

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

M.C.H.L.,)	
)	
Petitioner,)	
)	
vs.)	CASE NO.:
)	4:25-CV-00329-WMR
)	
DARREN PIERCE, <i>in his official capacity as</i>)	
<i>Sheriff of Whitfield County Jail; and</i>)	
LADEON FRANCIS, <i>ICE Atlanta Field Office</i>)	
<i>Director; and TODD LYONS, in his official</i>)	
<i>capacity as Acting Director of Immigration and</i>)	
<i>Customs Enforcement; and</i>)	
KRISTI NOEM, <i>Secretary of Homeland Security</i>)	
And PAMELA BONDI, <i>U.S. Attorney General.</i>)	
)	
Respondents.)	
)	
_____)	

PETITIONER’S MOTION FOR ENTRY OF FINAL JUDGMENT
BASED ON EXISTING ORDER

Petitioner, by counsel, respectfully moves the Court to enter final judgment in her favor on the petition for writ of habeas corpus, consistent with this Court’s prior Order (ECF No. 23) granting relief and in light of the Eleventh Circuit’s subsequent published decision in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, ___ F.4th ___, 2026 WL 1243395 (11th Cir. May 6, 2026), which squarely affirms the statutory interpretation and jurisdictional conclusions this Court adopted. *See* Exhibit 1. In support, Petitioner states as follows:

I. PROCEDURAL POSTURE

On December 16, 2025, this Court issued an Order granting Petitioner's habeas petition to the extent of directing Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a)(2), after holding that: (a) The Court possessed subject-matter jurisdiction notwithstanding 8 U.S.C. §§ 1252(b)(9) and 1252(g); and (b) Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2), such that she is not subject to mandatory, no-bond detention and is entitled to an individualized bond hearing. See ECF No. 23 at, e.g., 6–9 (jurisdiction discussion), 13–16 (statutory analysis and ultimate conclusion that § 1226(a), not § 1225(b)(2), applies).

The Court granted the writ and ordered Respondents to provide Petitioner a bond hearing. ECF No. 23 at 15–16. The docket does not yet reflect entry of a separate final judgment under Federal Rule of Civil Procedure 58 resolving the habeas petition in Petitioner's favor.

Since that Order, the Eleventh Circuit has issued a precedential opinion in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, --- F.4th ---- (11th Cir. 2026), addressing materially indistinguishable statutory and jurisdictional questions concerning detention of unadmitted noncitizens located in the interior of the United States.

II. HERNANDEZ ALVAREZ CONFIRMS THIS COURT'S RULINGS

In *Hernandez Alvarez*, the Eleventh Circuit considered whether noncitizens who are “unadmitted” but apprehended within the interior of the United States are detained under 8 U.S.C. § 1225(b)(2)(A) (mandatory, no-bond detention) or under 8 U.S.C. § 1226(a) (discretionary detention with the possibility of bond).

The panel expressly rejected the Government’s new position that § 1225(b)(2)(A) covers all “unadmitted” noncitizens present in the United States, and instead held that § 1225(b)(2)(A) does not apply to present noncitizens who are not “seeking admission,” and that such individuals fall under § 1226(a). See, e.g. *Hernandez Alvarez*, slip op. at *13-*14 (holding that § 1225(b)(2)(A) “does not apply to Petitioners or to other present aliens not seeking admission” and emphasizing the statutory structure and context); slip op. at *14 (explaining that reading § 1225(b)(2)(A) to apply to all unadmitted aliens present in the country “would have real consequences for the broader statutory scheme, which cannot easily be reconciled with either the text of the INA or Supreme Court precedent”).

This Court, in ECF No. 23, used substantially the same reasoning to conclude that § 1225(b)(2) does not govern Petitioner’s detention and that § 1226(a) applies instead. See ECF No. 23 at 13-16 (whole-act rule, statutory framework of § 1225, focus on admission and inspection at or upon arrival, and conclusion that present interior noncitizens not actively seeking admission fall under § 1226(a)).

The Eleventh Circuit in *Hernandez Alvarez* also confirmed that habeas challenges to the legality of detention and to the availability of bond are not barred by 8 U.S.C. §§ 1252(b)(9) or 1252(g). See *Hernandez Alvarez*, slip op. at *4-*5 (discussing jurisdiction, confirming that habeas petitions challenging detention present a live controversy, and distinguishing cases in which relief is moot or barred). The Court followed and applied *Jennings v. Rodriguez*, 583 U.S. 281 (2018), just as this Court did in rejecting the Government's broad interpretation of § 1252(b)(9). Compare *Hernandez Alvarez*, slip op. at *4-*5 with ECF No. 23 at 6-8.

In short, *Hernandez Alvarez* squarely aligns with, and is now binding authority in support of, this Court's prior determinations that the Court has jurisdiction to adjudicate Petitioner's habeas challenge to her no-bond detention; and that Petitioner's detention is governed by § 1226(a), entitling her to an individualized bond determination rather than mandatory detention under § 1225(b)(2)(A).

III. REQUEST FOR ENTRY OF FINAL JUDGMENT

Federal Rule of Civil Procedure 58(a) provides that every judgment must be set out in a separate document, except in circumstances not applicable here. While the Court's prior Order at ECF No. 23 fully resolved the merits of the habeas petition and granted the relief requested (a bond hearing under § 1226(a)), a separate Rule 58 judgment does not yet appear on the docket.

Entry of a final judgment now is appropriate and warranted because the Court

has already decided the merits and granted habeas relief; and *Hernandez Alvarez* confirms that this Court's statutory and jurisdictional conclusions are correct under binding Eleventh Circuit precedent.

A separate judgment will clarify the final disposition of the petition, facilitate enforcement and any necessary appellate review, and prevent any suggestion that the case remains unresolved despite the existing grant of the writ.

To the extent Respondents might contend that *Hernandez Alvarez* somehow undermines or moots the need for judgment, that position is untenable. The Eleventh Circuit held that government appeals in these detention/bond cases are not moot because the court can still grant effective relief by reversing and allowing re-detention. *Hernandez Alvarez*, slip op. at *5. The same logic confirms that the grant of habeas relief and the entitlement to a bond hearing remain live and justiciable here, and are now reinforced by circuit precedent.

Because all substantive issues addressed by the Court in ECF No. 23 are now supported—not undercut—by *Hernandez Alvarez*, there is no need for further briefing or reconsideration. The only remaining step for complete resolution of the habeas petition is entry of a final judgment reflecting the relief already ordered.

IV. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

1. Enter a separate final judgment pursuant to Fed. R. Civ. P. 58 in favor of Petitioner and against Respondents, consistent with the Court's Order at ECF No. 23, specifically:
 - a. Declaring that Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2);
 - b. Granting the petition for writ of habeas corpus to the extent of requiring Respondents to provide Petitioner with an individualized bond hearing under § 1226(a)(2) and applicable regulations; and
 - c. Clarifying that the habeas petition is granted and closed with prejudice consistent with that relief (that Petitioner had received her bond hearing and was released pursuant to the bond determined at that hearing).
2. Declare that Petitioner is a prevailing party for purposes of the Equal Access to Justice Act, 28 U.S.C. § 2412, and may file any motion for attorney's fees and expenses under EAJA within the time provided by applicable law and rules; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 9th day of May, 2026.

/s/ Karen Weinstock

Karen Weinstock

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CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Local Rules 5.1 and 7.1(D), that the filing(s) filed herewith have been prepared using Book Antiqua, 13 point font.

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CERTIFICATE OF SERVICE

I certify that on May 9th, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

/s/ Karen Weinstock

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