

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

Mario Jose Castro Diaz v. Miami Field Office Director et al.

Castro Diaz · No. 2:26-cv-00302-SPC-NPM · Decided February 20, 2026

SUMMARY

The United States District Court for the Middle District of Florida grants Mario Jose Castro Diaz’s petition for a writ of habeas corpus. The court holds that his detention is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b)(2), and that he is entitled to an individualized bond hearing. Respondents must provide a bond hearing within ten days or release him under reasonable conditions.

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
DECIDED	February 20, 2026
DOCKET	2:26-cv-00302-SPC-NPM
DISPOSITION	granted
PROCEDURAL POSTURE	Petition for writ of habeas corpus challenging immigration detention and seeking release or an individualized bond hearing.
STANDARD OF REVIEW	The court reviewed the habeas petition and the statutory basis for detention de novo.
PRECEDENTIAL VALUE	unknown
PARTIES	Mario Jose Castro Diaz v. Miami Field Office Director et al.

TOPICS

- immigration detention
- statutory interpretation
- subject matter jurisdiction
- procedural due process
- remedies

PRACTICE AREAS

- immigration law
- habeas corpus
- federal courts

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) or § 1252(b)(9) deprived the district court of jurisdiction over Castro Diaz's habeas challenge to his detention.
2. Whether Castro Diaz was required to exhaust administrative remedies before seeking habeas relief, and whether exhaustion should be excused as futile.
3. Whether Castro Diaz's detention was governed by the mandatory-detention provision in 8 U.S.C. § 1225(b)(2) or the discretionary-detention provision in § 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 this habeas challenge to the statutory basis for Castro Diaz's detention.
2. Administrative exhaustion was excused because pursuing it would have been futile.
3. Castro Diaz's current detention is governed by 8 U.S.C. § 1226(a), not the mandatory-detention provision in § 1225(b)(2), because applying § 1225(b)(2) years after his border apprehension and after his release into the country would be inconsistent with the distinction between noncitizens seeking initial admission and those already inside the United States after entry.
4. A noncitizen detained under 8 U.S.C. § 1226(a) is entitled to an individualized bond hearing before an immigration judge.

KEY QUOTATIONS

“But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”

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

FACTUAL BACKGROUND

Castro Diaz, a Nicaraguan citizen, entered the United States in May 2022 after Border Patrol apprehended and paroled him into the country. DHS later issued a notice to appear, and Castro Diaz had no criminal history, a pending asylum application, and employment in the fishing industry. In February 2026, the Coast Guard arrested him while he was working and transferred him to Border Patrol custody, where he was detained without an opportunity to seek release on bond.

PROCEDURAL HISTORY

Castro Diaz filed a habeas petition challenging his detention without an opportunity for a bond hearing. The government opposed the petition on jurisdictional, exhaustion, and statutory-detention grounds. The district court granted the petition and ordered the respondents to provide an individualized bond hearing before an immigration judge or release Castro Diaz within ten days, then directed the Clerk to enter judgment and close the case.

DISPOSITION

granted

REMAND INSTRUCTIONS

Within ten days, respondents must either bring Castro Diaz 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 counsel when and where he may be collected.

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*, No. 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025)
- *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)
- *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953)
- *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)
- *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018)
- *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. 2026)
- *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060-63 (7th Cir. 2025)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION MARIO JOSE CASTRO DIAZ, Petitioner, v. Case No.: 2:26-cv-00302-SPC-NPM MIAMI FIELD OFFICE DIRECTOR et al., Respondents, / OPINION AND ORDER Before the Court are Mario Jose Castro Diaz's Petition for Writ of Habeas Corpus (Doc. 1), the government's response (Doc. 5), and Castro Diaz's reply (Doc.

6). For the below reasons, the Court grants the petition. Castro Diaz is a native and citizen of Nicaragua who entered the United States on May 2, 2022. Border Patrol apprehended him and paroled him into the country three days later.

On July 22, 2023, the Department of Homeland Security ("DHS") issued a notice to appear before an immigration judge on September 9, 2026. Castro Diaz has no criminal history and a pending asylum application, and he works in the fishing industry.

On February 7, 2026, U.S. Coast Guard personnel arrested Castro Diaz while he was working and turned him over to Border Patrol. He is currently detained at Alligator Alcatraz 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 Castro Diaz. 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. Castro Diaz 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. The respondents also argue § 1225(b)(2) applies to Castro Diaz's current detention because he was detained at the border upon his entry in 2022. But applying § 1225(b)(2) to noncitizens years after they were apprehended at the border and released into the country does not comport with the policy justification for treating noncitizens in the country differently than those seeking entry.

As the Supreme Court observed, "our immigration laws have long made a distinction between those aliens who have come to our shores seeking admission... and those who are within the United States after an entry, irrespective of its legality.

In the latter instance the Court has recognized additional rights and privileges not extended to those in the former category who are merely 'on the threshold of initial entry.'" *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958) (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953)); see also *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

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, Castro Diaz's detention is governed by § 1226(a), not § 1225(b)(2).

As a noncitizen detained under § 1226(a), Castro Diaz 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)).¹ The Court will thus order the respondents to either bring Castro Diaz 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 Castro Diaz to mandatory detention under § 1225(b)(2) is unlawful. If the respondents are unable to ensure Castro Diaz receives the bond hearing he is entitled to under § 1226(a) within ten days, they must release him.

Accordingly, it is hereby ORDERED: Mario Jose Castro Diaz's Petition for Writ of Habeas Corpus (Doc. 1) is GRANTED. (1) Within ten days of this Opinion and Order, the respondents shall either (1) bring Castro Diaz for an individualized bond hearing before an immigration judge or (2) release Castro Diaz under reasonable conditions of 1 The Court acknowledges the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*, No. 25- 20496, 2026 WL 323330 (5th Cir.

2026), which agreed with the government's interpretation of the INA. The decision is not binding here, and it contradicts the vast majority of district court opinions addressing the issue. The Court respectfully disagrees with the majority's reasoning and finds Judge Douglas's dissent more persuasive. And a circuit split is likely.

In a preliminary decision, the Seventh Circuit considered the government's position on the scope of § 1225(b)(2) and found it unlikely to succeed on the merits. See *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060-63 (7th Cir. 2025). supervision. If the respondents release Castro Diaz, 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 20, 2026., tite WObLatrat he 3 UNITED STATES DISTRICT JUDGE SA: FTMP-1