

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEAN PIERRE IVENTRICK,

Petitioner,

v.

Case No. 3:26-cv-01172-JEP-MCR

**HOMELAND SECURITY
DEPARTMENT; WARDEN, North
Florida Detention Center,**

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Jean Pierre Iventrick 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). The Federal Respondents recognize that *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026) is an intervening change in controlling law. *See also, Carruyo-Serrudo v. Blanche*, No. 3:26-cv-559-JEP-SJH, 2026 U.S. Dist. LEXIS 86487, at *3 (M.D. Fla. Apr. 20, 2026)

PRELIMINARY STATEMENT

On May 6, 2026, Petitioner filed the Petition, challenging his detention as unlawful. Doc. 1. By Order dated May 12, 2026, this Court ordered service of Petition and directed Respondents to respond within five business days.

BACKGROUND

1. Petitioner is a 31-year-old, native and citizen of Haiti, who entered the United States at or near Fort Lauderdale on or about June 23, 2023. *See Exhibit A* (Notice to Appear). Petitioner was paroled into the United States through the Haitian Humanitarian Parole program with an authority to remain until June 12, 2025. *See Exhibit B* (Petitioner's I-213). However, Petitioner stayed beyond the expiration date.
2. On February 12, 2026, Petitioner was taken into custody following a traffic stop in Polk County. *See Exhibit C* (Warrant for Alien Arrest).
3. On March 17, 2026, an Immigration Judge (IJ) issued an order denying bond to Petitioner on the grounds that the IJ lacked authority. *See Exhibit D* (IJ Order).
4. To date, Petitioner has been in ICE custody for approximately 98 days. *See Exhibit E* (Detention History).

MEMORANDUM OF LAW

I. CERTIFIED HABEAS RETURN

ICE is detaining Petitioner under the provisions of 8 U.S.C. § 1226. *See* 28 U.S.C. § 2243 (stating “[t]he person to whom the writ or order is directed shall make a return certifying the true cause of the detention.”).

II. LEGAL ANALYSIS

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. 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 working days to arrange an individualized bond hearing.

Dated: May 19, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Mai Tran

MAI TRAN
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Attorneys for Federal Respondents

EXHIBIT LIST

- 1) Exhibit A (Notice to Appear) dated February 12, 2026;
- 2) Exhibit B (Petitioner's I-213) dated February 12, 2025;
- 3) Exhibit C (Warrant for Alien Arrest) dated February 10, 2025;
- 4) Exhibit D (IJ Order) dated March 17, 2026; and
- 5) Exhibit E (Detention History).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 19, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to CM/ECF participants. I will further furnish a hard copy via mail to the below pro se petitioner:

Jean Pierre Iventrick
Identification: 
North Florida Detention Center
20706 U.S. Highway 90
Sanderson, FL 32087
Pro Se Petitioner

/s/ Mai Tran
MAI TRAN
Assistant United States Attorney