

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, *in his official capacity as*)
Sheriff of Whitfield County Jail; and)
LADEON FRANCIS, *ICE Atlanta Field Office*)
Director; and TODD LYONS, in his official)
capacity as Acting Director of Immigration and)
Customs Enforcement; and)
KRISTI NOEM, *Secretary of Homeland Security*)
And PAMELA BONDI, *U.S. Attorney General.*)
)
Respondents.)
_____)

PETITIONER’S REPLY SUPPORTING RULE 58 JUDGMENT

Petitioner M.C.H.L. respectfully submits this Reply in support of her Motion for Entry of Final Judgment Based on Existing Order, ECF No. 26, and in response to Respondents’ opposition, ECF No. 27. Petitioner’s motion asks the Court to enter a separate final judgment reflecting the relief already granted in the Court’s December 16, 2025 Order: that Petitioner’s detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2), and that Respondents were required to provide an individualized bond hearing under § 1226(a)(2).

Petitioner does not seek to reopen or expand the habeas relief already granted. She withdraws only those aspects of her prior requests that have been satisfied (immediate bond hearing and immediate release) and seeks a Rule 58 judgment reflecting the existing merits ruling and narrowly tailored permanent relief consistent with that ruling.

Respondents do not identify any unresolved merits issue that would prevent entry of judgment. Instead, they contend that a separate judgment is unnecessary because the habeas case effectively ended when the Court granted relief, and alternatively ask the Court to wait 90 days to see whether the Government seeks Supreme Court review of *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, --- F.4th ---, 2026 WL 1243395 (11th Cir. May 6, 2026). Neither point supplies a legal basis to withhold judgment. Respondents identify no authority exempting a final habeas disposition from Rule 58's separate-judgment requirement, and no authority permitting delay of judgment based on a possible future certiorari petition.

I. RULE 58 REQUIRES ENTRY OF A SEPARATE FINAL JUDGMENT

Federal Rule of Civil Procedure 58(a) provides that every judgment and amended judgment must be set out in a separate document, except for specified categories of post-judgment or collateral motions not applicable to the adjudication of Petitioner's habeas petition. Rule 58 further permits a party to request that judgment be set out in a separate document as required by Rule 58(a).

The Court's December 16, 2025 Order resolved the operative merits issues necessary to dispose of the habeas petition: jurisdiction and the statutory basis for Petitioner's detention. Petitioner's motion states that the Court held it had subject-matter jurisdiction notwithstanding 8 U.S.C. §§ 1252(b)(9) and 1252(g), held that Petitioner's detention is governed by § 1226(a) rather than § 1225(b)(2), and granted the writ to the extent of ordering an individualized bond hearing under § 1226(a)(2). Those determinations leave no further merits issue to adjudicate before entry of final judgment.

Respondents' assertion that the case is already "over" supports, rather than defeats, entry of a separate judgment. Respondents state that the proceeding began with the petition and ended when the Court partially granted it, and they describe the Court's order as the decision Petitioner requested. If the Court's order ended the case by resolving the petition, Rule 58 supplies the required procedural step for memorializing that disposition in a separate judgment.

Nor does the habeas posture exempt this case from Rule 58. Habeas proceedings are civil in nature for purposes of judgment practice unless a specific rule provides otherwise. Respondents identify no habeas-specific rule that displaces Rule 58's separate-document requirement for a final order granting habeas relief. The requested judgment would not reopen the case, expand the writ, or convert the action into a different proceeding. It would simply record, in the form required by the Federal Rules, the final disposition and relief the Court has already ordered.

II. THE CASE REMAINS LIVE AND JUSTICIABLE

Entry of judgment is not defeated by Respondents' position that the Court has already granted the habeas relief ordered in ECF No. 23. Respondents themselves characterize the December 16, 2025 Order as the order that partially granted the petition and resolved the relief Petitioner requested. That is precisely why a separate judgment is appropriate: the merits have been resolved, and the judgment should now identify the final disposition and operative relief.

Nor does Petitioner's receipt of a bond hearing eliminate the need for final relief. The concrete possibility that Respondents may again attempt to justify custody under § 1225(b)(2)(A) during these same removal proceedings, particularly in light of their litigation position and their request for a 90-day delay,

preserves a live controversy over the statutory basis and permissible scope of her detention.

In *Hernandez Alvarez*, the Eleventh Circuit held that the Government's appeals were not moot even after the petitioners received bond hearings and were released, because reversal could authorize renewed detention. The same practical concern supports entry of judgment here: without a final judgment, the parties remain without a clear, enforceable final disposition memorializing that Petitioner's custody in these proceedings is governed by § 1226(a), not § 1225(b)(2).

Respondents' alternative request that the Court wait 90 days underscores that the controversy has ongoing consequences. Respondents ask the Court to delay further action to see whether the Government seeks Supreme Court review of *Hernandez Alvarez*, citing an asserted circuit split on the detention issue. That request confirms that Respondents continue to preserve the Government's contrary statutory position. Petitioner therefore seeks a final judgment that prevents renewed reliance on § 1225(b)(2)(A) against her in these proceedings and any future custody attempt based on the same statutory theory that the Eleventh Circuit has now squarely rejected.

III. HERNANDEZ ALVAREZ CONFIRMS ENTRY OF JUDGMENT NOW IS PROPER

The Eleventh Circuit's decision in *Hernandez Alvarez* confirms that the Court's prior ruling should be reduced to a separate final judgment now. There, the Eleventh Circuit rejected the Government's position that § 1225(b)(2)(A) mandates no-bond detention for unadmitted noncitizens apprehended in the interior who are not seeking admission, and affirmed habeas relief requiring bond proceedings under § 1226(a). The court held that § 1225(b)(2)(A) did not apply to the petitioners and that their detention was instead governed by § 1226(a).

That holding aligns with the relief Petitioner requested in ECF No. 26: entry of a separate judgment reflecting that her detention is governed by § 1226(a), not § 1225(b)(2), and that Respondents were required to provide an individualized bond hearing. It also confirms that the judgment Petitioner seeks would not announce a new rule or reopen the merits. It would memorialize this Court's existing ruling in a form consistent with binding Eleventh Circuit authority.

Respondents' request to wait 90 days for possible Supreme Court review supplies no basis to withhold judgment. Respondents identify only the possibility that the Government may petition for review of *Hernandez Alvarez*. A possible future petition does not alter the present binding effect of Eleventh Circuit precedent in this Court. If Respondents believe future appellate developments warrant a stay or modification, they may seek appropriate relief under the

governing standards. But Rule 58 judgment should not be delayed merely because a different case may later be presented for further review.

IV. REQUESTED FINAL RELIEF, INCLUDING PERMANENT INJUNCTIVE RELIEF

Petitioner respectfully requests that the separate judgment include relief tied to the Court's existing merits ruling and the habeas relief already granted. The judgment should state that Petitioner's detention in the removal proceedings at issue is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), and that Respondents were required to provide Petitioner an individualized bond hearing under § 1226(a)(2) and applicable regulations.

The judgment should also acknowledge that the Court granted the writ to that extent and that Respondents have provided the bond-hearing relief ordered by the Court. That language would not expand the prior order; it would identify the final disposition and operative consequence of the Court's ruling.

To the extent necessary to give full effect to that judgment, Petitioner further requests narrow individualized injunctive relief prohibiting Respondents, their officers, agents, employees, successors, and persons acting in concert with them from reapplying 8 U.S.C. § 1225(b)(2)(A) to detain Petitioner in connection with the removal proceedings at issue, or in any future custody determination arising from those proceedings, based on the same statutory theory rejected by this Court

and by the Eleventh Circuit in *Hernandez Alvarez*. The injunction should make clear that any future immigration detention of Petitioner arising from these proceedings must proceed, if at all, under 8 U.S.C. § 1226(a) and applicable regulations, unless some other lawful detention authority not adjudicated here applies.

V. CONCLUSION AND PRAYER FOR RELIEF

For these reasons, Petitioner respectfully requests that the Court grant ECF No. 26, reject Respondents' request to delay judgment, and enter a separate final judgment under Federal Rule of Civil Procedure 58. The judgment should reflect that the petition is granted in part; that Petitioner's detention in the removal proceedings at issue is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A); that Respondents were required to provide an individualized bond hearing under § 1226(a)(2) and applicable regulations; and that Respondents may not reapply § 1225(b)(2)(A) to Petitioner in connection with these proceedings based on the same statutory theory rejected in this case. Petitioner further requests such other and further relief as the Court deems just and proper.

Respectfully submitted this 16th day of May, 2026.

/s/ 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 16th, 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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