

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

JAIME NOEL LEMUS BERGANZA,

Petitioner,

v.

WARDEN, STEWART DETENTION
CENTER,

Respondent.

Case No. 4:25-CV-400-CDL-AGH

28 U.S.C. § 2241

**NOTICE OF PARTIAL WITHDRAWAL AND SUPPLEMENTAL RESPONSE TO
SHOW CAUSE ORDER**

As part of his response to the Court's order to show cause, Respondent moved to dismiss or, in the alternative, to stay this matter due Petitioner's membership in a Fed. R. Civ. P. 23(b)(2) class in a then-pending class action. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873 (C.D. Cal.). On December 18, 2025, however, the *Maldonado Bautista* court entered a final judgment in favor of the class. *Id.* at ECF No. 94. Because there is now a final judgment in *Maldonado Bautista*, Respondent respectfully withdraws the request to dismiss or stay this action during the pendency of that case.¹

¹ Respondent believes the *Maldonado Bautista* decision was wrongly decided on the merits for the same reasons Respondent has previously argued in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH, Resp. (M.D. Ga. Oct. 31, 2025), ECF No. 11.

In further response to the Court's show cause order, Respondent notes that he argued in footnote 2 of his motion to dismiss that Petitioner's claim should be dismissed for lack of jurisdiction and on the merits, incorporating the arguments that this Court rejected in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH, Resp. (M.D. Ga. Oct. 31, 2025), ECF No. 11. But Respondent acknowledges this Court's prior rulings in *J.A.M.* and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025), concerning similar challenges to the detention authority at issue in this case, and concedes that those holdings would control the result in this case should the Court adhere to its prior legal reasoning.

Respectfully submitted this 2nd day of January, 2026.

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