

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

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M.C.H.L.,

Petitioner,

v.

DAVE ROBERSON, in his official  
capacity as Sheriff of Floyd County  
Detention Center, *et al.*,

Respondents.

Civil Action No.  
4:25-CV-00329-WMR

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**RESPONSE TO MOTION FOR JUDGMENT**

Petitioner M.C.H.L. petitioned this Court for a writ of habeas corpus last year. Five months ago, this Court granted the petition and issued M.C.H.L. the writ that she requested, at least in part. (The Court did not technically order M.C.H.L. released but did order that she be given a bond hearing in accordance with 8 U.S.C. § 1226(a).)

Petitioner now returns to request that the Court enter “a separate final judgment under Federal Rule of Civil Procedure 58 resolving the habeas petition in Petitioner’s favor.” (Doc. 26 at 2.) The trigger for this, Petitioner says, is that the Eleventh Circuit recently issued a decision resolving the underlying legal issue in her favor.

Respondents are confused by this request. This case is a habeas proceeding. It began when Petition petitioned for the writ (Doc. 1), and it ended when the Court partially granted the Petition (Doc. 23.) The relief available in a habeas proceeding is release from custody. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117 (2020); *Pierre v. United States*, 525 F.2d 933, 935-36 (5th Cir. 1976) (“Simply stated, habeas is not available to review questions unrelated to the cause of detention. Its sole function is to grant relief from unlawful imprisonment or custody and it cannot be used properly for any other purpose.”). A habeas proceeding comes with “streamlined procedures” meant solely to decide the legality of custody. *Mora v. Noem*, No. 2:26-CV-493, 2026 WL 1067044, at \*3 (M.D. Fla. Apr. 20, 2026).<sup>1</sup> Not to mention, the filing fee for a habeas case is only \$5 compared to \$405 for a typical civil case.

When the Court resolved the petition on December 16, 2025, Respondents understood this case to be over, and the U.S. Attorney’s Office closed its case file. When the Court issued its decision, the Court resolved all the necessary issues — or at least all the ones that could legitimately be brought in a habeas case. *See Pierre v. United States*, 525 F.2d 933, 935-36 (5th Cir. 1976) (“Simply stated, habeas

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<sup>1</sup> The rules for habeas case are found at <https://www.uscourts.gov/forms-rules/current-rules-practice-procedure/rules-governing-section-2254-and-section-2255-proceedings> (made applicable to a § 2241 case like this one via Rule 1(b)).

is not available to review questions unrelated to the cause of detention. Its sole function is to grant relief from unlawful imprisonment or custody and it cannot be used properly for any other purpose.”). Respondents fail to understand what further action the Court needs to take. The order on the Petition is the decision that Petitioner requested. If the order had aggrieved M.C.H.L., she could have sought to appeal the order under 28 U.S.C. § 2253 and Federal Rule of Appellate Procedure 22.

For these reasons, Respondents suggest that the Court deny the motion as unnecessary.

If the Court is inclined to issue further orders as Petition requests, then Respondents respectfully suggest that the Court should wait 90 days to see if the government petitions the Supreme Court to review the *Alvarez* decision. Review by the Supreme Court seems likely given that the Circuit Courts are sharply split, with two Circuits accepting the government’s argument (5th and 8th), two Circuits rejecting the government’s argument (2nd and 11th), and one Circuit issuing a split decision (7th).

Respectfully submitted,

THEODORE S. HERTZBERG  
*United States Attorney*

*s/ Anthony C. DeCinque*

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**CERTIFICATE OF COMPLIANCE**

I hereby certify, pursuant to Local Rule 7.1(D), that the above memorandum was prepared in 13-point, Book Antiqua font. Also, the Court granted ten additional pages for this pleading. (Doc. 23.)

*s/ Anthony C. DeCinque*

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ANTHONY C. DECINQUE

*Assistant United States Attorney*

**CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed using the Court's CM/ECF system, which will provide notice to all counsel of record.

This 11<sup>th</sup> day of May, 2025.

*s/ Anthony C. DeCinque*  
ANTHONY C. DECINQUE