

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Gabriel Jose Carreno-Mendez v. Kristi Noem, DHS Secretary, et al.

Carreno-Mendez · No. 1:26-cv-20329-JB · Decided April 6, 2026

SUMMARY

The United States District Court for the Southern District of Florida denied Gabriel Jose Carreno-Mendez’s petition for a writ of habeas corpus challenging his expedited removal order and related detention. The court held that 8 U.S.C. § 1252’s jurisdiction-stripping provisions precluded review of his claims, which did not fall within the limited habeas review authorized by § 1252(e). The court dismissed the remaining respondents except the ICE Miami Field Office Director and directed the Clerk to close the case.

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	April 6, 2026
DOCKET	1:26-cv-20329-JB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 to prevent expedited removal and require placement in ordinary INA § 240 removal proceedings. The district court denied the petition for lack of jurisdiction under the expedited-removal jurisdiction-stripping provisions of 8 U.S.C. § 1252.
STANDARD OF REVIEW	The court reviewed its subject-matter jurisdiction under the statutory limits governing judicial review of expedited removal orders. Habeas relief is available only for custody in violation of the Constitution or federal law, but 8 U.S.C. § 1252(a)(2)(A) and (e) narrowly limit review of expedited-removal orders.
PRECEDENTIAL VALUE	unknown
PARTIES	Gabriel Jose Carreno-Mendez v. Garret J. Ripa, ICE Field Office Director for the Miami Field Office, Kristi Noem, DHS Secretary, United States Department of Homeland Security, United States

TOPICS

removal proceedings subject matter jurisdiction immigration detention immigration
procedural due process

PRACTICE AREAS

immigration law federal habeas corpus civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under habeas corpus or other authority to review Petitioner's challenge to his expedited-removal order.
2. Whether 8 U.S.C. § 1252(e) permitted habeas review of Petitioner's claims concerning his eligibility for expedited removal, parole, continuous presence, and the timing of the removal order.
3. Whether the court could review Petitioner's related challenge to detention arising from the expedited-removal order.

HOLDINGS

1. The district court lacked jurisdiction to review Petitioner's challenge to the expedited-removal order because 8 U.S.C. § 1252(a)(2)(A)(i) bars review of individual determinations and other claims arising from or relating to implementation of an order issued under 8 U.S.C. § 1225(b)(1).
2. Petitioner's claims did not fall within the limited habeas review authorized by § 1252(e)(2) because he did not challenge whether he was an alien, whether he had been ordered removed under § 1225(b), or whether he was a lawful permanent resident or had been granted asylum.
3. The court could not review Petitioner's challenge to detention to the extent the detention arose from and was related to the expedited-removal order, because § 1252(a) and (e) also limited review of that related claim.

KEY QUOTATIONS

“The plain language of the jurisdiction-stripping provisions § 1252(a)(2)(A)(i) precludes this Court’s review of Petitioner’s habeas petition to the extent that he seeks review of the expedited removal order.” (§ 1252(a)(2)(A)(i))

“Petitioner Gabriel Jose Carreno-Mendez’s Verified Petition for Writ of Habeas Corpus, ECF No. [1], is DENIED.” (Conclusion)

FACTUAL BACKGROUND

Petitioner, a Venezuelan citizen, entered the United States in June 2022 without valid documents and was paroled under INA § 212(d)(5). His parole expired on August 26, 2022. ICE apprehended him on December 30, 2025, issued a Notice and Order of Expedited Removal under 8 U.S.C. § 1225(b)(1), and detained him. Petitioner claimed that his parole and continuous presence made him ineligible for expedited removal and sought placement in INA § 240 proceedings.

PROCEDURAL HISTORY

Carreno-Mendez filed a verified petition for a writ of habeas corpus on January 17, 2026, challenging his expedited removal designation, the absence of an immigration-judge hearing, and alleged due process violations. Respondents filed a return, Petitioner filed a reply, and the court held a hearing on March 26, 2026. The court dismissed the respondents other than the Miami ICE Field Office Director as improper parties, denied the petition, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004)
- *Munaf v. Geren*, 553 U.S. 674, 693 (2008)
- *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001)
- *Diaz Del Cid v. Barr*, 394 F. Supp. 3d 1342, 1345 (S.D. Fla. 2019)
- *Castro v. U.S. Department of Homeland Security*, 835 F.3d 422, 426 (3d Cir. 2016)
- *Osorio-Martinez v. Attorney General of the United States*, 893 F.3d 153, 165 (3d Cir. 2018)
- *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383 (1992)
- *Aguilar v. U.S. Immigration & Customs Enforcement Division of the Department of Homeland Security*, 510 F.3d 1, 10 (1st Cir. 2007)
- *Duran Orozco v. U.S. Attorney General*, No. 1:26-cv-20553 (S.D. Fla. Feb. 4, 2026)
- *Torrez v. Swacina*, No. 20-20650-CIV-Altonaga, 2020 WL 13551822, at *3–4 (S.D. Fla. Apr. 17, 2020)