

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Cristofer Jose Gomez Varela v. Carlos Nunez, et al.

Gomez Varela v. Nunez · No. No. 26-60414-CIV-SINGHAL · Decided April 8, 2026

SUMMARY

The court denied a habeas petition challenging the petitioner’s detention without bond during removal proceedings. It held that the petitioner, who entered the United States without inspection, was an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and that the detention did not violate the INA regulations or due process.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Raag Singhal
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	April 8, 2026
DOCKET	No. 26-60414-CIV-SINGHAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	The court considered whether petitioner was in custody in violation of the Constitution or federal law under 28 U.S.C. § 2241(c)(3).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Cristofer Jose Gomez Varela v. Carlos Nunez, et al.

TOPICS

- immigration detention
- removal proceedings
- deportation
- procedural due process
- judicial review of agency action

PRACTICE AREAS

- immigration law
- habeas corpus
- immigration detention
- administrative law
- constitutional law

QUESTIONS PRESENTED

1. Whether an alien who entered the United States without inspection is an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), rather than entitled to a bond hearing under § 1226.
2. Whether the Notice to Appear's designation of the alien as present in the United States without admission or parole places the petitioner under § 1226 instead of § 1225.
3. Whether the agency's prior statement in the Federal Register and regulations including 8 C.F.R. §§ 236.1, 1236.1, and 1003.19 require release or a bond hearing for an alien detained under § 1225.
4. Whether detention without a bond hearing under § 1225(b)(2) violated petitioner's due process rights.

HOLDINGS

1. An alien present in the United States without having been admitted or inspected is an applicant for admission under 8 U.S.C. § 1225 and may be detained under § 1225(b)(2) without release or a bond hearing under § 1226.
2. The Notice to Appear's designation of petitioner as an alien present without admission or parole does not place him under § 1226. Both that designation and the arriving-alien designation describe applicants for admission; only the designation for an alien who has been admitted but is removable requires a § 1226 bond hearing.
3. The Federal Register statement that certain applicants for admission would be eligible for bond was not a codified regulation and did not bind the government or require release. Regulations allowing officers discretion to release aliens under § 1226 do not require release of aliens detained under § 1225.
4. Petitioner's detention without a bond hearing under § 1225(b)(2) did not violate due process.

KEY QUOTATIONS

“The separation of powers mandates that the Court cannot direct the executive how to execute the laws.”
(Discussion)

“Petitioner is not entitled to release or a bond hearing pending removal.” (Conclusion)

FACTUAL BACKGROUND

Petitioner is a Honduran national who entered the United States in 2011 without inspection. He was detained during a traffic stop on October 28, 2025, transferred to Broward Transitional Center, and placed in pending removal proceedings. An immigration judge denied his request for release on bond, after which he sought habeas relief contending that he should be detained under 8 U.S.C. § 1226 and receive a bond hearing.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition after an immigration judge denied his request for release on bond under Matter of Yajure Hurtado. The government responded, and the district court held a hearing on March 4, 2026. The court denied the petition, concluded that detention under 8 U.S.C. § 1225(b)(2) was lawful, denied release and a bond hearing, denied pending motions as moot, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Munaf v. Geren, 553 U.S. 674, 693 (2008)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- Morales v. Noem, 2026 WL 236307 (S.D. Fla. Jan. 29, 2026)
- Banchi v. Diaz, No. 0:25-cv-62341 (S.D. Fla. Feb. 2, 2026)
- Doria v. Warden, Broward Transitional Center, No. 0:26-cv-60112 (S.D. Fla. Feb. 9, 2026)
- Buenrostro-Mendez v. Bondi, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Avila v. Bondi, 2026 WL 819258 (8th Cir. Mar. 25, 2026)
- Lopez v. Dir. of Enf't & Removal Operations, 2026 WL 261938 (M.D. Fla. Jan. 26, 2026)
- Weng v. Genalo, 2026 WL 194248 (S.D.N.Y. Jan. 25, 2026)
- Ramirez v. Charles, 2026 WL 827155 (S.D. Fla. Mar. 26, 2026)
- Arroyo v. Diaz, 2026 WL 279656 (S.D. Fla. Feb. 2, 2026)
- Demore v. Kim, 538 U.S. 510, 523 (2003)
- Johnson v. Guzman Chavez, 594 U.S. 523, 526 (2021)