

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
FLORIDA

Antonio Ortiz v. Warden, Broward Transitional Center, et al.

Ortiz · No. 0:26-CV-60617-MIDDLEBROOKS/AUGUSTIN-BIRCH · Decided March 24, 2026

SUMMARY

The United States District Court for the Southern District of Florida recommends granting Antonio Ortiz’s petition for a writ of habeas corpus. The court concludes that 8 U.S.C. § 1226(a), rather than § 1225(b)(2), governs the detention of a noncitizen who has resided in the United States and was apprehended inland, and recommends an individualized bond hearing within seven days or release.

CASE DETAILS

|                       |                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Florida                                                                                                                                                                  |
| WRITING FOR THE COURT | Panayotta Augustin-Birch                                                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Southern District of Florida                                                                                                                                                                  |
| DECIDED               | March 24, 2026                                                                                                                                                                                                                     |
| DOCKET                | 0:26-CV-60617-MIDDLEBROOKS/AUGUSTIN-BIRCH                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without an individualized bond hearing; magistrate judge issued a report and recommendation recommending that the petition be granted. |
| STANDARD OF REVIEW    | Habeas review under 28 U.S.C. § 2241; the report and recommendation was subject to de novo review of properly preserved objections under 28 U.S.C. § 636(b)(1).                                                                    |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                    |
| PARTIES               | Antonio Ortiz v. Warden, Broward Transitional Center, et al.                                                                                                                                                                       |

TOPICS

- immigration detention
- statutory interpretation
- plain meaning rule
- civil procedure

PRACTICE AREAS

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

## QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2), rather than 8 U.S.C. § 1226(a), governs the detention of a noncitizen who has resided in the United States for years and was apprehended within the country rather than upon arrival at the border.
2. Whether Ortiz was entitled to an individualized bond hearing before an immigration judge.
3. Whether the immediate custodian should be substituted as the proper respondent in the habeas proceeding.

## HOLDINGS

1. For a noncitizen who has resided in the United States and is apprehended while already within the country, detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2).
2. Because Ortiz's detention is governed by § 1226(a), he is entitled to an individualized bond hearing before an immigration judge.
3. The immediate custodian, identified by the respondents as Assistant Field Office Director Juan Gonzalez, should be substituted as the proper respondent, and the remaining respondents should be dismissed.

## KEY QUOTATIONS

*“As explained by the Supreme Court, 8 U.S.C. § 1225(b) “primarily applies to aliens seeking entry into the United States,” whereas 8 U.S.C. § 1226 “applies to aliens already present in the United States.””*

*“As such, Petitioner’s detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2).”*

*“Having concluded that Petitioner’s detention is governed by 8 U.S.C. § 1226(a), Petitioner is entitled to an individualized bond hearing before an immigration judge.”*

## FACTUAL BACKGROUND

Antonio Ortiz, a native and citizen of Mexico, had resided in the United States since 2003. He was taken into immigration custody after a traffic stop on February 18, 2026, while already present in the United States, and was detained at the Broward Transitional Center. The government treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2), while Ortiz sought detention under 8 U.S.C. § 1226(a) and an individualized bond hearing.

## PROCEDURAL HISTORY

Ortiz filed a petition for writ of habeas corpus challenging his detention under 8 U.S.C. § 1225(b)(2) without the possibility of bond. The district judge referred the petition to the magistrate judge, ordered the respondents to show cause, and received their response. The magistrate judge recommended granting habeas relief, substituting the alleged immediate custodian, dismissing the other respondents, and ordering either an individualized bond hearing within seven days or Ortiz's release.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The magistrate judge recommended that the district court grant the habeas petition, substitute Juan Gonzalez as the respondent, dismiss the remaining respondents, and order respondents to provide Ortiz an individualized bond hearing before an immigration judge within seven days or release him. The recommendation also shortened the objection period to seven days.

## CASES CITED

- Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025)
- Merino v. Ripa, No. 25-23845-CIV, 2025 WL 2941609, at \*3 (S.D. Fla. Oct. 15, 2025)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Vasquez Lopez v. Warden, Glades Cnty. Det. Ctr., No. 2:26-CV-147-JES-NPM, 2026 WL 369362, at \*2 (M.D. Fla. Feb. 10, 2026)
- Rostislav Malikov v. Bondi, No. 2:26-CV-00172-SPC-NPM, 2026 WL 395296, at \*1 n.1 (M.D. Fla. Feb. 12, 2026)
- Cong v. McNeil, No. 205-CV-131-FTM-29SPC, 2008 WL 4328223, at \*1 n.1 (M.D. Fla. Sept. 17, 2008)
- Rumsfeld v. Padilla, 542 U.S. 426, 434 (2004)
- Gonzalez v. Noem, No. 0:25-CV-62261, 2025 WL 4053421, at \*4 (S.D. Fla. Dec. 23, 2025), report and recommendation adopted, No. 25-62261-CV, 2026 WL 115211 (S.D. Fla. Jan. 15, 2026)
- Sanchez v. Noem, No. 25-62677-CV, 2026 WL 222556, at \*1 (S.D. Fla. Jan. 28, 2026)
- Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr., No. 25-24535-CIV, 2025 WL 2938369, at \*5 (S.D. Fla. Oct. 15, 2025)
- Lopez v. Hardin, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245, at \*5 (M.D. Fla. Oct. 29, 2025)
- Hyppolite v. Noem, No. 25-CV-4304 (NRM), 2025 WL 2829511, at \*12 (E.D.N.Y. Oct. 6, 2025)
- Lepe v. Andrews, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910, at \*4 (E.D. Cal. Sept. 23, 2025)
- Lopez-Campos v. Raycraft, 797 F. Supp. 3d 771, 784 (E.D. Mich. 2025)
- Demirel v. Fed. Det. Ctr. Phila., No. 25-5488, 2025 WL 3218243, at \*1 (E.D. Pa. Nov. 18, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 298, 303, 306 (2018)
- Boffill v. Field Off. Dir., No. 25-CV-25179-JB, 2025 WL 3246868, at \*6 (S.D. Fla. Nov. 20, 2025)
- Patel v. Hardin, No. 2:25-CV-870-JES-NPM, 2025 WL 3442706, at \*5 (M.D. Fla. Dec. 1, 2025)
- Pizarro Reyes v. Raycraft, No. 25-CV-12546, 2025 WL 2609425, at \*8 (E.D. Mich. Sept. 9, 2025)