

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

A.M.H.,

Petitioner,

v.

Warden, STEWART DETENTION CENTER, et al.,

Respondents.

Case No. 4:26-cv-719-CDL-AGH

PETITIONER'S MOTION FOR DISCOVERY

COMES NOW Petitioner A.M.H., through counsel ("Petitioner"), and moves the Court to allow service of the discovery requests attached at **Exhibit 1**.

Discovery in a habeas proceeding under 28 U.S.C. § 2241 may be permitted upon a showing of good cause. *Phouk v. Warden*, 378 F. Supp. 3d 1209, 1211-12 (M.D. Ga. 2019); *Gomes v. U.S. Dep't of Homeland Sec.*, 559 F. Supp. 3d 8, 11 (D.N.H. 2021) (explaining applicability of good cause standard in Habeas Rule 6 to § 2241 petitions). Good cause exists "where specific allegations [] show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that [they are] entitled to relief." *Phouk*, 378 F. Supp. 3d at 1211 (quoting *Daniel v. Comm'r, Ala. Dep't of Corr.*, 822 F.3d 1248, 1281 (11th Cir. 2016)). Where good cause is shown, the scope and extent of discovery is within the district court's discretion. *Id.* at 1211-12. Furthermore, "[i]t is well-established that a court may not decide a habeas corpus petition based on affidavits alone when there are factually contested issues." *Singh v. U.S. Atty. Gen.*, 945 F.3d 1310, 1315 (11th Cir. 2019).

The principal disputed material facts in this case are as follows:

1. [RFP Nos. 1-7, 9, 11-12, Interrogatory Nos. 1-6, 9-12, *see* **Exh. 1** at 9-10, 17-18]: Whether there is a significant likelihood of Petitioner's removal to Cuba or to a third country in the reasonably foreseeable future. *Compare* ECF No. 12 at 5 ("ICE/ERO continues active efforts to effectuate Petitioner's removal to Cuba, Mexico, and an additional third country") *with* ECF No. 10 at ¶ 24 (as of January of this year, ICE had not obtained travel document from Cuba) *and* ECF No. 13-2 at ¶ 8 (no contact or updates from Petitioner's deportation officer since Petitioner was told he would be deported to Rwanda). Petitioner should be permitted to probe Respondents' assertion that ICE/ERO "continues active efforts" to remove Petitioner to Cuba or to a third country, including whether such efforts are likely to bear fruit in the reasonably foreseeable future.
2. [Interrogatory Nos. 2-6, *see* **Exh. 1** at 17]: Whether Mexico refused to accept Petitioner because of his age and health issues or for some other reason. *Compare* ECF No. 12-1 at ¶ 18 ("On February 25, 2026, Petitioner again refused to exit holding room and stated he would not go to Mexico") *with* ECF No. 10 at ¶ 22-26 (Petitioner contends Mexico refused to accept him because of his age and health issues). Petitioner should be permitted to probe Respondents' assertion that his deportation to Mexico could be effected if only he would consent.
3. [RFP Nos. 8-10, *see* **Exh. 1** at 9-10]: Whether ICE/ERO complied with due process and regulatory requirements in revoking Petitioner's Order of Supervision ("OSUP") in July of 2025. Petitioner points out that Respondents have not disputed in any way the allegations of the Amended Petition, ECF No. 10 at ¶¶ 14-16, 18-20, that ICE/ERO in fact did not comply with due process and regulatory requirements in revoking his OSUP. Accordingly,

these allegations are deemed admitted. Petitioner nonetheless proposes these discovery requests out of an abundance of caution.

In light of these material factual disputes, Petitioner proposes a limited course of discovery consisting of 12 requests for production and 12 interrogatories, followed by the option to take in-court testimony during the (if needed) evidentiary hearing. Witnesses likely would include Officer Kirk Scott, Jr., but Petitioner reserves the right to notice other potential witnesses as appropriate based on the written discovery responses received.

WHEREFORE, Petitioner respectfully requests that the instant motion be GRANTED, and that he be permitted to serve upon Respondents the discovery requests attached at **Exhibit 1**.

This 24th day of July, 2026.

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