

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

JACOB IRE VIJANDRE,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 5:25-cv-136
	)	
WARDEN, FOLKSTON ICE	)	
PROCESSING CENTER,	)	
	)	
Respondent.	)	

**RESPONDENT'S ANSWER**

Warden-Respondent respectfully submits that Petitioner Jacob Ire Vijandre (A204-290-269) is a native and citizen of the Philippines who is lawfully detained by Immigration and Customs Enforcement ("ICE") at the Folkston D. Ray ICE Processing Center ("FDRIPC") under the authority of 8 U.S.C. § 1226(c)(1)(D). Respondent's Exhibit 1, White Declaration, ¶¶ 3, 7.

**Justiciability**

Petitioner's 28 U.S.C. § 2241 petition claims he is detained due to protected First Amendment activity. Petitioner's claims are procedurally barred by 8 U.S.C. § 1226(e).

**Hearing Transcripts/Recordings**

Neither the Warden of the FDRIPC nor the Department of Homeland Security possesses or has access to transcripts or recordings of the underlying immigration proceedings. Immigration hearings are recorded electronically by the Immigration Judge and are transcribed if an Immigration Judge's decision is appealed to the Board

of Immigration Appeals. Immigration Court Practice Manual § 4.10(a), (b). Master calendar, merits hearings, and detention reviews following a final order of removal are recorded as a matter of course. Arguments made in support of motions or applications, such as a motion for redetermination of bond status, however, are not required to be recorded, although Immigration Judges may record them at their discretion. *See* 8 C.F.R. § 1240.9; Immigration Court Practice Manual § 9.3(e)(3). Undersigned counsel contacted the Executive Office of Immigration Review and ICE regarding whether any recordings exist of hearings in the underlying immigration proceedings and learned the following hearings were recorded:

1. 10/21/2025 – initial master hearing
2. 11/03/2025 – custody redetermination hearing

**No Evidentiary Hearing Is Necessary**

Respondent submits there is no need for the Court to hold an evidentiary hearing. This § 2241 petition presents a legal dispute concerning a question of statutory interpretation that can and should be resolved absent an evidentiary hearing.

**Petitioner's Detention Is Lawful**

Petitioner is lawfully detained. He was admitted to the United States at Los Angeles, California, on September 25, 2011, and was detained by ICE on October 7, 2025. Exhibit 1, White Declaration, ¶¶ 4, 7. He is detained under the authority of 8 U.S.C. § 1226(c)(1)(D), which requires detention for aliens who have engaged in certain activities described in 8 U.S.C. § 1227(a)(4). *Id.*, ¶ 3. Petitioner has been

charged as being removable under 8 U.S.C. § 1227(a)(1)(B), which states that any alien is deportable if his documentation authorizing admission into the United States has been revoked. *Id.*, ¶ 6.

When an alien has engaged in activities described in 8 U.S.C. § 1227(a)(4), his detention is mandatory under 8 U.S.C. § 1226(c)(1). *See* 8 U.S.C. § 1226(c)(1) (“The Attorney General shall take into custody any alien” who is inadmissible under subsection (c)(1)(D), which incorporates § 1227(a)(4)). Petitioner has been found to have engaged in activities described in § 1227(a)(4). White Dec., ¶ 12; *see also* White Dec., Attachment N (IJ Order). Consequently, Petitioner’s detention during the pendency of his removal proceedings is lawful and in accordance with the INA.

Respondent reserves all available defenses in this matter to be asserted in a forthcoming motion to dismiss.

Respectfully submitted, this 5th day of November, 2025.

MARGARET E. HEAP  
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