

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

Ernesto Alfonso Perez v. Matthew Mordant et al.

No. 2:25-cv-00947-SPC-DNF (M.D. Fla. Dec. 2, 2025) · No. 2:25-cv-00947-SPC-DNF · Decided December 3,  
2025

SUMMARY

The United States District Court for the Middle District of Florida granted Ernesto Alfonso Perez’s petition for a writ of habeas corpus. The court held that Perez’s expedited-removal designation, parole revocation, and resulting detention violated the Fifth Amendment and the Administrative Procedure Act. The court ordered the respondents to release Perez within 24 hours and directed the Clerk to close the case.

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            | December 3, 2025                                                                                                                                                                                                                                                      |
| DOCKET             | 2:25-cv-00947-SPC-DNF                                                                                                                                                                                                                                                 |
| DISPOSITION        | granted                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE | Petition for a writ of habeas corpus challenging immigration detention, expedited-removal designation, and revocation of parole.                                                                                                                                      |
| STANDARD OF REVIEW | The court applied the Mathews v. Eldridge balancing framework to procedural due process, reviewed the parole-revocation decision under the APA's arbitrary-and-capricious standard, and independently considered its habeas jurisdiction under the Suspension Clause. |
| PRECEDENTIAL VALUE | Nonprecedential federal district court opinion; persuasive only outside the case.                                                                                                                                                                                     |
| PARTIES            | Ernesto Alfonso Perez v. Matthew Mordant et al.                                                                                                                                                                                                                       |

TOPICS

immigration detention

removal proceedings

procedural due process

administrative procedure act

judicial review of agency action

## PRACTICE AREAS

immigration

constitutional law

administrative law

civil rights

habeas corpus

remedies

## QUESTIONS PRESENTED

1. Whether the Immigration and Nationality Act stripped the district court of jurisdiction over Perez's habeas challenge to his expedited-removal designation, parole revocation, and detention.
2. Whether the Suspension Clause preserved habeas jurisdiction despite the INA's jurisdiction-stripping provisions.
3. Whether Perez was required to exhaust administrative remedies.
4. Whether revoking Perez's parole, designating him for expedited removal, and detaining him without reasonable notice and a meaningful opportunity to be heard violated procedural due process.
5. Whether ICE's parole revocation and detention decisions were arbitrary and capricious under the Administrative Procedure Act.

## HOLDINGS

1. Even assuming 8 U.S.C. § 1252(a)(2)(A) applied to Perez's claims, the Suspension Clause prevented that provision, or any other INA provision, from stripping the district court of jurisdiction to hear his habeas challenge to the legality of his detention.
2. Perez was not required to exhaust administrative remedies because he challenged the legality of his current detention, rather than the immigration judge's dismissal of his removal proceedings, and the INA provided no administrative review for the challenged expedited-removal, parole-revocation, and detention decisions.
3. ICE violated Perez's Fifth Amendment procedural due process rights by revoking his parole, designating him for expedited removal, and detaining him without reasonable notice and a meaningful opportunity to be heard.
4. ICE's revocation of Perez's parole, detention of him, and designation of him for expedited removal were arbitrary and capricious and unlawful under the Administrative Procedure Act.

## KEY QUOTATIONS

*“Thus, the Suspension Clause prevents section 1252(a)(2)(A) or any other section of the INA from stripping the Court of jurisdiction over this habeas action.” (Section C)*

*“The Court finds that ICE violated Alfonso Perez’s right to due process by revoking his parole, designating him for expedited removal, and detaining him without reasonable notice and a meaningful opportunity to be heard.” (Section E.1)*

*“Alfonso Perez’s detention is unlawful because it is based on a set of arbitrary and capricious decisions in violation of the APA.”* (Section E.2)

## FACTUAL BACKGROUND

Perez, a native and citizen of Cuba, entered the United States on August 8, 2022, and was released on recognizance after DHS determined that he did not appear to pose a national-security, border-security, or public-safety threat. He applied for asylum, withholding of removal, and Convention Against Torture protection, and attended his October 8, 2025 removal hearing. Instead of adjudicating his applications, the immigration judge granted DHS’s motion to dismiss the removal proceedings; ICE then arrested Perez at the courthouse, revoked his parole, designated him for expedited removal, and detained him without providing a meaningful opportunity to challenge the legality or necessity of the detention.

## PROCEDURAL HISTORY

Perez entered the United States in 2022, was placed in section 240 removal proceedings, and was released on recognizance. After DHS moved to dismiss those proceedings at an October 8, 2025 hearing, an immigration judge granted the motion; ICE then arrested Perez at the courthouse, designated him for expedited removal, revoked his parole, and detained him. Perez filed a habeas petition alleging violations of the Fifth Amendment and the Administrative Procedure Act. The district court granted the petition, ordered release within 24 hours, directed the respondents to facilitate his transportation from custody, entered judgment, and closed the case.

## DISPOSITION

granted

## CASES CITED

- Coalition for Humane Immigrant Rights v. Noem, 2025 WL 2192986, at \*5 (D.D.C. 2025)
- Make the Road New York v. Noem, 2025 WL 2494908, at \*5, \*17 (D.D.C. 2025)
- Boumediene v. Bush, 553 U.S. 723, 743, 745, 766 (2008)
- Salgado Bustos v. Raycraft, 2025 WL 3022294, at \*3 (E.D. Mich. Oct. 29, 2025)
- E.V. v. Raycraft, 2025 WL 2938594, at \*5-6 (N.D. Ohio Oct. 16, 2025)
- Noori v. Larose, 2025 WL 2800149, at \*8-9 (S.D. Cal. Oct. 1, 2025)
- Munoz Materano v. Arteta, 2025 WL 2630826, at \*9 (S.D.N.Y. Sept. 12, 2025)
- Mata Velasquez v. Kurzdorfer, 2025 WL 1953796, at \*6-7 (W.D.N.Y. July 16, 2025)
- Y-Z-L-H v. Bostock, 792 F. Supp. 3d 1123, 1141-43 (D. Or. 2025)
- Dubey v. Department of Homeland Security, 154 F.4th 534, 537 (7th Cir. 2025)
- Zadvydas v. Davis, 533 U.S. 678, 690, 693 (2001)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Morrissey v. Brewer, 408 U.S. 471, 481 (1972)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)

- United States v. Smith, 30 F.4th 1334, 1338 (11th Cir. 2022)
- Department of Homeland Security v. Regents of the University of California, 591 U.S. 1, 16 (2020)
- Michigan v. EPA, 576 U.S. 743, 750 (2015)
- National Association of Home Builders v. Defenders of Wildlife, 551 U.S. 644, 658 (2007)
- Motor Vehicle Manufacturers Association of United States, Inc. v. State Farm Mutual Automobile Insurance Co., 463 U.S. 29, 43 (1983)
- Department of Commerce v. New York, 588 U.S. 752, 773 (2019)

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