

Respondents.

Case No. 3:26-cv-01166-MMH-LLL

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

I. INTRODUCTION

Petitioner, through undersigned counsel, respectfully submits this Reply to Respondents' Abbreviated Response to the Petition for Writ of Habeas Corpus (Doc. 6).

Respondents substantially concede the central issue raised in the Petition. Respondents acknowledge that under the Eleventh Circuit's recent decision in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, Petitioner's detention is governed by 8 U.S.C. § 1226(a), rather than mandatory detention under 8 U.S.C. § 1225(b)(2). Doc. 6 at 1–2.

Accordingly, there is no longer any dispute that Respondents treated Petitioner as subject to mandatory detention under a legal framework that, under *Hernandez Alvarez*, does not govern his custody. The only remaining issue concerns the appropriate remedy. Although Respondents request seven days to arrange a bond hearing, immediate release is appropriate because Petitioner has been detained under a legal framework that Respondents now acknowledge does not govern his custody under *Hernandez Alvarez*.

II. PETITIONER IS ENTITLED TO IMMEDIATE RELEASE OR, ALTERNATIVELY, AN EXPEDITED BOND HEARING

Although Respondents request seven days to arrange a bond hearing, immediate release is appropriate because Petitioner has been detained under a legal framework that Respondents now acknowledge does not govern his custody under *Hernandez Alvarez*.

Respondents expressly concede that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and acknowledge that Petitioner's detention is governed by 8 U.S.C. § 1226(a). See Doc. 6 at 2. Thus, there is no longer any dispute that the legal basis originally asserted for Petitioner's detention was incorrect.

Immediate release is particularly appropriate here because Petitioner has resided in the United States since 2018, has maintained a pending asylum application since 2019, possesses valid employment authorization, and serves as the primary financial provider for his family. Petitioner also has significant family responsibilities, including caring for his youngest child, a United States citizen diagnosed with autism who requires continuing medical treatment and therapy. Petition ¶¶ 41–44. Continued detention under an admittedly erroneous statutory framework imposes substantial hardship on Petitioner and his family while serving no legitimate governmental purpose.

Federal courts routinely order immediate release where detention lacks a valid legal basis. Here, Respondents have acknowledged that Petitioner's custody is governed by § 1226(a), not § 1225(b). Once Respondents acknowledge that the statutory framework previously applied to Petitioner does not govern his custody, continued detention cannot be justified solely to facilitate additional administrative processing.

Alternatively, should this Court determine that immediate release is not warranted, Petitioner respectfully requests that the Court order Respondents to provide an individualized

custody redetermination hearing pursuant to 8 U.S.C. § 1226(a) within five days of the Court's Order.

Respondents request seven days to arrange a bond hearing; however, a five-day period provides sufficient time for Respondents to coordinate with EOIR while avoiding unnecessary continued detention. Respondents have already acknowledged that *Hernandez Alvarez* controls and have conceded that Petitioner is detained under § 1226(a). There are no unresolved legal or factual issues requiring additional agency review. Under these circumstances, any additional delay would unnecessarily prolong detention already predicated upon an incorrect statutory interpretation.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from ICE custody. Alternatively, Petitioner respectfully requests that the Court order Respondents to provide Petitioner an individualized custody redetermination hearing pursuant to 8 U.S.C. § 1226(a) within five days of the Court's Order and grant such other and further relief as this Court deems just and proper.

DATED this 20th day of May, 2026.

Respectfully submitted,

/s/Themistoklis Aliferis
Themistoklis E. Aliferis
Attorney-In-Charge
Florida Bar No.: 111888
Law Office of Sammy Aliferis, P.A.
6303 Waterford District Dr., Suite 400
Miami, FL 33126
Tel: (305) 200-5000
taliferis@aliferislaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Instrument was sent via ECF on May 20, 2026, to all counsel of record.

/s/Themistoklis Aliferis
Themistoklis E. Aliferis