

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

**Joel Isidro Ochoa Armijo v. Director, Miami Field Office,
Immigration and Customs Enforcement, Director, Immigration and
Customs Enforcement, Secretary, Department of Homeland Security,
United States Attorney General, Director, Enforcement and Removal
Operations, U.S. Immigration and Customs Enforcement**

No. 2:25-cv-1049-KCD-DNF (M.D. Fla. Dec. 15, 2025) · No. No. 2:25-cv-1049-KCD-DNF · Decided
December 15, 2025

SUMMARY

The United States District Court for the Middle District of Florida held that Joel Isidro Ochoa Armijo's detention was governed by 8 U.S.C. § 1226 rather than § 1225 because he had been present in the United States for many years. The court granted habeas relief in part and ordered the defendants to provide Armijo the statutory process required under § 1226, including a bond hearing, but denied his request for immediate release. The court declined to reach his Fifth Amendment claim 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 15, 2025
DOCKET	No. 2:25-cv-1049-KCD-DNF
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	The court resolved the petition through statutory interpretation of the INA and habeas review; no separate standard-of-review formulation was stated.

PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Joel Isidro Ochoa Armijo v. Director, Miami Field Office, Immigration and Customs Enforcement, Director, Immigration and Customs Enforcement, Secretary, Department of Homeland Security, United States Attorney General, Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement

TOPICS

immigration detention removal proceedings statutory interpretation remedies

PRACTICE AREAS

immigration law habeas corpus immigration detention statutory interpretation

QUESTIONS PRESENTED

1. Whether Armijo's detention was governed by 8 U.S.C. § 1225(b)(2) or by the discretionary detention scheme in § 1226(a).
2. Whether a noncitizen detained under § 1226(a) is entitled to a bond hearing.
3. Whether the named government defendants were proper parties to the habeas action.
4. Whether the court should order Armijo's immediate release.
5. Whether it was necessary to decide Armijo's Fifth Amendment challenge to his detention after granting relief under the INA.

HOLDINGS

1. Because Armijo had been present in the United States for years, his detention was governed by 8 U.S.C. § 1226 rather than § 1225.
2. As a noncitizen detained under § 1226(a), Armijo was entitled to a bond hearing and the statutory process required by § 1226.
3. The court rejected the defendants' argument that they were not proper parties.
4. Armijo was not entitled to immediate release; the appropriate relief was a bond hearing and the statutory process required by § 1226(a).
5. The court did not decide the Fifth Amendment detention claim because relief was granted based on the court's interpretation and application of § 1226(a).

KEY QUOTATIONS

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

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

“[Section] 1226(a)(1) grants the executive branch discretion to determine whether to detain or release a noncitizen who is facing removal proceedings.”

FACTUAL BACKGROUND

Armijo illegally entered the United States more than twenty years before the case and had no lawful immigration status. ICE detained him at Alligator Alcatraz in the Middle District of Florida and treated him as detained under 8 U.S.C. § 1225. Removal proceedings were pending based on his alleged unlawful entry. He sought release or, alternatively, a bond hearing.

PROCEDURAL HISTORY

Armijo filed a habeas petition under 28 U.S.C. § 2241 challenging his detention under 8 U.S.C. § 1225 and asserting that detention without a bond hearing violated the INA and the Fifth Amendment. The Government responded and argued, among other things, that the named defendants were not proper parties. The district court granted the petition in part and denied it in part, ordering a bond hearing and the statutory process required under § 1226 while denying immediate release and declining to reach the Fifth Amendment claim.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendants must provide Armijo with the statutory process required under 8 U.S.C. § 1226, including a bond hearing. The court denied all other relief, including immediate release, and closed the case.

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)
- *Sanchez-Penunuri v. Longshore*, 7 F. Supp. 3d 1136, 1150 (D. Colo. 2013)
- *Masingene v. Martin*, 424 F. Supp. 3d 1298, 1302 (S.D. Fla. 2020)
- *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)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION JOEL ISIDRO OCHOA ARMIJO, Plaintiff, Case No. 2:25-cv-1049-KCD-DNF v. DIRECTOR, MIAMI FIELD OFFICE, IMMIGRATION AND CUSTOMS ENFORCEMENT, DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, SECRETARY, DEPARTMENT OF HOMELAND SECURITY, UNITED STATES ATTORNEY GENERAL, DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, Defendants. / ORDER Plaintiff Joel Isidro Ochoa Armijo has filed a habeas corpus petition challenging his detention by U.S. Immigration & Customs Enforcement.

(Doc. 1.)¹ He claims that the Attorney General is holding him without a bond hearing in violation of the Immigration and Nationality Act (“INA”), and his continued detention without a hearing contravenes the Fifth Amendment. (Id. at 11-12.) ¹ Unless otherwise indicated, all internal quotation marks, citations, case history, and alterations have been omitted in this and later citations.

Defendants responded. (Doc. 11.) For the reasons below, the petition is GRANTED IN PART AND DENIED IN PART. Armijo illegally entered the United States over 20 years ago. (Doc. 1 ¶ 11.) He was recently detained and is now held at Alligator Alcatraz in the Middle District of Florida. (Id.) ICE is holding Armijo under 8 U.S.C. § 1225. (Id. ¶ 49.) This matters because aliens detained through § 1225(b)(2) must remain in custody throughout their removal proceedings.

See *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (“[Sections] 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.”). Removal proceedings are underway against Armijo, and he is being accused of unlawfully entering the United States. (See Doc. 11-1.)

The heart of this case is a question of statutory interpretation involving the interplay between 8 U.S.C. §§ 1225 and 1226. According to Armijo, the Attorney General is unlawfully holding him under § 1225(b)(2), which mandates his detention, instead of under § 1226(a)’s discretionary detention scheme, where he could be eligible for release.

As a result, his continued detention without a bond hearing is unconstitutional. As the Government concedes, the Court has already covered this ground and addressed the issues raised by Armijo. See *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). There, the Court was satisfied of its jurisdiction and found that petitioners were being held in violation of their rights under the INA, entitling them to habeas relief. The same result applies here. It is undisputed that Armijo has been in the United States for years. His

detention is thus governed by § 1226. And as a noncitizen detained under § 1226, Armijo is entitled to a bond hearing.

See *Jennings*, 583 U.S. at 306 (“Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.”). Finally, Defendants raise an argument that they are not proper parties, which the Court now rejects as well. See *Sanchez-Penunuri v. Longshore*, 7 F. Supp. 3d 1136, 1150 (D. Colo. 2013); *Masingene v. Martin*, 424 F. Supp. 3d 1298, 1302 (S.D.

Fla. 2020). Armijo seeks a writ of habeas corpus ordering his immediate release from custody. (Doc. 1 at 13.) But that is not something the Court can do. “[Section] 1226(a)(1) grants the executive branch discretion to determine whether to detain or release a noncitizen who is facing removal proceedings.” *Hulke v. Schmidt*, 572 F. Supp. 3d 593, 596 (E.D. Wis. 2021).

Armijo is an alien without lawful status. So he is entitled to a bond hearing under § 1226(a), not immediate release. See, e.g., *Lopez-Arevelo*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025). Consistent with the “comfortable majority position,” the Court will instead require Defendants to provide Armijo with the statutory process required under § 1226(a), which includes a bond hearing.

Id. One last issue. Armijo’s petition also challenges his detention under the Fifth Amendment. This claim is not addressed “given that the Court [is granting] the relief [Armijo is entitled to] based on its interpretation of the applicability of § 1226(a).” *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *8 (E.D. Mich. Sept. 9, 2025). If Defendants do not provide Armijo with a bond hearing as ordered, he can renew his Fifth Amendment claim in a subsequent complaint.

For the reasons given, Armijo’s Petition for Writ of Habeas Corpus (Doc. 1) is GRANTED IN PART AND DENIED IN PART. The Court orders Defendants to provide Armijo with the statutory process required under § 1226, which includes a bond hearing. All other relief is DENIED.

The Clerk is directed to terminate any pending motions and deadlines and close the case. ORDERED in Fort Myers, Florida on December 15, 2025. Kyle C. Dudek United States District Judge 2 The Court is aware of a pending California case that certified a class action of aliens who, like Armijo, are in immigration detention and being denied access to a bond hearing.

See *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). But no final judgment has been issued in *Bautista* to bind the parties here. And the Court finds no prudential reason to dismiss or stay this case in the meantime because Armijo will seemingly need to return to this jurisdiction to obtain the habeas relief sought.

See, e.g., *Alli v. Decker*, 650 F.3d 1007, 1015 (8d Cir. 2011); *ELEM. v. Holder*, 107 F. Supp. 3d 1119, 1144 (W.D. Wash. 2015).

