

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Garcia-Perez v. Walker

No. 25-62639-CV-DIMITROULEAS (S.D. Fla. Jan. 7, 2026) · No. 25-62639-CV-DIMITROULEAS · Decided
January 7, 2026

SUMMARY

The United States District Court for the Southern District of Florida granted in part Ivan Garcia-Perez’s petition for a writ of habeas corpus challenging his continued immigration detention. The court held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed his detention and ordered Respondents to provide an individualized bond hearing within seven days. The court dismissed without prejudice the petitioner’s Fifth Amendment claim and retained jurisdiction to enforce the order.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	William P. Dimitrouleas
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	January 7, 2026
DOCKET	25-62639-CV-DIMITROULEAS
DISPOSITION	granted_in_part
PROCEDURAL POSTURE	Habeas corpus petition challenging immigration detention
PRECEDENTIAL VALUE	persuasive
PARTIES	Ivan Garcia-Perez v. Kelly Walker, Pam Bondi, Kristi Noem, Caleb Vitello

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- habeas corpus
- civil procedure

PRACTICE AREAS

- immigration
- habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether Petitioner's detention is governed by 8 U.S.C. § 1225(b)(2)(A) (mandatory detention for applicants for admission) or 8 U.S.C. § 1226(a) (discretionary detention with bond hearing eligibility)
2. Whether Petitioner is entitled to an individualized bond hearing

HOLDINGS

1. Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), because § 1225 applies to 'arriving aliens' and 'applicants for admission' actively seeking admission at the border, while § 1226(a) applies to aliens already present in the United States.
2. Petitioner is entitled to an individualized bond hearing as a detainee under 8 U.S.C. § 1226(a).

FACTUAL BACKGROUND

Petitioner Ivan Garcia-Perez is a Cuban citizen who has resided in the United States since 2022. After entering the country, he was issued a Notice to Appear and placed into removal proceedings. ICE released him on his own recognizance, subject to standard conditions including periodic check-ins. From March 2022 until his detention in November 2025, Petitioner complied with all conditions, appeared for all check-ins, and has no criminal history. He filed an application for relief with EOIR in January 2023. In September 2025, during a scheduled ICE check-in, Petitioner was unexpectedly detained and formally taken into ICE custody on November 7, 2025.

PROCEDURAL HISTORY

Petitioner filed a Verified Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging his continued detention without an individualized bond determination. Respondents filed a Response. The Court held a hearing on January 7, 2026.

DISPOSITION

granted_in_part

REMAND INSTRUCTIONS

Respondents shall afford Petitioner an individualized bond hearing consistent with 8 U.S.C. § 1226(a) within seven days.

CASES CITED

- *Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-cv-24535, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025)
- *Acosta v. Ripa, et. al.*, Case No. 25-cv-62360-WPD (S.D. Fla. Dec. 26, 2025)
- *Taffur v. Noem, et. al.* Case No. 25-cv-62308-WPD (S.D. Fla. Dec. 22, 2025)
- *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, No. 25-3050, 2025 WL 3552514 (7th Cir. Dec. 11, 2025)
- *Munaf v. Geren*, 553 U.S. 674 (2008)
- *Zadvydas v. Davis*, 533 U.S. 678 (2001)

- *Jennings v. Rodriguez*, 583 U.S. 281 (2018)
- *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020)
- *Shotz v. City of Plantation*, 344 F.3d 1161 (11th Cir. 2003)
- *Fed. Election Comm'n v. Reform Party of U.S.*, 479 F.3d 1302 (11th Cir. 2007)
- *Yates v. United States*, 574 U.S. 528 (2015)
- *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- *Rosado v. Figueroa*, No. 25-cv-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)
- *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)
- *Barrera v. Tindall*, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- *Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025)
- *Corley v. United States*, 556 U.S. 303 (2009)
- *Bilski v. Kappos*, 561 U.S. 593 (2010)
- *Lepe v. Andrews*, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025)
- *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- *Jhon Peter Hyppolite v. Noem*, No. 25-cv-4303, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025)
- *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024)
- *Chavez v. Noem*, No. 25-cv-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025)