

jurisdictionally barred, unsupported by Rule 6's "good cause" requirement, and irrelevant to any cognizable habeas claim under *Zadvydas*. The motion should therefore be denied.

LEGAL FRAMEWORK

A habeas petitioner "is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). The broad discovery mechanisms of the Federal Rules of Civil Procedure do not apply in § 2241 immigration detention cases. Rather, "[p]roceedings in § 2241 petitions are governed by the Rules Governing Section 2254 Cases in the United States District Courts[.]" *Annamalai v. Warden*, 760 F. App'x 843, 849 (11th Cir. 2019). Rule 6(a) authorizes discovery only upon a showing of "good cause." *Id.*; see *Estrada v. United States*, No. 1:14-cv-1897, 2017 WL 9049870, at *1 (N.D. Ga. Feb. 24, 2017). "Good cause" exists only "where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that [she] is ... entitled to relief." *Bracy*, 520 U.S. at 904. "Good cause" cannot arise from "mere speculation." *Arthur v. Allen*, 459 F.3d 1310, 1311 (11th Cir. 2006). Rule 6 does not authorize a habeas petitioner "to engage in a fishing expedition." *Pizzuti v. United States*, 809 F. Supp. 2d 164, 176 (S.D.N.Y. 1998).

In immigration detention cases, the sole cognizable habeas question under *Zadvydas v. Davis* is whether detention has exceeded six months and whether Petitioner has shown "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." 533 U.S. 678, 701 (2001); see *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). District courts lack jurisdiction to review "any action or decision" relating to the execution of removal orders. 8 U.S.C. § 1252(g); *Camarena v. ICE*, 988 F.3d 1268, 1272 (11th Cir. 2021). Sections 1252(b)(9) and 1252(a)(2)(B) further funnel or bar claims arising from removal

enforcement or discretionary immigration decision-making. Petitioner cannot satisfy this exacting standard.

ARGUMENT

Petitioner seeks wide-ranging discovery to support his Amended Petition, but this Court lacks subject matter jurisdiction over the discretionary, diplomatic subjects his discovery requests attempt to reach. Under 8 U.S.C. § 1252(g), district courts may not review claims arising from the Attorney General's decision or action to execute removal orders. While a district court retains jurisdiction over the narrow legal challenge to the fact of immigration detention itself under *Zadvydas v. Davis*, 533 U.S. 678 (2001), it lacks jurisdiction to oversee or review the operational steps of execution, such as international repatriation logistics. *See Camarena v. ICE*, 988 F.3d 1268, 1272 (11th Cir. 2021) (distinguishing detention claims from claims challenging the execution of removal). The discovery Petitioner seeks—including communications with Cuba, Mexico, or a third country; details of diplomatic exchanges; reasons underlying ICE/ERO's attempted third-country removal; and the internal processes ICE/ERO followed in revoking his Order of Supervision (“OSUP”)—encroaches directly upon these non-justiciable execution actions and falls squarely within statutory jurisdictional bars.

Even if jurisdiction existed to manage discovery on these topics, Petitioner cannot show “good cause” under Rule 6 of the Rules Governing Section 2241 Cases. Discovery in habeas corpus proceedings is an extraordinary remedy permitted only in rare circumstances where specific, non-speculative allegations show that full factual development may entitle the petitioner to relief. *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). Good cause is not established by speculation or a desire to engage in a fishing expedition. *Arthur v. Allen*, 459 F.3d 1310, 1311 (11th Cir. 2006). Because habeas proceedings under 28 U.S.C. § 2241 challenging post-removal-order detention are

strictly governed by *Zadvydas*, the only cognizable question is whether the Petitioner has shown “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” 533 U.S. at 701; *see also Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). Petitioner’s proposed discovery is irrelevant to this narrow inquiry.

I. Petitioner Has Not Demonstrated Good Cause for Discovery

Petitioner identifies no concrete factual dispute that could entitle him to habeas relief if developed through discovery. The record already resolves the determinative *Zadvydas* issues against him. Petitioner is subject to a final order of removal to Cuba. Scott Decl. II ¶ 8; Ex. D. ICE/ERO transmitted a travel document request to the Cuban Consul General on September 12, 2023, and issued a new nomination on January 4, 2026. Scott Decl. II ¶¶ 10, 13. Petitioner cites no communication from Cuba denying repatriation or permanently refusing him.

Petitioner’s claim that Mexico refused him because of age or health is likewise refuted by contemporaneous agency records. ICE/ERO attempted removal twice—on February 21 and February 25, 2026—and both attempts failed only because Petitioner refused to comply with boarding procedures. Scott Decl. II ¶¶ 17–18. A petitioner cannot obstruct his own removal and then use the resulting delay to claim detention is indefinite. *Akinwale*, 287 F.3d at 1052 n.4. Furthermore, ICE/ERO is also actively pursuing removal to Rwanda under a recently adopted third-country removal agreement with credible diplomatic assurances. Scott Decl. II ¶ 24. Petitioner has not shown that removal to Cuba, Mexico, or the alternative third country is foreclosed. His discovery requests—including interrogatories probing sensitive diplomatic negotiations, third-country acceptance criteria, medical considerations, and internal OSUP revocation procedures—do not alter the objective likelihood of his removal. He has therefore failed to establish good cause.

II. The Discovery Petitioner Seeks Is Jurisdictionally Barred

Even assuming Petitioner could show good cause, which he cannot, the discovery he seeks concerns actions and decisions that Congress has explicitly placed beyond this Court's review. Communications with foreign governments regarding the acceptance of an alien, ICE/ERO's logistical decisions relating to third-country removal, and internal agency deliberations surrounding the execution of a final removal order fall squarely within the absolute prohibition of 8 U.S.C. § 1252(g). *See Camarena v. ICE*, 988 F.3d 1268, 1272 (11th Cir. 2021). Section 1252(b)(9) further channels all legal and factual challenges arising from removal-related actions directly to the petition for review process, divesting district courts of independent habeas discovery management over operational removal logistics.

Petitioner also seeks discovery into ICE/ERO's revocation of his OSUP. This revocation occurred precisely because ICE/ERO resumed active execution of the final removal order. Scott Decl. II ¶ 12. Under long-standing Supreme Court precedent, the discrete decision or action to execute a removal order is insulated from judicial intervention. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Because OSUP revocation is an intrinsic operational component of executing that removal order, it cannot be reviewed in habeas. Petitioner cannot deploy Rule 6 discovery as an end-run to circumvent these explicit statutory limits, nor can he obtain expansive, Administrative Procedure Act-style discovery within a narrow habeas corpus proceeding.

Furthermore, the Supreme Court's ruling in *Trump v. J.G.G.*, 604 U.S. 670 (2025) does not alter this jurisdictional analysis. Petitioner's reliance on *J.G.G.* is entirely misplaced. *J.G.G.* addressed summary removals and detention executed under the Alien Enemies Act ("AEA"), a

specialized wartime statutory scheme completely devoid of the sophisticated, jurisdiction-stripping provisions Congress enacted in Title 8. Unlike the statutory vacuum characterizing AEA detentions, detention under 8 U.S.C. § 1231 is bound by precise statutory constraints on judicial review, including §§ 1252(g) and 1252(b)(9), which explicitly bar challenges to discretionary enforcement actions. Courts within this Circuit have consistently maintained that procedural complaints regarding third-country removal parameters fall outside the scope of habeas jurisdiction notwithstanding *J.G.G.*, because such logistical grievances do not implicate the core fundamental legality of present custody under § 1231(a)(6). In short, *J.G.G.* did not construct a sweeping due process right to judicial oversight of intermediate third-country removal logistics, and it certainly did not override Congress's clear jurisdictional boundaries set forth in § 1252.

III. The Discovery Petitioner Seeks Is Irrelevant to Any Cognizable Habeas Claim

Even if jurisdiction and good cause existed, the discovery Petitioner seeks lacks any relevance to the sole determinative question under *Zadvydas*: whether removal is significantly likely in the reasonably foreseeable future. 533 U.S. at 701. The record conclusively demonstrates that ICE/ERO continues active efforts to repatriate Petitioner to Cuba, that Petitioner himself engineered the failure of two separate removal attempts to Mexico, and that ICE/ERO is actively finalizing removal to Rwanda that has provided formal diplomatic assurances. Scott Decl. II ¶¶ 10, 13, 17–18, 24.

Internal agency correspondence concerning diplomatic negotiations, intermediate travel document procedures, or alleged medical criteria do not alter the objective feasibility of removal. Nor is discovery relevant to the legality of the OSUP revocation itself, as such ancillary claims fall outside the narrow bounds of habeas review and do not alter the independent statutory validity of Petitioner's current custody under § 1231(a)(6).

IV. Discovery Would Be Futile

Even if Petitioner were granted every piece of discovery sought, none of it could alter the legal outcome of this proceeding. The record already establishes active, ongoing removal efforts to Cuba, two failed removal attempts to Mexico caused exclusively by Petitioner's non-compliance, and ongoing logistical execution under a valid third-country removal agreement. Petitioner presents nothing but speculation to rebut the foreseeability of his removal. Because Rule 6 does not authorize discovery that is futile, irrelevant, or aimed merely at delaying lawful statutory execution, Petitioner's motion must be denied.

CONCLUSION

Petitioner's motion for discovery should be denied. The discovery he seeks is jurisdictionally barred under 8 U.S.C. §§ 1252(b)(9) and 1252(g), irrelevant to the narrow *Zadvydas* inquiry, and unsupported by any showing of good cause under Rule 6. The record already demonstrates active, ongoing removal efforts to Cuba, Petitioner's own refusals that prevented removal to Mexico, and ICE/ERO's pursuit of repatriation under a newly adopted third-country removal agreement with Rwanda. Discovery would serve only to delay resolution and cannot affect the outcome. The motion should therefore be denied in full.

Respectfully submitted this 3rd day of August, 2026.

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