

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

Denis Dagoberto Duarte Cantarero v. Warden, Florida Soft Side
South Detention Center et al.

Cantarero · No. 2:26-cv-00189-SPC-NPM · Decided February 12, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted Denis Dagoberto Duarte Cantarero’s petition for a writ of habeas corpus. The court held that his detention was governed by 8 U.S.C. § 1226(a), rather than § 1225(b)(2), and ordered the respondents to provide an individualized immigration 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 12, 2026
DOCKET	2:26-cv-00189-SPC-NPM
DISPOSITION	granted
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or an individualized bond hearing.
PRECEDENTIAL VALUE	Unreported district court opinion; precedential status not established in the source.
PARTIES	Denis Dagoberto Duarte Cantarero v. Warden, Florida Soft Side South Detention Center et al.

TOPICS

immigration detention

federal habeas corpus

t visa

exhaustion of remedies

remedies

PRACTICE AREAS

immigration detention

federal habeas corpus

immigration law

administrative law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) or § 1252(b)(9) deprived the district court of jurisdiction over the challenge to the petitioner's immigration detention.
2. Whether exhaustion of administrative remedies should be excused as futile.
3. Whether the petitioner was detained under 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. The district court had jurisdiction because the petitioner's challenge to the statutory basis for his current detention fell outside the jurisdiction-stripping provisions of § 1252(g) and § 1252(b)(9).
2. Exhaustion was excused because pursuing available administrative remedies would have been futile.
3. The petitioner's detention was governed by 8 U.S.C. § 1226(a), not § 1225(b)(2); mandatory detention under § 1225(b)(2) was unlawful.
4. A noncitizen detained under § 1226(a) is entitled to an individualized bond hearing before an immigration judge.

KEY QUOTATIONS

“As a noncitizen detained under § 1226(a), Duarte Cantarero has a right to a bond hearing.”

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

FACTUAL BACKGROUND

Duarte Cantarero, a Honduran citizen who entered the United States without inspection in 2006, had a pending application for T nonimmigrant status. After local police arrested him for driving without a license and he posted bail, ICE took him into custody and detained him without an opportunity for a bond hearing. He alleged that ICE officers pressured him to abandon his T-visa application and that detention conditions were poor, but the court limited the habeas inquiry to whether his current detention violated federal law.

PROCEDURAL HISTORY

Duarte Cantarero filed a federal habeas petition challenging his detention by Immigration and Customs Enforcement. The government responded and the petitioner replied. The district court granted the petition and ordered respondents either to provide an individualized bond hearing before an immigration judge or release him within ten days.

DISPOSITION

granted

REMAND INSTRUCTIONS

Within ten days, respondents must either bring the petitioner before an immigration judge for an individualized bond hearing or release him under reasonable conditions of supervision. If released, respondents must facilitate transportation from the detention facility by notifying counsel when and where the petitioner may be collected.

CASES CITED

- Vaz v. Skinner, 634 F. App'x 778, 781 (11th Cir. 2015)
- 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

Cantarero

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

DENIS DAGOBERTO DUARTE

CANTARERO,

Petitioner, v. Case No.: 2:26-cv-00189-SPC-NPM

WARDEN, FLORIDA SOFT SIDE

SOUTH DETENTION CENTER et

al., Respondents, /

OPINION AND ORDER

Before the Court are Denis Dagoberto Duarte Cantarero's Petition for Writ of Habeas Corpus (Doc. 1), the government's response (Doc. 9), and Duarte Cantarero's reply (Doc. 10). For the below reasons, the Court grants the petition. Duarte Cantarero is a native and citizen of Honduras who entered the United States without inspection in 2006. In 2025, he filed an application for T Nonimmigrant Status as a victim of trafficking. It remains pending. On January 7, 2026, local police arrested Duarte Cantarero for driving without a license. After Duarte Cantarero posted bail, he was transferred to the custody of Immigration and Customs Enforcement ("ICE"). Over the next three days, ICE officers pressured Duarte Cantarero to abandon his pending application and self-deport. He was later transferred to Alligator Alcatraz, where he remains detained without an opportunity to seek release on bond. He describes dismal conditions there—limited access to showers, hygiene items, and phones, severely delayed medical care, constant shackles, and foul-tasting drinking water. 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 Duarte Cantarero. 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. Duarte Cantarero asks the Court to order the respondents to either release him or provide a prompt individualized bond

hearing.¹ 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 1 Duarte Cantarero also challenges the lawfulness of the conditions of his confinement, the coercive conduct of ICE officials, and their attempt to interfere with his T nonimmigrant application. Claims challenging the conditions of confinement, rather than the fact or duration of confinement, are not grounds for habeas relief. See *Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015). What is more, the Court does not find the prior conduct of ICE officials relevant to the narrow issue presented in this habeas action—whether Duarte Cantarero's current detention violates federal law. 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, Duarte Cantarero's detention is governed by § 1226(a), not § 1225(b)(2). As a noncitizen detained under § 1226(a), Duarte Cantarero 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 Duarte Cantarero 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 Duarte Cantarero to mandatory detention under § 1225(b)(2) is unlawful. If the respondents are unable to ensure Duarte Cantarero receives the bond hearing he is entitled to under § 1226(a) within ten days, they must release him. Accordingly, it is hereby ORDERED: Denis Dagoberto Duarte Cantarero'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 Duarte Cantarero for an individualized bond hearing before an immigration judge or (2) release Duarte Cantarero under reasonable conditions of supervision. If the respondents release Duarte Cantarero, 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 12, 2026.

UNITED STATES DISTRICT JUDGE

SA: FTMP-1

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