

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Rafael Espino Avalos v. Sheriff David Hardin

Avalos · No. 2:25-cv-1008-KCD-DNF · Decided December 10, 2025

SUMMARY

The United States District Court for the Middle District of Florida held that Rafael Espino Avalos’s immigration detention is governed by 8 U.S.C. § 1226 rather than § 1225 because he had been present in the United States since at least 2003. The court ordered Respondents to provide the statutory process required under § 1226, including a bond hearing, but denied Avalos’s request for immediate release. The court declined to address his Fifth Amendment claims because statutory relief was available.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	December 10, 2025
DOCKET	2:25-cv-1008-KCD-DNF
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2241 challenging his detention by U.S. Immigration and Customs Enforcement and seeking immediate release or a bond hearing.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Rafael Espino Avalos v. Sheriff David Hardin

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- immigration
- remedies

PRACTICE AREAS

- immigration law
- habeas corpus
- administrative law
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether Avalos's detention was governed by the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2) or by the discretionary-detention provisions of 8 U.S.C. § 1226(a).
2. Whether a noncitizen detained under 8 U.S.C. § 1226(a) is entitled to a bond hearing.
3. Whether the court should order Avalos's immediate release rather than require the statutory process under § 1226(a).
4. Whether the court needed to reach Avalos's Fifth Amendment and Administrative Procedure Act claims after granting relief under the INA.

HOLDINGS

1. Because Avalos had been present in the United States since at least 2003, his detention was governed by 8 U.S.C. § 1226 rather than the mandatory-detention provisions of § 1225(b)(2).
2. As a noncitizen detained under § 1226(a), Avalos was entitled to a bond hearing and the statutory process required by § 1226(a).
3. Avalos was not entitled to immediate release; the proper relief was an order requiring Respondents to provide the statutory process under § 1226(a), including a bond hearing.
4. The court did not reach Avalos's Fifth Amendment claims because it granted the relief to which he was entitled based on its interpretation of § 1226(a).

KEY QUOTATIONS

“[Sections] 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.” (Opinion text)

“And as a noncitizen detained under § 1226, Avalos is entitled to a bond hearing.” (Opinion text)

“Avalos is an alien without lawful status. So he is entitled to a bond hearing under § 1226(a), not immediate release.” (Opinion text)

“The Court orders Respondents to provide Avalos with the statutory process required under § 1226, which includes a bond hearing.” (Opinion text)

FACTUAL BACKGROUND

Avalos illegally entered the United States in 2003 and had lived there for more than two decades. After a Florida Highway Patrol traffic stop, officers determined that he was unlawfully present, and he was transferred to the Glades County Detention Center. ICE detained him under 8 U.S.C. § 1225 while he faced removal proceedings charging unlawful entry. He challenged the absence of a bond hearing and sought immediate release.

PROCEDURAL HISTORY

Avalos filed an amended habeas petition challenging his detention under 8 U.S.C. § 1225 and asserting violations of the Immigration and Nationality Act, the Fifth Amendment, and the Administrative Procedure Act. The Government responded and conceded that the court's prior decisions addressed the same statutory issue. The

court granted the petition in part, denied it in part, ordered Respondents to provide the statutory process required under 8 U.S.C. § 1226, including a bond hearing, denied immediate release and other relief, terminated pending motions and deadlines, and closed the case.

DISPOSITION

other

CASES CITED

- Jennings v. Rodriguez, 583 U.S. 281, 297 (2018)
- Hernandez-Lopez v. Hardin, et al., No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025)
- Garcia v. Noem, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *6 (M.D. Fla. Oct. 31, 2025)
- Hulke v. Schmidt, 572 F. Supp. 3d 593, 596 (E.D. Wis. 2021)
- Lopez-Arevelo, No. EP-25-CV-337-KC, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025)
- Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *8 (E.D. Mich. Sept. 9, 2025)
- Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)
- Alli v. Decker, 650 F.3d 1007, 1015 (8d Cir. 2011)
- ELEM. v. Holder, 107 F. Supp. 3d 1119, 1144 (W.D. Wash. 2015)