

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Jorge Alejandro Erazo Figuera v. Garrett Ripa, et al.

Jorge Alejandro Erazo Figuera v. Ripa, No. 26-cv-20307-JB (S.D. Fla. Feb. 18, 2026) · No. 1:26-cv-20307-JB ·
Decided February 19, 2026

SUMMARY

The United States District Court for the Southern District of Florida held that Petitioner Jorge Alejandro Erazo Figuera's immigration detention was governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2). The court granted the habeas petition in part and ordered Respondents to provide an individualized bond hearing or release Petitioner. The court dismissed the remaining due process and alternative parole claims without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 19, 2026
DOCKET	1:26-cv-20307-JB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention without an individualized bond hearing.
STANDARD OF REVIEW	De novo review of the statutory interpretation question concerning the detention framework; habeas review under 28 U.S.C. § 2241.
PRECEDENTIAL VALUE	unknown
PARTIES	Jorge Alejandro Erazo Figuera v. Garrett Ripa, in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement Miami Field Office, et al.

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- immigration

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether prudential exhaustion should be excused when an appeal to the BIA would be futile under *In re Yajure Hurtado*.
2. Whether Petitioner's detention was governed by the mandatory-detention provision in 8 U.S.C. § 1225(b)(2) or the discretionary detention and bond framework in 8 U.S.C. § 1226(a).
3. Whether Petitioner was entitled to an individualized bond hearing before an immigration judge.
4. Whether Petitioner's Fifth Amendment due process claims and alternative parole-documentation claim were ripe for adjudication after relief was granted under the INA.

HOLDINGS

1. Prudential exhaustion was excused because seeking a bond appeal before the BIA would be futile in light of *In re Yajure Hurtado*, which rejected the same statutory argument and required mandatory detention under section 1225(b)(2) for similarly situated noncitizens.
2. Petitioner's detention was governed by 8 U.S.C. § 1226(a), not the mandatory-detention provision in 8 U.S.C. § 1225(b)(2), because DHS charged him as present in the United States without admission or parole and initially detained or released him under INA section 236.
3. Because section 1226(a) governed Petitioner's detention, he was entitled to an individualized bond hearing before an immigration judge, or otherwise to release.
4. The Fifth Amendment due process claims and the alternative claim seeking parole documentation were dismissed without prejudice because relief under section 1226(a) made the due process claims unripe and rendered the alternative claim unnecessary.

KEY QUOTATIONS

“Petitioner’s detention is governed by section 1226(a) and, therefore, he is entitled to an individualized bond hearing before an IJ.”

“Accordingly, Count I of the Petition is meritorious, and Petitioner is entitled to relief thereon.”

FACTUAL BACKGROUND

Petitioner, a Venezuelan citizen who had lived in the United States since May 2022, was charged in a Notice to Appear as present in the United States without having been admitted or paroled. DHS initially released him on his own recognizance under INA section 236, codified at 8 U.S.C. § 1226. After Petitioner entered ICE custody in October 2025, an immigration judge denied bond without determining dangerousness or flight risk, concluding that mandatory detention under 8 U.S.C. § 1225(b)(2) applied.

PROCEDURAL HISTORY

Petitioner filed a verified habeas petition after an immigration judge denied bond without making a dangerousness or flight-risk determination, relying on the BIA's decision in *In re Yajure Hurtado*. Respondents

opposed the petition, and Petitioner filed a traverse. The district court granted relief in part, ordered an individualized bond hearing under 8 U.S.C. § 1226(a) or release, and dismissed the remaining claims without prejudice.

DISPOSITION

other

CASES CITED

- In re Yajure Hurtado, 29 I. & N. Dec. 216, 220-21 (BIA 2025)
- Munaf v. Geren, 553 U.S. 674, 693 (2008)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- Kemokai v. U.S. Att'y Gen., 83 F.4th 886, 891 (11th Cir. 2023)
- Santos-Zacaria v. Garland, 598 U.S. 411, 413 (2023)
- Linfors v. United States, 673 F.2d 332, 334 (11th Cir. 1982)
- Von Hoffberg v. Alexander, 615 F.2d 633, 638 (5th Cir. 1980)
- Puga v. Assistant Field Off. Dir., Krome North Serv. Processing Ctr., 25-cv-24535, 2025 WL 2938369, at *2, *3-*6 (S.D. Fla. Oct. 15, 2025)
- Jefry Josue Del Cid Del Cid and Marlon Letona Marroquin v. Pamela Bondi, 2025 WL 2985150, at *13 (W.D. Pa. Oct. 23, 2025)
- Guerrero Orellana v. Moniz, 2025 WL 2809996, at *4 n.2 (D. Mass. Oct. 3, 2025)
- Inlago Tocagon v. Moniz, 2025 WL 2778023, at *2 (D. Mass. Sept. 29, 2025)
- Roman v. Noem, No. 25-cv-01684, 2025 WL 2710211, at *5 (D. Nev. Sept. 23, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 285-89, 303, 306 (2018)
- Gomes v. Hyde, No. 25-cv-11571, 2025 WL 1869299, at *2, *8 n.9 (D. Mass. July 7, 2025)
- Lopez Benitez v. Francis, No. 25-Civ-5937, 2025 WL 2371588, at *13 (S.D.N.Y. Aug. 13, 2025)
- Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *3, *5, *7-*8 (E.D. Mich. Sept. 9, 2025)
- Loper Bright Enters. v. Raimondo, 603 U.S. 369, 386 (2024)
- Barrios v. Shepley, No. 25-cv-00406, 2025 WL 2772579, at *5 (D. Me. Sept. 25, 2025)
- Mosqueda, 2025 WL 2591530, at *7
- Hyppolite v. Noem, No. 25-4304, 2025 WL 2829511, at *8 (E.D.N.Y. Oct. 6, 2025)
- Perez v. Berg, No. 25-cv-494, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025)
- Gil-Paulino v. Sec'y of the U.S. Dep't of Homeland Sec., 25-cv-24292, ECF No. 41 (S.D. Fla. Oct. 10, 2025)
- Barrera, 2025 WL 2690565, at *4
- Merino v. Ripa, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025)
- Lopez v. Hardin, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025)
- Alvarez v. Morris, 25-cv-24806, ECF No. 6 (S.D. Fla. Oct. 27, 2024)
- Texas v. United States, 523 U.S. 296, 300 (1998)

- Thomas v. Union Carbide Agric. Prods. Co., 473 U.S. 568, 580-81 (1985)
- Babilla v. Allstate Ins. Co., No. 20-cv-1434, 2020 WL 6870610, at *1 (M.D. Fla. Aug. 27, 2020)

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