UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

TRINIDAD LAINEZ MEJIA, Petitioner, v. WARDEN, IRWIN DETENTION CENTER, *et al.*, Respondents	Case No.: 4:26-CV-291-CDL-CHW 28 U.S.C. §2241 Judge(s): Clay D. Land, Judge & Charles H. Weigle, Magistrate Judge **MOTION TO ENFORCE ORDER, OR IN THE ALTERNATIVE, FOR THE COURT TO CONDUCT A BOND HEARING**

MOTION TO ENFORCE ORDER, OR IN THE ALTERNATIVE, FOR THE COURT TO CONDUCT A BOND HEARING

COMES NOW Petitioner TRINIDAD LAINEZ MEJIA (hereinafter referred to as "Mr. Mejia" or the "Petitioner"), by and through undersigned counsel, and respectfully petitions this Motion to Enforce Order, or in the Alternative, for the Court to Conduct a Bond Hearing. The Petitioner asserts that he remains in ICE's custody without having received any meaningful individualized custody determination. In support of this request, the Petitioner avers the following:

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY

The Petitioner is a Honduran citizen and national, who first entered the United States border over fifteen (15) years ago. On February 10th, 2026, Mr. Mejia was detained by ICE officials and he was taken into immigration custody. The Department of Homeland Security ("DHS") issued him a Notice to Appear ("NTA"), placing him in removal proceedings. Upon information and belief charging him under INA § 212(a)(6)(A)(i), as inadmissible for being present in the United States without being admitted or paroled.

On the February 19, 2026, counsel for Petitioner filed a Writ of Habeas Corpus. (ECF 1). On February 20, 2026, this Honorable Court granted Petitioner's Writ and ordered Respondent's provide Petitioner with a bond hearing. (ECF 4). On February 24, 2026, undersigned counsel submitted a bond packet in support of the Petitioner and a Bond Hearing was scheduled for February 26, 2026. Undersigned counsel, withdrew the bond request. On February 26, 2026, Undersigned counsel re-filed the bond request and was scheduled for a hearing on March 3rd, 2026. On March 2nd, 2026, undersigned counsel was informed that Petitioner's domestic partner went into labor and had to undergo an emergency delivery on February 28, 2026. The delivery created significant complications for both the Petitioner's long-tern domestic partner and newborn child. Undersigned counsel withdrew the bond request on March 3, 2026, to supplement the record with additional medical records.

On March 12, 2026, undersigned counsel filed a subsequent Motion for Bond and Custody Redetermination ("Motion") with the immigration court, in Lumpkin GA. Then on March 18, 2026, the immigration judge conducted a bond hearing for the Petitioner, in Lumpkin, GA, which counsel attended.

However, the request for bond was denied by the immigration judge who determined that despite Mr. Mejia's eligibility for relief and substantial presence his relief was "speculative" and he posed a significant flight risk due to a recent charge in state court for failure to appear.

II. ARGUMENT

The immigration judge's denial of bond rested on a cursory assessment of Mr. Mejia's flight risk, relying solely on "speculative" relief from removal proceedings and a cursory assessment of his criminal history which are an inadequate basis for continued detention. As set forth below, application of the *Mathews* balancing test to the specific circumstances of Mr. Mejia's detention

demonstrates that all three factors weigh decisively in his favor, compelling this Court to order a meaningful individualized bond hearing.

Given that Mr. Mejia's bond proceedings fell short of the minimum requirements of due process, this Court is called upon to evaluate his claim under the *Mathews* balancing test, which examines: "(1) the private property or liberty interest that will be affected by the official action, (2) the risk that the procedures used will cause an erroneous deprivation of such interest, and the probable value of additional procedural safeguards, and (3) the government's interest, including the administrative burdens that any additional procedural safeguards would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

The court in *J.G. v. Warden, Irwin Cnty. Detention Ctr.*, 501 F.Supp.3d 1331 (M.D. Ga. 2020) determined that the first two of the *Mathew's* factors were met. *Id.* The first factor, Private Interest, was met as freedom from physical incarceration is a fundamental liberty interest – the importance of which should not be minimized due to the fundamental nature of the right to liberty. *Id* at 1336. Regarding the second *Mathews* factor, the court noted that detention restricts a petitioner's access to counsel, evidence, and family support, creating a substantial risk of an incomplete record and erroneous deprivation in future proceedings. *Id.* at 1337. This was especially true where the petitioner had been detained for over a month, while the government, having access to more resources, was more advantaged to prove flight risk. *Id* at 1338. Likewise, the bond procedure was not found to abate the high risk of erroneous deprivation as deportation was a severe consequence of the petitioner's inability to obtain a second bond hearing or timely administrate review with the BIA. *Id* at 1339.

While the court was neutral with respect to the third factor, it did note that the government failed to identify any special justification that outweighed the petitioner's interest against

detention. *Id.* Therefore, the court shifted the burden of proof to the government, by way of clear and convincing evidence of flight risk, given the petitioner's constitutional interests and the possible injury in the event of an erroneous deprivation. *Id* at 1340-1341.

The Petitioner argues that despite the immigration judge's preliminary assessment of his prospective relief from removal through 42B Cancellation of Removal, all of the *Mathews* factors weigh heavily in his favor.

First, the Petitioner has a private interest at stake, namely, his freedom from physical incarceration as a fundamental liberty interest. The majority, if not all courts in this jurisdiction have readily adopted the core principles of the right to liberty and protection from arbitrary detention. *Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004); *Zadvydas v. Davis*, 533 U.S. 678, 690, 695 (2001). This interest is particularly important given this honorable Court's acknowledgement of the Petitioner's statutory right to a bond hearing under 8 U.S.C. § 1226(a)(2).

Next, the risk of erroneous deprivation favors the Petitioner as his prompt release is tantamount to obtaining his prospective immigration relief. Petitioner's detention creates limited access to resources and investigative tools which would increase the likelihood of his relief from deportation. Moreover, there was an undue burden placed on the Petitioner to prove that he did not pose a flight risk, in light of the critical factors highlighted in *Mathews*.

The risk of erroneous deprivation is acute as the Petitioner's continued detention has restricted his access to counsel, evidence, and family support, while the government — far better positioned to gather and present evidence of flight risk — bears no burden to justify his continued confinement. As recognized in *J.G. v. Warden*, these circumstances are precisely those in which burden-shifting to the government by clear and convincing evidence is not only appropriate but constitutionally required.

Furthermore, the immigration judge's cursory reliance on Mr. Mejia's prospective relief, failed to meet the clear and convincing standard of proof. In effect, this pre-determined his immigration relief, without the benefit of having the opportunity to properly supplement his claims.

Additionally, the immigration judge's two-sentence bond denial falls far short of the meaningful individualized custody determination this Court ordered, and therefore constitutes a deprivation of the Petitioner's constitutional rights. The immigration court's flight risk finding is not only cursory but factually contradicted by Mr. Mejia's fifteen years of physical presence, eligibility for relief, family ties, and minimal of criminal history. Mr. Mejia's criminal history was limited to a failure to appear. Undersigned explained, Petitioner allowed a friend to borrow his car. That friend then received some sort of parking violation which was issued to the registrant of the car. Unbeknownst to the Petitioner, he was issued a citation and given a court date. Petitioner's failure to appear was only due to his failure in being notified. Despite these representations, the immigration judge found significant flight risk. This deficient adjudication is not an isolated occurrence; rather, it reflects a documented nationwide pattern in which immigration courts summarily deny bond following federal habeas grants.

For example, in the *Mendez Trigueros v. Guadian*, No. 1:26-cv-205 (E.D. Va. Feb. 18, 2026), case, the court found that the immigration court's assessment of the petitioner's relief from deportation was "speculative," has no reasonable evidentiary relationship to him being a flight risk – noting that the petitioner's tax violation and unauthorized work where inextricably related to the unlawful status. *Id* at page 6.

The court further noted that the Guerra factors should be considered when deciding if bond is warranted:

> (1) whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses, (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner of entry to the United States. *Id; In re Guerra,* 24 I. & N. Dec. 37, 40 (B.I.A. 2006)
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> Accordingly, the Petitioner has a fixed address with his wife, for the past three years

Further, the Petitioner has no criminal record or immigration violations aside from his unlawful entry to undersigned's knowledge. The fact that he has lived in the United States for fifteen years, owns property, has two U.S. citizen children, is eligible for relief before the immigration court, has been gainfully employed in the United Stated for over a decade, suggests Petitioner has no reasonable connection to the likelihood of flight risk. Rather, the Petitioner's willingness to challenge his detention so that he can obtain relief from removal show that he is not a flight risk.

Thus, this raising serious concerns about whether the Executive Branch is complying with district court orders in good faith. Mr. Mejia respectfully requests that this Court enforce its prior Order or, in the alternative, conduct a meaningful individualized bond hearing at which the government bears the burden of establishing by clear and convincing evidence that his continued detention is justified. Anything less would perpetuate the constitutional deficiencies that have defined his bond proceedings to date and further compound the injury he continues to suffer with each additional day of his confinement.

III PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

A. Immediate release on recognizance

B. Release on bond set by the Court ($5,000-$10,000)

C. *De novo* bond hearing before the district court

D. Grant such other and further relief as this Court deems just and proper.

DATED this March 25, 2026

Respectfully Submitted,

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Trinidad Lainez Mejia, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Motion to Enforce Order, or in the Alternative, for the Court to Conduct a Bond Hearing is true and correct to the best of my knowledge.

Executed this March 25, 2026.

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Attorney for Petitioner

LIST OF EXHIBITS

1. Petitioner's Motion for Bond filed with the immigration court
2. Immigration court's order, dated March 18, 2026

CERTIFICATE OF SERVICE

I certify that on March 25, 2026, I electronically filed the foregoing document(s): Motion for Expedited Consideration and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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