

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

M.G.C.C.,
Petitioner,
v.
Warden, STEWART
DETENTION CENTER, *et al.*,
Respondents

Case No. 4:26-cv-638-CDL-AGH
28 U.S.C. § 2241

**PETITIONER'S MOTION TO ENFORCE COMPLIANCE WITH COURT
ORDER**

Maria Guadalupe Ciprian Corriolo (Petitioner), by and through undersigned counsel, moves this Court to enforce its previous Order (ECF No. 3) which granted Petitioner's Habeas Petition (ECF No. 1) and ordered Respondents to provide Petitioner with a bond hearing. The Respondents violated this Order by failing to provide Petitioner with a constitutionally valid bond hearing. Although a bond hearing was held, the Immigration Judge's conduct at that hearing violated Petitioner's due process rights and this Court's Order.

I. PROCEDURAL BACKGROUND

Petitioner filed a Petition for Writ of Habeas Corpus (ECF No. 1) under 28 U.S.C. § 2241 on April 18, 2026, challenging the constitutionality of her detention based on Respondents' having failed to provide her with a bond hearing and the opportunity for pre-removal release. ECF No. 1. On April 20, 2026, the Court

found that Petitioner was detained under 8 U.S.C. § 1226(a) and therefore not subject to mandatory detention under § 1225. ECF No. 3. The Court ordered Respondents to provide Petitioner with a bond hearing to determine if she may be released on bond under § 1226(a)(2) and the applicable regulations. *Id.*

II. FACTUAL BACKGROUND

Petitioner is a noncitizen who has lived in the United States for approximately 24 years. Exh. 1. She has four U.S. citizen children, three of whom are under the age of 18 and live with her as their primary parent. *Id.* Since her late husband abandoned her family in 2007, she has worked to support her children. *Id.* For all the years she has lived in the U.S., she has resided within Clayton County, Georgia. *Id.* In 2016, she purchased the home she now lives in. *Id.* She is an active member of her church, the Iglesia Apostolica de la Fe en Cristo Jesus in Morrow, Georgia. *Id.* She has never been arrested for, charged with, or convicted of any criminal offense. *Id.*

On February 3, 2026, ICE officers sought to arrest Ms. Ciprian Corriolo's oldest son, Rolando, who had previously been deported. Exh. 2. They followed Ms. Ciprian Corriolo as she drove away from her home and stopped her, believing Rolando to be inside the vehicle. *Id.* They arrested Rolando, who was the passenger. *Id.* The officers then determined that Ms. Ciprian Corriolo was also an undocumented noncitizen, and arrested her as well. *Id.* She was processed and transferred to Stewart Detention Center, where she has remained ever since. *Id.*

In her removal proceedings, Ms. Ciprian Corriolo filed an application for cancellation of removal pursuant to 8 U.S.C. § 1229b(b) on April 21, 2026. Exh. 1. Her individual merits hearing with the immigration court is currently scheduled for June 2, 2026.

On April 21, 2026, the Department of Homeland Security filed a copy of this Court's Order with the Stewart Immigration Court, which promptly scheduled a bond hearing for April 24, 2026. Exh. 3. At that hearing, due to a practical issue with an evidence filing, counsel for Ms. Ciprian Corriolo requested an order of "no action" in order to refile the bond request. The Immigration Judge issued the order of no action. Exh. 4. Counsel for Ms. Ciprian Corriolo filed a new bond request later that day, and a new bond hearing was scheduled for April 30, 2026.¹ Exh. 5.

In support of her request for bond, Ms. Ciprian Corriolo filed 95 pages of evidence, including letters and financial documents from two separate people declaring their willingness to serve as financial sponsors for Ms. Ciprian Corriolo and to ensure her appearance at future court dates. Exh. 1. The evidence filing also included: financial documents showing Ms. Ciprian Corriolo's ownership of her home; her tax returns; birth certificates for her four U.S. citizen children; a document from the Clayton County Clerk of Court certifying that she has no criminal record there; a copy of her filed application for cancellation of removal demonstrating her eligibility for relief; letters from her three minor children; and 11 letters of support from relatives, community members, and her pastor speaking to her character. Exh. 1. At the hearing, Ms. Ciprian Corriolo's immigration attorney argued that her complete lack of criminal history demonstrated that she presented no danger to the community and that her sponsors, extensive family and community ties, fixed address, and eligibility for relief from removal demonstrated

¹ At the bond hearing on April 30, 2026, counsel for DHS argued that because the bond hearing had been rescheduled outside of the seven-day window ordered by this Court, this Court's Order was no longer in effect, and that the Immigration Judge had no jurisdiction to consider a bond request under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Immigration Judge found that the Immigration Court had complied with the habeas order by scheduling a bond hearing within the prescribed period, and that the rescheduling of the bond hearing did not negate this Court's finding that Ms. Ciprian Corriolo is detained pursuant to § 1226(a). The bond hearing was allowed to proceed.

that she presented no flight risk under *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Exh. 7. In response to DHS's contention that her eligibility for relief from removal was speculative, Ms. Ciprian Corriolo's counsel pointed out that in addition to being *prima facie* eligible for cancellation of removal, she will also be eligible for an I-130 petition for a family-based visa when her oldest U.S. citizen child turns 21 next year. *Id.*

The Immigration Judge found Ms. Ciprian Corriolo to be a flight risk. Exh. 6. The written bond order simply states "Significant Flight Risk" with no further explanation. *Id.* The Immigration Judge verbally stated that Ms. Ciprian Corriolo had worked without authorization, entered unlawfully, and had only speculative relief. Exh. 7. Counsel for Ms. Ciprian Corriolo asked the Immigration Judge to determine whether the flight risk could be mitigated by the setting of a higher bond, which the Immigration Judge refused to do. *Id.* The IJ made no mention of the evidence of Ms. Ciprian Corriolo's two sponsors, home ownership, or extensive family and community ties. *Id.* Neither verbally nor in the written order did the IJ weigh any factors to determine the level of flight risk, nor explain why any flight risk could not be mitigated by the setting of a bond. *Id.*

III. JURISDICTION

This matter is before this Court pursuant to a petition for a writ of habeas corpus under 28 U.S.C. § 2241, which confers upon district courts the power to grant writs of habeas corpus to those detained "in violation of the Constitution or laws or treaties of the United States." This power extends to actions brought by noncitizens in immigration detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *A.A.R.P. v. Trump*, 605 U.S. 91, 95 (2025).

Although 8 U.S.C. § 1226(e) precludes a noncitizen from "challeng[ing] a 'discretionary judgment' by the Attorney General or a 'decision' that the Attorney

General has made regarding his detention or release,” it does not preclude “challenges [to] the statutory framework that permits [the noncitizen’s] detention without bail.” *Jennings v. Rodriguez*, 583 U.S. 281, 295 (2018), quoting *Demore v. Kim*, 538 U.S. 510, 516 (2003). Petitioner is challenging the Immigration Judge’s conduct at the April 30 bond hearing, which violated her due process rights and this Court’s order. § 1226(e) does not prohibit habeas review. *Demore*, 538 U.S. at 517. Petitioner is not seeking review of the Immigration Judge’s discretionary findings, but rather the statutory framework that permits her to be detained without bail.

Additionally, this Court has “inherent power to enforce compliance with [its] lawful orders through civil contempt. *Citronelle-Mobile Gathering, Inc. v. Watkins*, 943 F.2d 1297, 1301 (11th Cir. 1991). The Court ordered Respondents to “provide Petitioner with a bond hearing...under § 1226(a)(2) and the applicable regulations.” ECF No. 3. It is clear from this order that the Court expected Respondents to hold a bond hearing that comports with due process. Petitioner’s allegation that Respondent did not do so thus falls within this Court’s jurisdiction to review and to enforce.

Finally, Petitioner does not need to exhaust administrative remedies by first appealing her bond denial to the Board of Immigration Appeals. Petitioner is challenging the constitutionality of detention procedures under § 1226(a) following the Court’s conditional writ of habeas corpus. There is no rule requiring administrative exhaustion in this circumstance, and this Court has previously determined that administrative exhaustion should not be required in similar circumstances. *See D.Y.E.H. v. Youghn*, No. 7:25-cv-00201-WLS-AGH (M.D. Ga. Apr. 6, 2026).

IV. ARGUMENT

A. Ms. Ciprian Corrilo's due process rights were violated because her bond hearing was not individualized.

The April 30 bond hearing was not constitutionally sufficient because it was not individualized as required by due process. Because due process requires that “the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed,” a bond hearing must be an individualized consideration of the particular person being detained. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The IJ's bond order states simply “Denied because Significant Flight Risk.” Exh. 6. This opinion gives no indication of any reasonable relation between the decision to deny bond and Ms. Ciprian Corrilo specifically. *Id.* It does not consider Ms. Ciprian Corrilo's two financial sponsors, her minor children, her home ownership, or her extensive community ties. *Id.* The BIA's case law on flight risk determinations sets out a framework of factors for Immigration Judges to weigh. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). While IJs have “broad discretion” in determining appropriate factors and their relative weight, in this case there is no indication that the IJ weighed any factors at all. *Id.* The IJ did not at all consider whether the level of flight risk could be mitigated by the setting of a higher bond. These facts indicate an absence of the individualized bond hearing required by due process.

B. This Court should safeguard Ms. Ciprian Corrilo's due process rights by ordering Respondents to hold a bond hearing where DHS bears the burden of proof.

The Court should order a new bond hearing with additional procedural safeguards requiring that DHS bear the burden of establishing by clear and convincing evidence that Petitioner poses a danger or flight risk. Typically, in an immigration bond hearing, the noncitizen bears the burden of establishing to the

IJ's satisfaction that she is not "a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk." *Guerra*, 24 I&N Dec. at 40. This burden of proof originates in 8 C.F.R. § 236.1(c)(8), which pertains to decisions by "officer[s] authorized to issue a warrant of arrest," and which was originally conceived of as applying only to the Transition Period Custody Rules in the late 1990s. *See* 8 C.F.R. § 236.1(c)(1), *Matter of Adenji*, 22 I&N Dec. 1102, 1112 (BIA 1999). The BIA ruled in *Adenji* that it was reasonable to apply the 8 C.F.R. § 236.1(c)(1) standard to 1226(a) bond hearings as well. *Id.* However, this Court is not obligated to defer to the BIA's application of an unrelated standard of proof to bond proceedings under § 1226(a), but rather must independently review agency actions. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). It is therefore appropriate for the Court to order a new bond hearing where DHS bears the burden of proof in order to safeguard Petitioner's due process rights.

Placing the burden of proof on DHS comports with the Supreme Court's jurisprudence on civil commitment hearings, which is appropriate as civil commitment is markedly similar to immigration detention. "[D]ue process places a heightened burden of proof on the State in civil proceedings in which the 'individual interests at stake...are both particularly important and more substantial than mere loss of money.'" *Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996), quoting *Santosky v. Kramer*, 455 U.S. 745, 756 (1982). The Supreme Court upheld the assignment of the clear and convincing standard of proof to the government in civil commitment hearings because "the individual's interest in the outcome of a civil commitment proceeding is of such weight and gravity that due process requires the state to justify confinement by proof more substantial than a mere preponderance of the evidence." *Addington v. Texas*, 441 U.S. 418, 427 (1979). A

civil commitment proceeding involves the exact same liberty interest and risk to the individual as an immigration bond hearing, and the Supreme Court “regularly relies upon civil commitment cases to inform its due process analysis in immigration cases.” *J.G. v. Warden, Irwin Cnty. Det. Ctr.*, 501 F. Supp. 3d 1331, 1336 (M.D. Fa. 2020), citing *Zadvydas*, 533 U.S. at 690; and *Demore*, 538 U.S. at 561. It is thus entirely appropriate for this Court to safeguard Petitioner’s due process rights by applying the same standard in use for civil commitment hearings and require Respondents to hold a bond hearing where DHS bears the burden of proof.

C. The *Mathews v. Eldridge* test weighs in favor of safeguarding Ms. Ciprian Corriolo’s due process rights by ordering a new bond hearing where DHS bears the burden of proof.

To evaluate the proper remedy for a due process violation, courts use the *Mathews v. Eldridge* balancing test. 424 U.S. 319, 335 (1976). Courts must identify “the specific dictates of due process,” by considering (1) the private interest at risk; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;” and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural safeguard would entail.” *Id.*

1. The private interest factor weighs in Petitioner’s favor.

The private interest at risk is nothing less than Ms. Ciprian Corriolo’s physical liberty. Freedom from detention is one of the “most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (superseded by statute on other grounds). The Supreme Court has repeatedly recognized that “civil commitment for any purpose constitutes a significant deprivation of liberty.” *Addington*, 441 U.S. at 425. This holds true in immigration detention as in any

other civil commitment context. “[I]mmigration detention is an extraordinary liberty deprivation that must be ‘carefully limited.’” *J.G.*, 501 F.Supp. 3d at 1336, quoting *U.S. v. Salerno*, 481 U.S. 739, 755 (1987).

Petitioner has been in immigration detention for just over three months. She has no criminal conviction or order of removal. She is the sole legal parent to three minor U.S. citizen children. Her liberty interest also extends to her ability to communicate with her immigration attorney and family to best prepare argument and evidence in her case. Her liberty interest is extremely compromised by her continued detention without bail. The first factor thus weighs in her favor.

2. The high risk of an erroneous deprivation of Ms. Ciprian Corriolo’s liberty interest weighs in her favor.

Under the second *Mathews* factor, “[courts] consider the interest of the *erroneously* detained individual.” *Hamdi*, 542 U.S. at 530 (emphasis original). Here, the existing bond procedures are insufficient to mitigate the risk of an erroneous deprivation of liberty.

First, detention inherently means that noncitizens are likely to have difficulty gathering evidence to support their cases. *See, e.g., Hernandez-Lara v. Lyons*, 10 F.4th 19, 30 (1st Cir. 2021) (citing *Moncrieffe v. Holder*, 569 U.S. 184, 201 (2013) (detained noncitizens “have little ability to collect evidence”)). As this Court held in a similar case:

Incarceration restricts the noncitizen’s ability to communicate with attorneys, family members, or other individuals who may present testimony or have access to the noncitizen’s records. Limited resources and investigative tools increase the likelihood that the factual records developed at the bond hearing will be incomplete. An incomplete record creates a considerable risk of error in the IJ’s findings and impairs the BIA’s ability to correct erroneous deprivations.

J.G., 501 F. Supp. 3d at 1337. There is an unfair imbalance of resources between a detainee and DHS, which has substantial resources but is not required to present “a shred of evidence.” *Id.* Second, the BIA’s framework of placing the burden of proof on the noncitizen requires the noncitizen to prove a negative—the absence of danger and a flight risk—which is inherently more difficult than proving that a cause for concern does exist. *See, e.g., Elkins v. U.S.*, 364 U.S. 206, 218 (1960) (“[A]s a practical matter it is never easy to prove a negative.”). Third, noncitizens in detention (including Ms. Ciprian Corriolo) often lack full proficiency in English. Finally, detention limits a noncitizen’s ability to communicate with counsel and assist in preparing their own defense.

Noncitizens in immigration detention can only seek reconsideration of a previously denied bond by showing changed circumstances. 8 C.F.R. § 1003.19(e); 8 C.F.R. § 236.1(d)(1). In *J.G.*, Judge Lawson concluded that this procedure does not provide a meaningful opportunity to correct an erroneous deprivation of liberty:

A showing of materially changed circumstances secures only a second bond hearing; it does not guarantee the noncitizen’s release. The additional hurdle to prove materially changed circumstances makes relief more remote. And of course, not all erroneously deprived noncitizens will have access to this relief. Absent changed circumstances, a noncitizen will never receive a second bond hearing.

J.G., 501 F. Supp. 3d at 1338 (emphasis original). A noncitizen erroneously deprived of their liberty is likely to face the exact same erroneous deprivation at a bond redetermination hearing, if they are even able to obtain one.

Thus, the current bond hearing framework is insufficient to change the risk of erroneous deprivations of liberty. The fact that the current procedure allows an IJ to consider a “non-exhaustive” list of factors does not “ameliorate the challenges

an incarcerated non-citizen faces in gathering and presenting evidence.” J.G., 501 F. Supp. 3d at 1338. The risk of erroneous deprivation is not abated by the current administrative review process. *Id.* “Where the risk of erroneous deprivation is high, and the deprivation the individual faces is severe, then modest, additional procedural safeguards carry high value.” *Id.* The second *Mathews* factor thus weighs in Petitioner’s favor.

3. The additional burdens these safeguards would place on the Government do not outweigh Ms. Ciprian Corriolo’s liberty interest.

The third *Mathews* factor is “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 335. Here, the Government has an interest in enacting and enforcing its immigration laws and in the prompt execution of removal orders. In considering that interest, courts must weigh heavily the fact that “control over matters of immigration is a sovereign prerogative, largely within the control of the executive and the legislature.” *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). However, what is at stake here is “not the power of the government to detain noncitizens who may cause harm or flee during removal proceedings, but rather who should bear the burden of proving noncitizens pose a danger or a flight risk.” *Hernandez-Lara*, 10 F.4th at 32. The Government does not have an interest in the prolonged detention without bail of noncitizens who are neither dangerous nor a flight risk. *See, e.g., Velasco Lopez v. Decker*, 978 F.3d 842, 854 (2d Cir. 2020). In fact, “shifting the burden of proof to the Government to justify continued detention promotes the Government’s interest...in minimizing the enormous impact of incarceration in cases where it serves no purpose.” *Id.* at 854-55.

The third factor encompasses not only the Government's interest, but the public interest, which includes the administrative burden to the Government, but also "societal costs" that the safeguards would cause. *Mathews*, 424 U.S. at 347. Other circuits have considered the significant societal costs of unnecessary detention of noncitizens who do not pose a danger or a flight risk. "[N]oncitizens subject to immigration detention include spouses, children, and parents of U.S. citizens, caretakers of children and elderly relatives, and leaders in religious, cultural, and social groups." *Hernandez-Lara*, 10 F.4th at 33. Thus, placing the burden on DHS to prove by clear and convincing evidence that Petitioner is either a danger or a flight risk does not undermine its legitimate interests or assign it an undue administrative burden. The third *Mathews* factor weighs in favor of Petitioner.

D. The *Mathews* factors establish that due process requires that Ms. Ciprian Corriolo be provided with safeguards in the form of a new bond hearing where DHS bears the burden of proof.

As many other federal courts have found, requiring the Government to provide Petitioner with a new bond hearing where DHS bears the burden of proof is an appropriate safeguard for Ms. Ciprian Corriolo's due process rights. *See, e.g., Velasco Lopez*, 978 F.3d at 856 ("it is improper to allocate the risk of error evenly between the individual and the Government when the potential injury is as significant as the individual's liberty. Accordingly, we conclude that a clear and convincing evidence standard of proof provides the appropriate level of procedural protection."); *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) ("Given the substantial liberty interest at stake...we hold that the [G]overnment must prove by clear and convincing evidence that an alien is a flight risk or a danger to the community to justify denial of bond [under 1226(c)]."); *J.G.*, 501 F. Supp. 3d at 1342 ("The Court concludes that an intermediate standard, requiring clear and

convincing evidence reflects the value society places on the individual liberty at stake in immigration bond hearings.” (internal citation omitted)).

E. Conclusion.

Respondents have not complied with the Court’s Order because Petitioner’s April 30 bond hearing before IJ Ward did not comport with the minimum requirements of due process. The hearing was not individualized and the burden of proof was incorrectly placed on Petitioner. Therefore, the Court should enforce its order and require Respondents to specifically comply and order the relief described below.

Petitioner requests that this Court order Respondents to provide her with a new, individualized bond hearing under § 1226(a)(2) at which the Department of Homeland Security bears the burden of establishing by clear and convincing evidence that Petitioner is either a danger to the community or a flight risk. If Respondents fail to provide Petitioner with such a hearing, Petitioner asks that the Court order her immediate release. These safeguards are appropriate under the *Mathews v. Eldridge* test.

V. STATEMENT OF RELIEF SOUGHT

WHEREFORE, Petitioner respectfully moves for an order compelling Respondents to comply with this Court’s April 20 Order by:

- (1) Ordering Respondents to hold a new, individualized bond hearing for Petitioner under § 1226(a), at which DHS shall bear the burden of proving, by clear and convincing evidence, that Petitioner poses a danger to the community or a flight risk;
- (2) Ordering Respondents to schedule said individualized bond hearing within seven days of the Court’s Order;

- (3) Ordering that if Respondents fail to hold said individualized bond hearing within the prescribed period, that Respondents shall immediately release Petitioner; and
- (4) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Dated: May 18, 2026

/s/ Amir A. Naim

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I uploaded the foregoing Petitioner's Motion to Enforce Compliance With Court Order to the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

_____/s/ Amir A. Naim
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