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

JULIAN DAVID QUINTERO CORTES,	:	
	:	
Petitioner,	:	
	:	**Case No. 4:25-CV-360-CDL-AGH**
v.	:	**28 U.S.C. § 2241**
	:	
WARDEN, STEWART DETENTION CENTER,[1]	:	
	:	
Respondent.	:	

RESPONSE TO ORDER TO SHOW CAUSE

On November 5, 2025, Petitioner filed his Petition for Writ of Habeas Corpus ("Petition"). ECF No. 1. On November 7, 2025, the Court issued an Order for Respondent "to show cause within seven (7) days as to why [the Petition] should not be granted." ECF No. 4. The Order to Show Cause notes the Court's prior ruling in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025), concerning a challenge to detention pursuant to 8 U.S.C. § 1225(b)(2)(A). *Id.* Respondent now files this response to the Court's Order to Show Cause, showing that Petitioner's detention does not implicate the Court's decision in *J.A.M.* because he is not detained pursuant to 8 U.S.C. § 1225(b)(2)(A). Further, given that the Court has not yet ordered Respondent to respond to the Petition, Respondent respectfully requests twenty-one (21) days to file that response.

[1] In addition to the Warden of Stewart Detention Center, Petitioner also names officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents in his Petition. "[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

BACKGROUND

Petitioner is a native and citizen of Colombia who has been detained pursuant to 8 U.S.C. § 1225(b)(1) since October 11, 2025. Stephens Decl. ¶¶ 4, 10, 12.

On July 8, 2022, Petitioner was encountered by immigration officers less than 100 miles from the United States-Mexico border shortly after he unlawfully entered the United States without inspection or admission near San Luis, Arizona. *Id.* ¶ 4 & Ex. A. Petitioner was detained and placed into expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1) through service of a Form I-860 Notice and Order of Expedited Removal. *Id.* ¶ 5 & Ex. A. Petitioner claimed relief from removal and was referred for an interview to conduct an initial determination on his claim for relief. *Id.* ¶ 6 & Ex. A; *see* Pet. ¶ 1 ("Petitioner is an asylum-seeker . . . ."). On August 11, 2025, following the interview, Petitioner received a positive initial determination related to his claim for relief. Stephens Decl. ¶ 6 & Ex. C. On or about August 26, 2022, Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO") released Petitioner on parole. *Id.* ¶ 7.

On December 23, 2023, Petitioner was served with a Notice to Appear ("NTA") charging him with inadmissibility pursuant to (1) 8 U.S.C. § 1182(a)(6)(A)(i) based on his unlawful presence in the United States without admission, and (2) 8 U.S.C. § 1182(a)(7)(A)(i)(I) based on his lack of a valid entry document at the time of his application for admission. *Id.* ¶ 8 & Ex. B. On February 20, 2024, Petitioner filed his application for relief from removal with the immigration court. *Id.* ¶ 9; *see* Pet. ¶ 1 ("Petitioner is an asylum-seeker who has had his application for asylum pending since February 20, 2024.").

On October 11, 2025, immigration officers encountered Petitioner in Habersham County, Georgia in operation in conjunction with the Baldwin, Georgia Police Department. Stephens Decl.

¶ 10 & Ex. C. Petitioner re-entered ICE/ERO custody and was transferred to Stewart Detention Center. *Id.* ¶ 10. Petitioner's master hearing before an immigration judge is scheduled for November 21, 2025. *Id.* ¶ 11. ICE/ERO is presently removing Colombian nationals subject to final orders of removal to Colombia. *Id.* ¶ 13.

ARGUMENT

According to Petitioner, ICE/ERO claims to detain him pursuant to 8 U.S.C. § 1225(b)(2)(A) and the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado* 29 I. & N. Dec. 216 (B.I.A. 2025). Pet. ¶¶ 38-52. He argues that § 1225(b)(2)(A) does not apply and that he should be detained pursuant to 8 U.S.C. § 1226(a) which entitles him to a bond hearing.[2] *Id.* On November 7, 2025, the Court ordered Respondent to show cause why the Petition should not be granted pursuant to *J.A.M.*

Respondent respectfully shows the Court that Petitioner is not in the same factual situation as the petitioner in *J.A.M.* and that the Petition should not be granted pursuant to the ruling in that case. The issue in *J.A.M.* centered on a question of statutory interpretation regarding 8 U.S.C. §§ 1225(b)(2) and 1226(a) and whether noncitizens who have been present in the United States without admission—but who are not classified under 8 U.S.C. § 1225(b)(1)—can be subject to mandatory detention without a bond hearing under 8 U.S.C. § 1225(b)(2)(A). *J.A.M.*, 2025 WL

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[2] Petitioner also asserts that he "*may* have a colorable Eighth Amendment claim." Pet. ¶ 56 (emphasis added). Given that the Court's Order to Show Cause relies only on *J.A.M.*—which did not address any Eighth Amendment issues—Respondent has not addressed Petitioner's Eighth Amendment claim in this Response to the Order to Show Cause. To the extent the Court does not permit Respondent to file a separate response to the Petition, Petitioner's Eighth Amendment claim should be denied for four reasons: (1) conditions of confinement claims are not cognizable in habeas, *Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015) (per curiam); (2) Petitioner is not entitled to release based on a conditions of confinement claim, *Gomez v. United States*, 899 F.2d 1124, 1126 (11th Cir. 1990); (3) to the extent Petitioner attempts to raise a *Bivens* claim, it is not cognizable in this habeas proceeding, *S.C. v. Warden, Stewart Det. Ctr.*, No. 4:22-cv-159-CDL-MSH, 2023 WL 2534098, at *6 (M.D. Ga. Jan. 30, 2023); and (4) immigration detention without a bond hearing does not implicate the Eighth Amendment, *Carlson v. Landers*, 342 U.S. 524, 529 (1952).

3050094, at *2-5. Here, the Petition here does not pose this issue because Petitioner is detained pursuant to § 1225(b)(1) based on his initial encounter with immigration authorities and processing for expedited removal. *J.A.M.* did not address detention under § 1225(b)(1) at all, and its rationale does not govern Petitioner's detention here.

When Petitioner was first encountered, he was placed in expedited removal proceedings as authorized by 8 U.S.C. § 1225(b)(1)(A)(iii)(I) and the Department of Homeland Security's notice Designating Aliens for Expedited Removal, 69 Fed. Reg. 48877-01. Stephens Decl. ¶ 5 Indeed, the record of this encounter documents that Petitioner was "processed for Expedited Removal." Stephens Decl. Ex. A. After he claimed relief from removal, he was referred for an interview to conduct an initial determination regarding his claim for relief. Stephens Decl. ¶ 6; Stephens Decl. Ex. A ("Subject will be turned over to ICE/ERO custody pending an interview by an . . . Officer."); *see* 8 U.S.C. § 1225(b)(1)(A)(ii); *see also* Pet. ¶ 1 ("Petitioner is an asylum-seeker . . . ."). The record of Petitioner's most recent encounter documents Petitioner's interview and the officer's positive initial determination. Stephens Decl. Ex. C. After the interview resulted in a positive initial determination on his claim for relief, Petitioner's detention was mandatory—with the exception of parole—pending "further consideration" of his claim for relief from an IJ. *See* Stephens Decl. ¶ 6; 8 U.S.C. § 1225(b)(1)(B)(ii); *Matter of M.S.*, 27 I. & N. Dec. 509, 512 (A.G. 2019). ICE/ERO then exercised its discretion to release Petitioner on parole.[3] Stephens Decl. ¶ 7; *see* 8 U.S.C. § 1182(d)(5)(A).

After Petitioner was released on parole, ICE/ERO served Petitioner with the NTA to enable further consideration of Petitioner's claim for relief from removal by an IJ. Stephens Decl. ¶ 8 &

[3] Petitioner's release on parole did not constitute admission and did not affect Petitioner's status. 8 U.S.C. § 1182(d)(5)(A); *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018); *Sookhoo v. U.S. Attorney Gen.*, 596 F. App'x 771, 772-73 (11th Cir. 2015) (per curiam); *Jean v. Nelson*, 727 F.2d 957, 969 (11th Cir. 1984).

Ex. B; *see* 8 U.S.C. § 1225(b)(1)(B)(ii). Petitioner then filed his application for relief from removal with the IJ. Stephens Decl. ¶ 9; *see* Pet. ¶ 1 ("Petitioner is an asylum-seeker who has had his application for asylum pending since February 20, 2024."). When ICE/ERO re-detained Petitioner on October 11, 2025, Stephens Decl. ¶ 10 & Ex. C, he returned to the same posture of mandatory detention pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii).

Because § 1225(b)(1)—not (b)(2)—governs Petitioner's detention, the Court's decision in *J.A.M.* has no bearing on the question presented by the Petition. Petitioner is detained under an entirely different statutory provision than the one at issue in *J.A.M.* Accordingly, given that Petitioner is detained under a different authority—§ 1225(b)(1)—in response to Court's Order to Show Cause, the Petition should not be granted on the basis of *J.A.M.*

CONCLUSION

Because Petitioner is not detained pursuant to § 1225(b)(2)—the only issue at issue in *J.A.M.*—the Court should not grant the Petition pursuant to the Court's decision in that case. Furthermore, Respondent respectfully requests twenty-one (21) days to file a full response to the Petition.

Respectfully submitted this 14th day of November, 2025.

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