

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

ANTONIO JOSE LOPEZ PEREZ,

Petitioner,

v.

DAVID PAULK, in his official capacity as the
Warden of Irwin County Detention Center;
GEORGE STERLING, in his official capacity
as the Field Office Director of Enforcement and
Removal Operations, Atlanta Field Office,
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of
Homeland Security; PAMELA BONDI, U.S.
Attorney General,

Respondents.

Case No. 7:26-cv-00029-WLS-ALS

PETITIONER'S MOTION TO ENFORCE ORDER GRANTING HABEAS PETITION

Pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1, Petitioner hereby files this Motion to Enforce Order Granting Habeas Petition. Petitioner, Antonio Jose Lopez Perez ("Mr. Lopez"), respectfully moves this Court for an expedited order enforcing its February 5, 2025, Order, ECF No. 3. This Court ordered Respondents to provide Mr. Lopez with a bond hearing under 8 U.S.C. 1226(a) within seven days. Although Respondents eventually conducted something resembling a bond hearing on February 13, 2026, that hearing was marred by such profound due process violations that it can only be described as a sham. Most alarmingly, the Immigration Judge ("IJ") appears to have made her decision and typed it up before Mr. Lopez's immigration attorney had even started her argument, and to have not reviewed Mr. Lopez's evidence whatsoever before issuing her decision. As such, that bond hearing failed to account for Mr. Lopez's individual circumstances, in violation of due process and this Court's order. At the very least, the IJ's decision

shows that the IJ relied on generalized characteristics applicable to almost any asylum-seeker in determining that Mr. Lopez is a flight risk and therefore ineligible for bond. In fact, there is mounting evidence that this IJ has a pattern and practice of finding nearly every noncitizen who seeks bond before her to be a flight risk, regardless of the individual's circumstances. As a result, Mr. Lopez's detention remains unlawful. Mr. Lopez submits an accompanying Memorandum of Law in support of this motion.

This Court's intervention is necessary to ensure compliance with its Order and to direct appropriate relief. Mr. Lopez respectfully requests that this Court order his immediate release. In the alternative, Mr. Lopez respectfully requests that this Court order Respondents to conduct a new bond hearing with additional procedural protections. Given the rapid pace of Mr. Lopez's removal proceedings,¹ he also respectfully moves this Court to deviate from L.R. 7.2 and 7.3 and order Respondents, who were apprised of the essential basis for this motion by Petitioner's Notice filed on February 20, 2026, ECF No. 5, to respond to this Motion by March 16, 2026, and for Mr. Lopez to file a reply by March 19, 2026. Respondents oppose this motion.

Dated: March 9, 2026.

Respectfully submitted,

/s/ F. Evan Benz

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¹ Mr. Lopez's next immigration court hearing is scheduled for March 12, 2026, at Stewart Immigration Court. Ex. 1, EOIR Case Status (attached hereto). After this hearing, upon information and belief, he will likely have only one final, merits hearing on his asylum application, and that hearing will likely take place within a matter of weeks, possibly as early as the end of March.