UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

EFREN ABEL RAMIREZ PEREZ, Petitioner, v. WARDEN, IRWIN DETENTION CENTER, *et al.*, Respondents.	Case No.: 7:26-cv-44-WLS-AGH 28 U.S.C. §2241 Judge(s): W. Louis Sands, Judge & Amelia G. Helmick, 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 EFREN ABEL RAMIREZ PEREZ (hereinafter referred to as "Mr. Ramirez" 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 Guatemalan citizen and national, who first entered the United States border over twenty (20) years ago. On February 11th, 2026, Mr. Ramirez was arrested for driving without a license, an ICE detainer was issued, 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 26, 2026, counsel for Petitioner filed a Writ of Habeas Corpus. (ECF 1). On March 3, 2026, this Honorable Court granted Petitioner's Writ and ordered Respondent's provide Petitioner with a bond hearing. On March 4, 2026, undersigned counsel received notice that Petitioner was scheduled for a Bond Hearing on March 6, 2026. On March 5, 2026, undersigned counsel submitted a bond packet in support of the Petitioner however, it was not processed into the record until 7:54am. As a result, the immigration judge took no action.

On March 10, 2026, counsel for the Petitioner filed a subsequent Motion for Bond and Custody Redetermination ("Motion") with the immigration court, in Lumpkin GA.[1] Then on March 13, 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. Ramirez Perez's eligibility for relief and substantial presence his relief was "speculative" and he posed a significant flight risk.

II. ARGUMENT

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

[1] Exhibit A, Motion for Bond

(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. Ramirez'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. Ramirez's twenty years physical presence, eligibility for relief, family ties, and lack of criminal history— rendering the characterizations of him as " Respondent's relief before the Court is speculative" both inaccurate and arbitrary. 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)

Accordingly, the Petitioner has a fixed address with his wife, for the past six 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 over twenty years, owns property, has two U.S. citizen children, is eligible for relief before the immigration court, has a bachelor's degree in theology, has worked for over a decade in the painting and remodeling industry, 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. Ramirez 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 19, 2026

Respectfully Submitted,

/s/ Peter Tadeo, Esq.
Peter Tadeo, Esq.
Attorney for Petitioner
Georgia Bar No. 505253
Tadeo and Silva Law
P.O. Box 921249
Peachtree Corners, Georgia 30010
Telephone: (404)993-8941
Email: Peter@tadeosilvalaw.com

Attorney for Petitioner

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

I represent Petitioner, Efren Abel Ramirez Perez, 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 19, 2026.

/s/ Peter Tadeo, Esq.
Peter Tadeo, Esq.
Attorney for Petitioner
Georgia Bar No. 505253
Tadeo and Silva Law
P.O. Box 921249
Peachtree Corners, Georgia 30010
Telephone: (404)993-8941
Email: Peter@tadeosilvalaw.com

Attorney for Petitioner

7:26

LIST OF EXHIBITS

1. Petitioner's Motion for Bond filed with the immigration court
2. Immigration court's order, dated March 6, 2026
3. Immigration court's order, dated March 13, 2026

CERTIFICATE OF SERVICE

I certify that on March 19, 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.

/s/ *Peter Tadeo*, Esq.
Peter Tadeo, Esq.
Attorney for Petitioner
Georgia Bar No. 505253
Tadeo and Silva Law
P.O. Box 921249
Peachtree Corners, Georgia 30010
Telephone: (404)993-8941
Email: Peter@tadeosilvalaw.com

SERVICE LIST

JASON STREEVAL, Warden
Stewart Detention Center
146 Cca Rd.
Lumpkin, GA 31815

KRISTEN SULLIVAN, Field Office Director for the
Enforcement and Removal Operations, at the Atlanta Field Office
Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

KRISTI NOEM, Secretary of the Department of Homeland Security
Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

TODD LYONS, Director of the U.S. Immigration and Customs Enforcement
Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

William R. Keyes, United States Attorney
United States Attorney's Office
Middle District of Georgia
Post Office Box 1702
Macon, Georgia 31202-1702

EFREN ABEL RAMIREZ PEREZ, Petitioner, v. WARDEN, IRWIN DETENTION CENTER, *et al.*, Respondents.	Case No.: 7:26-cv-044-WLS-AGH 28 U.S.C. §2241 Judge(s): W. Louis Sands, Judge & Amelia G. Helmick, Magistrate Judge **MOTION TO ENFORCE ORDER, OR IN THE ALTERNATIVE, FOR THE COURT TO CONDUCT A BOND HEARING**

SHOW CAUSE

Upon consideration of Petitioner's Application for an Order to Show Cause pursuant to 28 U.S.C. §2241 and exhibits thereto, and pursuant to 28 U.S.C. § 2243, **IT IS HEREBY ORDERED** that:

1. Respondents are **ORDERED TO SHOW CAUSE** why the Petitioner's release from immigration detention is opposed, on the ground of flight risk, and why the present Motion to Enforce Order, or in the Alternative, for the Court to Conduct a Bond Hearing should not be granted. Respondents shall file a return responding to the Petition within **three (3) days** of this Order, or by _____, **2026**, unless good cause is shown for additional time not exceeding twenty (20) days. *See* 28 U.S.C. § 2243.
2. Petitioner shall have an opportunity to file a reply within **three (3) days** of Respondents' return, or by _____, **2026**.
3. Pending consideration of the Petition, Respondents **ARE HEREBY RESTRAINED** from transferring or moving Petitioner from Stewart Detention Center unless seventy-two (72) hours' written notice of any transfer is provided to Petitioner's Counsel.
4. Pending consideration, Respondents **ARE HEREBY RESTRAINED** from detaining Petitioner at any location outside the geographic jurisdiction of the Middle District of Georgia without prior approval of this Court.
5. Pending consideration, Respondents ARE HEREBY RESTRAINED from removing the Petitioner from the United States.
6. No security bond is required to be posted by Petitioner.
7. And such other and further relief as the Court may find appropriate.

8. The Clerk of Court is **DIRECTED** to serve a copy of this Order and the Petition on:
   a. The United States Attorney for the Middle District of Georgia
   b. The Office of Immigration Litigation, U.S. Department of Justice
   c. The Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement

9. Petitioner shall affect service of this Order and the Petition by electronic mail on the United States Attorney for the Middle District of Georgia by _____ **a.m./p.m. on** _____**, 2026**, and such service shall constitute good and sufficient service on all Respondents.

IT IS SO ORDERED:

Dated: _____ _____