

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

MIGUEL REYES JIMENEZ,

Petitioner,

v.

Case No. 4:26-305

TODD LYONS, Acting Director of ICE;

JASON STREEVAL, Warden, Stewart Detention

Center; **KRISTEN SULLIVAN** Acting ERO

Director of Atlanta Field Office, U.S. Immigration

and Customs Enforcement ("ICE");

KRISTI NOEM, Secretary of the U.S

Department of Homeland Security; **PAM BONDI**,

Attorney General of the United States; and

WILLIAM KEYES, U.S. Attorney for the Middle

District of Georgia, in their official capacities,

Respondents.

MOTION TO ENFORCE HABEAS CORPUS ORDER

Petitioner hereby respectfully requests immediate release from detention. Petitioner seeks an Order enforcing the Court's prior judgment by: (1) directing Petitioner's immediate release from detention; or, in the alternative, (2) setting a reasonable bond of no more than \$10,000 and/or non-monetary conditions of release.

I. INTRODUCTION AND BACKGROUND

Petitioner, Miguel Reyes Jimenez, through counsel, moves to enforce the Court's Order of February 23, 2026, entered in M.R.J. v. Warden, Stewart Detention Center, et al., No. 4:26-cv-305-CDL-AGH (M.D. Ga.). In that Order, the Court granted Petitioner's Habeas Petition and

ordered Respondents to provide a bond hearing under § 1226(a)(2). This motion seeks immediate enforcement because Respondents failed to provide a constitutionally valid hearing. Specifically, Immigration Judge (IJ) Jerrica Harness made a finding that the Petitioner is a danger to the community based on an old nonviolent conviction that had already been the issue of a previous bond hearing held in 2020, where a previous IJ granted bond.

IJ Harness denied bond entirely, resulting in continued unlawful detention. The evidence used against the Petitioner, a police report from June of 2020, described an incident for which the Petitioner had been previously detained and for which a bond had already been granted. Petitioner invokes the Court's inherent authority, the All Writs Act (28 U.S.C. § 1651(a)), to ensure specific performance of the Court's Order.

II. FACTUAL ALLEGATIONS SUPPORTING ENFORCEMENT

Petitioner is a noncitizen and a native and citizen of Mexico who entered the United States on or about July 2008 and has lived here continuously since that time. He resides with his two U.S. citizen minor children through whom he was granted deferred action under VAWA (Violence Against Women Act) on November 1, 2022, and at the time of the bond hearing on February 26, 2026, he had been granted cancellation of removal under VAWA with the Immigration Court—a grant dating from April of 2023. The Petitioner also has four U.S. citizen stepchildren with his current wife, who is undocumented.

Prior to his current detention, Petitioner had a long and undisputed history of compliance with his court obligations, and he is a devoted parent of two minor American children who completely depend on him given that the children's biological mother abandoned them years ago.

Around January 9, 2026, the Petitioner was arrested and convicted of the Georgia misdemeanor offense of simple battery (O.C.G.A. § 16-5-23(a)(1)) [Intentionally makes physical contact of an insulting or provoking nature with the person of another] – this is the incident that led to the Petitioner’s transfer into ICE custody. The named victim on the arrest warrant is the Petitioner’s current wife, who was—and remains—a cooperative witness in the Petitioner’s defense.

In the 18 years that the Petitioner has lived in the U.S., he has been arrested for two misdemeanor offenses that resulted in no injury and no harm to anyone. Petitioner’s offenses, while in no way inconsequential, do not rise to the level of danger to the community. There was never a restraining order issued against the Petitioner, no injuries were reported, and no restrictions were placed on the Petitioner. In fact, the Petitioner and the named victim (his wife) continue to talk every day while he has been detained. The Petitioner’s wife is a cooperative witness in these proceedings, has provided a statement of her own, is available as a witness to testify in Petitioner’s proceedings, and has provided most of the supporting evidence in this matter. In short, the Petitioner’s wife does not fear for her safety or life on the Petitioner’s account, and in fact, hopes that her husband be released as soon as possible to join the family at their joint residence. In her affidavit, the Petitioner’s wife states that the recent arrest for simple battery stemmed from a verbal argument between her and the respondent, and that part of this argument occurred in front of their minor children. Had there existed any sort of violence or verbal abuse, the authorities would have charged the respondent with cruelty to children, but this was not the case, which lends further support to our position that the Petitioner in no way represents a danger to his family.

The Petitioner is an active member of his church and a productive member of society. The Petitioner is the owner and manager of his own company employing at least 15 employees and doing business in at least 3 states. Petitioner has filed tax returns since at least 2012.

All these facts were presented to the IJ at the bond hearing held on February 26, 2026. Nevertheless, the IJ denied bond based solely on the issue of danger to the community, and specifically, based on the 2020 conviction of disorderly conduct.

Upon filing a habeas petition, this Court, on February 23, 2026, ordered Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. 1226(a). Pursuant to the Court's Order, Immigration Judge Jerrica Harness conducted a bond hearing on February 26, 2026.

III. PETITIONER'S BOND HEARING DID NOT COMPLY WITH THIS COURT'S ORDER

The perfunctory proceeding on February 26, 2026, did not provide the constitutionally adequate bond hearing this Court ordered. Instead of a neutral, individualized assessment, Immigration Judge Jerrica Harness conducted a cursory hearing that failed to comply with the Court's mandate in critical respects.

The IJ did not find the Petitioner to be a flight risk and only concluded that the Petitioner would be a danger to the community based on a conviction for which he had already been detained and processed for bond. The previous IJ hearing his bond request in 2020 granted that bond in the amount of \$1,500—the lowest amount allowed by statute. It truly defies reason as to why the IJ would think that the old conviction for which the Petitioner already atoned represents a danger today. The record was replete with undisputed evidence of Petitioner's strong equities—minor criminal history, a fixed address shared with his U.S. citizen children and stepchildren, approved application for VAWA and special VAWA cancellation in court, valid employment

authorization and recent work history, and a multi-year record of perfect compliance with filing tax returns. The IJ ignored all of this.

IV. LEGAL STANDARD FOR ENFORCEMENT AND CONTEMPT

This Court has both inherent and statutory authority to enforce its February 23, 2026, Order. A federal court possesses the inherent power "to enforce compliance with its lawful orders "and to protect the integrity of its judgments. This authority is essential to the administration of justice and includes the power to hold parties in civil contempt to secure obedience to a clear and unambiguous order. Congress has affirmed this authority through several statutes. The All Writs Act empowers federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions." 28 U.S.C. 1651(a).

The jurisdictional bar at 8 U.S.C. § 1226(e) does not preclude this enforcement action. While 1226(e) forecloses appellate review of an IJ's discretionary bond determinations, it does not strip this Court of its authority to review "constitutional claims or questions of law," including whether a bond hearing was so fundamentally unfair as to violate due process and the terms of this Court's order. *Demore v. Kim*, 538 U.S. 510, 517 (2003). Federal courts retain authority to determine whether a hearing complied with the mandate of a habeas writ. *See Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at 2 (3d Cir. Feb. 25, 2022) (distinguishing non-reviewable discretionary bond decisions from reviewable claims that a hearing was "fundamentally unfair" in violation of a court order); *Morgan v. Oddo*, No. 3:24-CV-221, 2025 WL 2653707, at 4 (W.D. Pa. Sept. 16, 2025). This motion does not ask the Court to reweigh the IJ's discretion; it asks the Court to enforce its judgment requiring a constitutionally adequate hearing.

The IJ Improperly Relieved the Government of its Burden of Proof.

The Due Process Clause requires the government to justify continued civil detention, typically by clear and convincing evidence of flight risk or dangerousness. See *J.G. v. Warden, Irwin Cnty. Det. Ctr.*, 501 F. Supp. 3d 1331, 1341 (M.D. Ga. 2020); *Velasco Lopez v. Decker*, 978 F.3d 842, 855-57 (2d Cir. 2020); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 213--14 (3d Cir. 2020). Here, the government utterly failed to meet that burden. At the February 26, 2026, bond hearing, DHS submitted only a police report from the June 2020 incident already discussed and an updated FBI rap sheet for the Petitioner. The only documentary evidence of dangerousness that the IJ relied on for her decision was the June 2020 police report, which details the incidents already argued at a bond hearing held on August 13, 2020, at which time an IJ granted bond for the Petitioner in the amount of \$1,500. At the time, the Petitioner was convicted of the misdemeanor Georgia offense of disorderly conduct in connection with the events described in the police report (events which were heavily contested by the Petitioner and his wife, who is the named victim on the police report). Apart from this police report, no substantial evidence was presented by the DHS. Accordingly, the DHS failed to articulate why the Petitioner should continue to remain detained based on a minor conviction that was already the subject of a previous bond hearing—one where an IJ found that the Petitioner represented no danger to the community and granted bond accordingly.

V. RELIEF SOUGHT AND ENFORCEMENT REQUEST

Respondents' constitutionally defective bond hearing constitutes a flagrant violation of this Court's February 23, 2026, Order. Where the government fails to comply with a conditional grant of habeas relief, federal courts have not hesitated to employ the full range of enforcement tools ordering the Petitioner's immediate release, directing specific-performance-style relief under Rule 70, and imposing civil contempt sanctions as necessary to secure compliance with

their prior judgments. *See, e.g., Solis v. Koresko*, Civ. No. 09-988, 2016 WL 4547167, at *6--8 (E.D. Pa. Aug. 31, 2016) (discussing inherent enforcement power, civil contempt, and the All Writs Act as mechanisms to compel obedience to a prior injunction). Other courts likewise recognize that a district court retains continuing jurisdiction to address noncompliance with habeas writs and to ensure that the relief it ordered is actually provided. *See Sanchez v. Sabol*, No. 1:15-CV-2423, at 5-7 (M.D. Pa. Dec. 23, 2016). *See also Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024, 1035 (W.D. Wash. 2019) (rejecting "the Government's position [] that the court's only job is to ensure that the immigration courts recite the correct legal standard").

In *Y.S.G. v. Andrews*, No. 2:25-cv-1884-SCR, 2025 WL 2979309 (E.D. Cal., Oct. 22, 2025) the court grappled with a similar issue. A noncitizen filed and was granted a writ of habeas and a subsequent bond redetermination hearing was ordered. Unfortunately, the IJ's decision was deficient and the court ordered immediate release. Ordering a new bond hearing before EOIR is not a sufficient remedy in light of the patently deficient first hearing and the institutional pressures described above that systematically skew adjudications in DHS's favor.

In these circumstances, this Court's habeas enforcement authority, including its inherent power, the All Writs Act, 28 U.S.C. section 1651(a), fully supports ordering Petitioner's immediate release or, at a minimum, setting a constitutionally reasonable bond amount itself rather than remanding him to another unreliable administrative proceeding.

VI. CONCLUSION

WHEREFORE, for the reasons stated herein, Petitioner respectfully requests that this Court enforce its February 23, 2026, Order and grant the following relief:

1. **An Order retaining jurisdiction over this matter** to ensure compliance;

2. **Immediate Release:** As the primary and most effective remedy, issue an immediate and unconditional order directing Respondents to release Petitioner from custody;
3. **Alternative Relief--Court-Set Bond:** In the alternative, set a reasonable bond in an amount no greater than \$10,000, consistent with counsel's request at the hearing, and/or order Petitioner's release on non-monetary conditions of supervision; and
4. Grant any and all other relief this Court deems just and proper.

For the foregoing reasons, Respondents have acted in clear violation of this Court's lawful Order and have unlawfully deprived Petitioner of his liberty. To protect the integrity of the judicial process and vindicate Petitioner's rights, this Court should grant the requested relief and enforce its prior judgment.

Respectfully submitted this 25th Day of March, 2026.

/s/ Johanna Cochran

by: Johanna Cochran

Georgia Bar No. 611902

Attorney for the Petitioner