

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DANIEL JOSE CHIRINO GAUNA,

Petitioner,

v.

Case No. 3:26-cv-1235-JEP-SJH

**WARDEN,¹ Baker Correctional
Institution; U.S. Immigration and
Customs Enforcement; U.S.
Department of Homeland Security;
FIELD OFFICE DIRECTOR; ICE
ERO Miami Field Office,**

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Daniel Jose Chirino Gauna (Petitioner) 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-*

¹ Ronnie Woodall was the warden at the Baker Correctional Institution when it was operated by the State of Florida as a men's prison in Sanderson, FL. *See* www.fdle.state.fl.us. Ronnie Woodall was not and is not the warden or facility administrator at the North Florida Detention Center (NFDC) operated in the now shuttered Baker Correctional Institution in Sanderson, FL. Based on information and belief, the Facility Administrator of the NFDC is Eric Hall. Thus, Petitioner is in the custody of **Eric Hall**, not Ronnie Woodall.

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 11, 2026, Petitioner filed the Petition, challenging his detention as unlawful. Doc. 1. By Order dated May 18, 2026, this Court ordered service of Petition and directed Respondents to respond within three business days.

BACKGROUND

1. Petitioner is a 21-year-old male, native and citizen of Venezuela who entered the United States at an unknown date, time, and location. *See Exhibit A* (Notice to Appear).

2. On March 23, 2026, following an arrest for speeding over 100 miles per hour, ICE encountered Petitioner and placed him into ICE custody. *See Exhibit B* (Petitioner's I-213).

3. To date, Petitioner has been in ICE custody for approximately 64 days. *See Exhibit C* (Detention History).

MEMORANDUM OF LAW

I. CERTIFIED HABEAS RETURN

ICE is detaining Petitioner under detention provisions of 8 U.S.C. § 1226(a). *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.”). Petitioner bears the burden

of proving Petitioner's custody violates federal law. *Whitfield v. United States Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021).

II. LEGAL ANALYSIS

The 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.

The 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 noncitizens like Petitioner who are present in the United States unlawfully, the Federal Respondents acknowledge that *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), Respondent requests a reasonable period of seven days to arrange an individualized bond hearing.

Dated: May 26, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Mai Tran

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EXHIBIT LIST

- 1) Exhibit A (Notice to Appear) dated August 29, 2025;
- 2) Exhibit B (Petitioner's I-213) dated March 23, 2026; and
- 3) Exhibit C (Detention History).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 26, 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 the following CM/ECF participant:

Daniel Jose Chirino Gauna
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Sanderson, Florida 32087
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Pro Se Petitioner

/s/ Mai Tran

MAI TRAN
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