

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

ELIEZER ANDRES ROBLES FIGUEROA,)

Petitioner,)

v.)

WARDEN of Stewart Detention Center;)
KRISTIN SULLIVAN, Acting Director,)
Immigration and Customs Enforcement)
and Removal Operations (“ICE/ERO”))
Field Office, Atlanta;)
KRISTI NOEM, Secretary of the)
Department of Homeland Security (“DHS”);)
and PAMELA BONDI, Attorney General)
of the United States,)
in their official capacities,)

Respondents.)
_____)

Case No. 4:25-cv-470

**APPLICATION FOR
ISSUANCE OF ORDER TO
SHOW CAUSE**

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court “forthwith” issue an order directing Respondents to show cause why the Petition for a Writ of Habeas Corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

2. Petitioner challenges his illegal detention at the Stewart Detention Center in Stewart, Georgia, where he has been held since July 8, 2025. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

3. On or about October 7, 2025, U.S. Immigration and Customs Enforcement (“ICE”) detained Petitioner. Petitioner had appeared for a routine check-in with the Intensive Supervision Appearance Program (“ISAP”), including compliance with electronic monitoring requirements. After completing the appointment and departing the facility, ICE contacted Petitioner that same day and instructed him to return. Petitioner voluntarily complied and returned to the ISAP office. ICE immediately took him into custody. Petitioner has lived in the interior of the U.S. since 2021, and has a pending asylum application, Form I-589. *See id.* He has twice been denied a bond hearing on the basis of the immigration judge’s “lack of jurisdiction” pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See id.* He continues to be detained without any individualized finding as to flight risk or danger to the community. *See id.*

4. Petitioner asserts in his Petition that (1) his Fifth Amendment right to due process of law was violated when the Respondents subjected him to mandatory

detention with no individualized hearing; (2) the Respondents' actions violated both the Immigration and Nationality Act and the Administrative Procedure Act when they detained him under 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226(a); and (3) the Respondents' actions in denying Petitioner an individualized bond hearing for the second time violated the recent nationwide injunction in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025).

5. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

6. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”

7. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”

8. In addition, Section 2243 states that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

9. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within 3 days after Respondents file the return.

10. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the unlawful deprivation of his physical liberty and his lack of ability to see his family.

11. Based on this Court’s prior rulings in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-343-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025)., Petitioner is entitled to a bond hearing, as his detention is properly governed by 8 U.S.C. §

1226(a). Because the Immigration Court has twice declined to provide him with a bond hearing, he continues to be unlawfully held in detention.

14. Petitioner respectfully requests that this Court immediately issue an Order to Show Cause against the Respondents.

/s/ Brittany S. Pierce

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