

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

**Walver Daniel Vilorio Moncada v. Warden, Glades County Detention
Center et al.**

Moncada · No. 2:26-cv-00006-SPC-NPM · Decided February 6, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted Walver Daniel Vilorio Moncada’s amended petition for a writ of habeas corpus. The court held that his immigration detention was governed by 8 U.S.C. § 1226(a), rather than § 1225(b)(2), entitling him to an individualized bond hearing. Respondents were ordered to provide a bond hearing within ten days or release him under reasonable conditions of supervision.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 6, 2026
DOCKET	2:26-cv-00006-SPC-NPM
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner's amended petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenged his immigration detention without a bond hearing. The district court granted the petition and ordered respondents either to provide an individualized bond hearing before an immigration judge or release petitioner under reasonable conditions of supervision within ten days.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reporter citation.
PARTIES	Walver Daniel Vilorio Moncada v. Warden, Glades County Detention Center et al.

TOPICS

federal habeas corpus

immigration detention

removal proceedings

statutory interpretation

remedies

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

statutory interpretation

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) or § 1252(b)(9) deprived the district court of jurisdiction over Moncada's habeas challenge to his immigration detention.
2. Whether exhaustion of administrative remedies should be excused as futile.
3. Whether Moncada's detention was governed by 8 U.S.C. § 1225(b)(2) or § 1226(a).
4. Whether a noncitizen detained under § 1226(a) is entitled to an individualized bond hearing before an immigration judge.

HOLDINGS

1. Sections 1252(g) and 1252(b)(9) do not strip the district court of jurisdiction over Moncada's challenge because the action falls outside their scope.
2. Exhaustion was excused because requiring it would be futile.
3. Moncada's detention was governed by § 1226(a), not § 1225(b)(2); mandatory detention under § 1225(b)(2) was unlawful.
4. As a noncitizen detained under § 1226(a), Moncada was entitled to an individualized bond hearing before an immigration judge.

KEY QUOTATIONS

“Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.” (306)

“To be clear, subjecting Vilorio Moncada to mandatory detention under § 1225(b)(2) is unlawful.”

FACTUAL BACKGROUND

Walver Daniel Vilorio Moncada, a Honduran citizen, entered the United States without inspection in 2012 to seek asylum. He had no criminal record and had two United States citizen children. Immigration officials apprehended him during a traffic stop, detained him first at Alligator Alcatraz, and then transferred him to Glades County Detention Center, where he remained detained without an opportunity to seek release on bond.

PROCEDURAL HISTORY

Moncada filed an amended habeas petition challenging his detention at Glades County Detention Center. The government responded, arguing lack of jurisdiction, failure to exhaust administrative remedies, and mandatory detention under 8 U.S.C. § 1225(b)(2). The district court rejected those arguments, granted habeas relief, and directed respondents to provide a bond hearing or release Moncada within ten days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Within ten days of the Opinion and Order, respondents must either bring Moncada before an immigration judge for an individualized bond hearing or release him under reasonable conditions of supervision. If released, respondents must facilitate his transportation from the detention facility by notifying his counsel when and where he may be collected. The Clerk was directed to enter judgment, terminate pending motions and deadlines, and close the case.

CASES CITED

- Hinojosa Garcia v. Noem, No. 2:25-cv-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025)
- Vasquez Carcamo v. Noem, 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 306 (2018)

OPINION

Moncada v. Warden, Glades County Detention Center (Glades County)

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

WALVER DANIEL VILORIO

MONCADA,

Petitioner, v. Case No.: 2:26-cv-00006-SPC-NPM

WARDEN, GLADES COUNTY

DETENTION CENTER et al., Respondent, /

OPINION AND ORDER

Before the Court are Walver Daniel Vilorio Moncada's Amended Petition for Writ of Habeas Corpus (Doc. 10) and the government's response (Doc. 12). For the below reasons, the Court grants the petition. Vilorio Moncada is a native and citizen of Honduras who entered the United States without inspection in 2012 to seek asylum. He has no criminal record and two U.S. citizen children. Immigration officials apprehended Vilorio Moncada during a traffic stop and detained him at Alligator Alcatraz. He has since been transferred to Glades County Detention Center, where he remains detained without an opportunity to seek release on bond. The core of the dispute before this Court is whether 8 U.S.C. § 1225(b)(2) or § 1226(a) of the Immigration and Nationality Act ("INA") applies to Vilorio Moncada. The distinction matters because § 1225(b)(2) mandates detention, while aliens detained under § 1226(a) have the right to a bond hearing before an immigration judge. Vilorio Moncada asks the Court to order the respondents to either release him

or provide a prompt individualized bond hearing. The respondents argue (1) 8 U.S.C. § 1252(g) and (b)(9) strip the Court of jurisdiction over the petitioner's claims, (2) the petitioner failed to exhaust available administrative remedies, and (3) the petitioner is properly detained under § 1225 and is not eligible for a bond hearing. As the respondents acknowledge, the Court rejected their arguments in cases that presented the same issues, like *Hinojosa Garcia v. Noem*, No. 2:25-cv-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025) and *Vasquez Carcamo v. Noem*, 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025). The Court's reasons for granting habeas relief in those cases apply equally here. As the Court explained in *Hinojosa Garcia* and *Vasquez Carcamo*, it has jurisdiction because this action falls outside the scope of § 1252(g) and (b)(9), and exhaustion is excused because it would be futile. And like the petitioners in those cases, Vilorio Moncada's detention is governed by § 1226(a), not § 1225(b)(2). As a noncitizen detained under § 1226(a), Vilorio Moncada has a right to a bond hearing. See *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) ("Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.") (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). The Court will thus order the respondents to either bring Vilorio Moncada before an immigration judge for an individualized bond hearing or release him within ten days. The Court is aware that the Executive Office for Immigration Review is the agency that schedules bond hearings. To be clear, subjecting Vilorio Moncada to mandatory detention under § 1225(b)(2) is unlawful. If the respondents are unable to ensure Vilorio Moncada receives the bond hearing he is entitled to under § 1226(a) within ten days, they must release him. Accordingly, it is hereby ORDERED: Walver Daniel Vilorio Moncada's Amended Petition for Writ of Habeas Corpus (Doc. 10) is GRANTED.

(1) Within ten days of this Opinion and Order, the respondents shall either (1) bring Vilorio Moncada for an individualized bond hearing before an immigration judge or (2) release Vilorio Moncada under reasonable conditions of supervision. If the respondents release Vilorio Moncada, they shall facilitate his transportation from the detention facility by notifying his counsel when and where he may be collected.

(2) The Clerk is DIRECTED to terminate any pending motions and deadlines, enter judgment, and close the case. DONE AND ORDERED in Fort Myers, Florida on February 6, 2026. , tit WOblatet he 7

UNITED STATES DISTRICT JUDGE

SA: FTMP-1