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

R.R.C., *et al.*, Petitioners, v. JASON STREEVAL, *et al.*, Respondents.	Civil Action No.: 4:25-cv-00525 4:26-cv-00163 4:26-cv-00073 4:26-cv-00098 4:25-cv-00527 4:26-cv-00076 4:26-cv-00176 4:26-cv-00225 4:26-cv-00249 4:26-cv-00266 4:26-cv-00271

RESPONSE TO MOTION FOR DISCOVERY

In this consolidated action, the Court ordered Respondents to provide each Petitioner "with a bond hearing to determine if the Petitioner may be released on bond under § 1226(a)(2) and the applicable regulations. *See* 8 C.F.R. §§ 236.1 & 1236.1." ECF No. 9.[1] Petitioners all received a bond hearing pursuant to the Court's orders.

Several weeks later, however, and before pursuing relief with the Board of Immigration Appeals (BIA), Petitioners all filed motions to enforce, arguing that their bond hearings did not comply with the Court's orders in their cases. More specifically,

[1] Unless otherwise noted, citations are to the lead case, *R.R.C. v. Streeval, et al.*, 4:25-cv-525.

Petitioners claim that they were improperly denied bond because the Immigration Judges who heard their cases failed to conduct an individualized assessment of their circumstances. *See generally* ECF No. 11. Some Petitioners claim, without any evidence, that some, most, or all Immigration Judges were directed during a conference call with an unnamed representative from the Executive Office for Immigration Review (EOIR) to deny bonds in all cases, especially those where a federal district court ordered a bond hearing following a habeas grant. *See, e.g.*, 4:25-cv-527, ECF No. 8 at 3.

The Court convened a hearing on Petitioners' motions on February 23, 2026. ECF No. 16. The hearing lasted approximately two hours and covered several topics, but primarily focused on whether the Court has jurisdiction to hear Petitioners' claims and whether Petitioners should instead pursue relief with the BIA. During the last fifteen minutes of the hearing, Petitioners' counsel raised—for the very first time in any of cases that were consolidated—the prospect of pursuing discovery from Respondents. Respondents opposed discovery, but the Court allowed Petitioners the opportunity to file a motion explaining why they believe they are entitled to discovery and the proposed scope of any discovery. Petitioners filed their motion for discovery on March 5, 2026. ECF No. 21.

Petitioners are not entitled to discovery. Discovery is disfavored in habeas proceedings and Petitioners have not shown good cause for even a fragment of the documents and materials they now request. The vast majority of the requested discovery is irrelevant, overbroad, vague, unduly burdensome, or otherwise privileged and bears little—if any—relationship to the grounds for relief raised in the motions to enforce.

Moreover, even if the Court were to allow some limited discovery, the Court would still be barred by 8 U.S.C. §§ 1226(e) and 1252(a)(2)(B)(ii) from using that discovery to review the Attorney General's discretionary decision to deny bond to Petitioners in the hearings ordered by the Court and provided by Respondents. Accordingly, for these reasons and as set forth more fully below, Petitioners' motion for discovery should be denied.

ARGUMENT

I. Petitioners have not met their burden of demonstrating that they are entitled to discovery.

Contrary to the claims in their motion, Petitioners seek an extraordinarily broad assortment of documents, written and oral/audio communications, and deposition testimony from the Department of Homeland Security, Immigration and Customs Enforcement (DHS/ICE) and EOIR. The overwhelming majority of the requested discovery is in pursuit of Petitioners' claim that someone at EOIR, during some purported conference call, instructed some Immigration Judges to deny bond in cases in which district court judges ordered bond hearings under 8 U.S.C. § 1226(a). But Petitioners fail to show they are entitled to discovery at all.

A habeas petitioner, "unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). The broad discovery provisions of the Federal Rules of Civil Procedure do not apply in habeas proceedings. Rather, "[p]roceedings in [8 U.S.C.] § 2241 petitions are governed by the Rules Governing Section 2254 Cases in the United States District Courts[.]" *Annamalai*

v. Warden, 760 F. App'x 843, 849 (11th Cir. 2019). Habeas Rules 6(a) & (b) are relevant to this case and provide:

> (a) Leave of Court Required. A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery. If necessary for effective discovery, the judge must appoint an attorney for a petitioner who qualifies to have counsel appointed under 18 U.S.C. § 3006A.
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> (b) Requesting Discovery. A party requesting discovery must provide reasons for the request. The request must also include any proposed interrogatories and requests for admission, and must specify any requested documents.

In short, Rule 6(a) authorizes discovery only upon a showing of "good cause." *See* Rule 6 (a); *see also Estrada v. United States*, No. 1:14-cv-1897, 2017 WL 9049870 (N.D. Ga. Feb. 24, 2017). "Good cause" within the meaning of Rule 6(a) exists only "where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that [she] is … entitled to relief." *Bracy*, 520 U.S. at 904.

Good cause for discovery "cannot arise from mere speculation" and "cannot be ordered on the basis of pure hypothesis." *Arthur v. Allen*, 459 F.3d 1310, 1311 (11th Cir. 2006) (upholding the district court's finding that no good cause existed for discovery in habeas matter). "[B]ald assertions" or "conclusory allegations" also do not show good cause. *Stanford v. Parker*, 266 F.3d 442, 460 (6th Cir. 2001); *see also Williams v. Bagley*, 380 F.3d 932, 974 (6th Cir. 2004). And Rule 6(a) does not license a petitioner "to engage in a 'fishing expedition' by seeking documents 'merely to determine whether the requested items contain any grounds that might support his petition, and not because the

documents actually advance his claims of error." *Pizzuti v. United States*, 809 F. Supp. 2d 164, 176 (S.D.N.Y. 1998) (quoting *Charles v. Artuz*, 21 F. Supp. 2d 168, 169 (E.D.N.Y. 1998)); *see Williams*, 380 F.3d at 974 (stating that Rule 6(a) does not "sanction fishing expeditions based on a petitioner's conclusory allegations."); *Calderon v. U.S. Dist. Court N.D. Cal.*, 98 F.3d 1102, 1106 (9th Cir. 1996) ("[C]ourts should not allow prisoners to use federal discovery for fishing expeditions to investigate mere speculation."). The burden rests with Petitioners to establish good cause for the requested discovery. *See Johnson v. Mitchell*, 585 F.3d 923, 934 (6th Cir. 2009) (stating that the burden is on the habeas petitioner to demonstrate that he warrants discovery); *Edwards v. Superintendent, Southport C.F.*, 991 F. Supp. 2d 348, 364 (E.D.N.Y. 2013) ("A petitioner bears a heavy burden in establishing a right to discovery.").

The question before the Court is relatively narrow and straightforward: did the 10 Petitioners whose cases have been consolidated receive a bond hearing as ordered by the Court? Petitioners were all detained at Stewart Detention Center and all proceeded through Immigration Court and had their bond hearings conducted by Immigration Judges at Stewart Detention Center. In order to obtain relief, then, Petitioners ask this Court to review what happened at their bond hearings—presumably with the benefit of discovery—and make that judgment call. This context is important given Petitioners' reliance on a recent case from this Court where narrow pre-judgment jurisdictional discovery was permitted.

In *E.D.Q.C. v. Warden, Stewart Detention Center*, 789 F. Supp. 3d 1234 (M.D. Ga. 2025), the petitioner alleged that he was improperly transported to El Salvador "at the

request and expense of" the government. 789 F. Supp. 3d at 1238. As relief, the petitioner sought immediate release from the United States' custody and prompt return and release into the United States. *Id.* The government respondents moved to dismiss the petition, arguing, among other things, that the Court lacked jurisdiction and could not grant meaningful relief because the petitioner was in El Salvador and no longer in the United States' custody. *Id.* at 1238-39. Before addressing whether discovery was appropriate, the Court first found that the petitioner's claims were not barred by a jurisdictional bar in the INA—8 U.S.C. § 1252(a)(5). *Id.* at 1239-41. Then—and only then—the Court decided that some discovery was necessary to resolve the issue of constructive custody. *Id.* at 1241.[2]

E.D.Q.C. is inapposite. That case presented in an entirely different procedural posture and the discovery was necessary to resolving an unrelated but dispositive question. Here, the Court has already granted in part Petitioners' habeas petitions and judgment has been entered to that effect. They nonetheless seek expansive discovery into issues entirely unrelated to the relief they are seeking through their motions to enforce. For example, they seek emails from a collection of high-ranking EOIR officials concerning *Maldonado-Bautista*, a case out of the Central District of California that has absolutely no bearing on Petitioners' habeas petitions (which have already been granted) or the salient question of whether Petitioners received a bond hearing in compliance with this Court's orders. ECF No. 21 at 10. While such information may be helpful to Petitioners' counsel

[2] The Magistrate Judge's order granting discovery in *E.D.Q.C.* was later stayed pending appeal, but the case was ultimately dismissed as moot prior to any discovery being ordered or produced.

in other habeas cases they are litigating around the country, it is irrelevant in this consolidated action. *See Malam v. Adducci*, No. 20-10829, 2020 WL 12739427, *3 (E.D. Mich. Aug. 4, 2020) (rejecting noncitizens' discovery request for "information about how ICE uses alternatives to detention and how COVID-19 has impacted the use of such alternatives" because "[w]hether and how Defendant ICE utilizes alternatives to detention is not relevant to Plaintiffs' current conditions of confinement.")

Similarly, Petitioners seek call logs, phone records, and other electronically stored communications from EOIR officials concerning some purported "guidance" they claim was provided to IJs to deny bonds. ECF No. 21 at 12. And they don't even limit their discovery requests to conduct that occurred at Stewart Detention Center, where Petitioners are detained and where their bond proceedings were held. ECF No. 21 at 12-13. The sprawling breadth of these requests highlights the speculative nature of Petitioners' claims to relief. *See Abdi v. Duke*, 292 F. Supp. 3d 592, 594-95 (W.D.N.Y. 2017) (rejecting non-citizens' discovery request for "[a]ll communications since January 1, 2017, concerning policies, practices, guidance, or instructions, both formal and informal, about the parole of asylum–seekers at ICE's Buffalo Field Office" as "Petitioners' generalized claims regarding the possible relevancy of these communications do not establish the requisite 'good cause' to warrant court-sanctioned discovery.").

Petitioners are clearly fishing for information that supports their conspiracy theory, but such expeditions are not permitted under Rule 6(a) and cannot serve as a basis for the "good cause" required to permit discovery in this consolidated habeas action. Their requests are based entirely on speculation about what alleged documents,

communications, and other materials may exist and what, if anything, they may reveal. In Petitioners' counsel's initial email to counsel for Respondents in which this issue was raised for the first time, Petitioners' counsel asserted that a "trusted source" relayed information to them about the purported conference call during which these instructions were given to immigration judges. *See* Email dated February 1, 2026, attached as Exhibit A.

Critically, however, to date, no such evidence from this trusted source has been provided to the Court or to Respondents. Indeed, the only direct evidence in the record on this question is the February 22, 2026 declaration from EOIR Director Daren K. Margolin, which debunks Petitioners' theory: "There has been absolutely no formal or informal policy guidance issued within EOIR directing immigration judges to deny bond in bond hearings that were ordered by United States district judges." ECF No. 15-1. Moreover, policy memoranda disseminated within EOIR by the Office of the EOIR Director from June and August 2025 expressly reminded "Immigration Judges of their ethical and professional responsibility obligations to treat *both* parties in a neutral, unbiased, and impartial manner." *See* June 27, 2025 Policy Memorandum titled *Neutrality and Impartiality in Immigration Court Proceedings*, attached hereto as Exhibit B; *see also* August 22, 2025 Policy Memorandum titled *Adjudicator Independence and Impartiality*, attached hereto as Exhibit C.

Furthermore, and contrary to Petitioners' allegations and supporting documents, including sworn testimony from Petitioners' counsel and a witness at the February 23, 2026 hearing, Immigration Judges at Stewart Detention Center, including IJs Bianca

Brown and Jessica Harness, have continued granting reasonable bonds during the entire timeframe covered by Petitioners' theory. *See* Bond Orders from Stewart Detention Center, attached hereto as Exhibit D. Petitioners have not shown good cause under Rule 6(a).

Finally, before even addressing whether Petitioners have cleared the "good cause" hurdle (they have not), the Court must first determine that it has jurisdiction to undertake the review that Petitioners insist is warranted. *See E.D.Q.C.*, 789 F. Supp. 3d at 1241. But as set forth more fully in Respondents' Response to Petitioners' Motions to Enforce and Supplemental Brief, which is being filed contemporaneously with this response, the Court lacks jurisdiction to review the Attorney General's discretionary decision to deny bond in Petitioners' cases. Even armed with some or all of the discovery that Petitioners seek, §§ 1226(e) and 1252(a)(2)(B)(ii) still apply to bar this Court from conducting the requested review. No matter how Petitioners frame the relief they seek in their motions, at its core they are asking this Court to review and reverse what happened at their individual bond hearings. But "Congress sought to forbid review of the Attorney General's actions and decisions in individual proceedings." *Miranda v. Garland*, 34 F.4th 338, 353 (4th Cir. 2022) (citing 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8)).

"Good cause" within the meaning of Rule 6(a) exists only "where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that [she] is … entitled to relief." *See Bracy*, 520 U.S. at 904. Given the jurisdictional bars to their underlying claims for relief, Petitioners

have not shown good cause pursuant to Rule 6(a), and their motion for discovery should be denied.

II. The discovery Petitioners request is irrelevant, overbroad, overly burdensome, vague, and covers privileged materials.

To the extent that this Court determines that some limited discovery is warranted, it should be severely curtailed. The discovery Petitioners seek is irrelevant, overly broad, vague, unduly burdensome, and covers classified and privileged materials. *See* Fed. R. Civ. P. 26(b)(1); *see also United States v. Reynolds*, 345 U.S. 1 (1953); *U.S. Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8-9 (2001); *F.T.C. v. Grolier Inc.*, 462 U.S. 19, 20 (1983).

First, much of the discovery sought by Petitioners is wholly irrelevant to the question of whether the bond hearings Petitioners received complied with this Court's orders. Any discovery ordered should be solely and strictly related to this narrow question. And any discovery not related to Petitioners or Stewart Detention Center and not narrowly tailored to the question of whether Petitioners' specific bond hearings complied with this Court's orders should be rejected and excluded from discovery. *See* Fed. R. Civ. P. 26(b)(1).

Second, the majority of the requested discovery is plainly overbroad and outside the scope of pertinent facts related to the only question before the Court. For example, from EOIR alone, Petitioners seek an array of documents and other materials related to: the Central District of California's decision in *Maldonado-Bautista*, a case that has no bearing whatsoever on any of Petitioners' cases at this procedural posture; documents

related to the threshold question this Court already resolved in *J.A.M.*, regarding whether Petitioners are subject to detention under § 1225(b)(2)(A) or § 1226(a); jurisdiction to conduct bond hearings after district court habeas grants; *Rios Vega* and contempt warnings; bond outcome data from Immigration Judges who work out of Folkston Detention Center and the Atlanta Immigration Court and who were not involved in Petitioners' cases; and bond outcome data related to bonds denied on the bases of lack of jurisdiction or detainees' criminal histories, issues not relevant to Petitioners' bond denials. ECF No. 21 at 10-13. They also seek open-ended depositions, under Federal Rules of Civil Procedure 26 and 30(b)(6), covering areas "including," but presumably not limited to, the above immaterial topics. ECF No. 21 at 14. None of the topics listed above are relevant to the narrow question raised in Petitioners' motions to enforce.

From DHS/ICE, Petitioners seek similarly untethered information related to, among other things: guidance ICE uses in making custody determinations; ICE documents related to whether to detain non-citizens under § 1225(b) or 1226(a); guidance regarding detaining non-citizens without a warrant; alternative to detention programs; and risk assessment tools and other guidance provided to ICE attorneys for use in bond proceedings. ECF No. 21 at 15-17. They also seek depositions on these and other topics. ECF No. 21 at 16. But DHS's and ICE's conduct is not at issue at this late stage of the case. Petitioners' motions to enforce focus solely on the alleged conduct of Immigration Judges, who fall under the purview of EOIR not DHS/ICE. There has been no allegation to date that the attorneys representing DHS/ICE in Immigration Court during Petitioners' individual bond hearings did anything improper. The Court should reject Petitioners'

invitation to order such a broad and irrelevant scope of discovery where the only issue to be decided is whether the bond hearings Petitioners received complied with this Court's orders.

Additionally, much of the requested discovery is vague and would be overly burdensome for Respondents to produce. Petitioners' requests for production of documents would necessitate extensive searches of numerous custodians' workspaces using search terms developed specifically for the scope of the ordered discovery as it pertains to Petitioners. As requested, Petitioners' desired discovery would require coordination among several Executive Branch agencies, including review by each agency and interagency review for privileges and protection of privileged and sensitive documents.[3] Without limiting the scope of the requested discovery, Petitioners' request would amount to hundreds, if not thousands, of hours of collection and review prior to production. For a case in which Petitioners claim that time is of the essence—such that it would be futile to exhaust their administrative remedies with the BIA—they request discovery that would take months to compile, review, and produce, in and of itself.

Respondents have already provided recordings of the relevant bond hearings for the Court. And they have now provided direct evidence debunking Petitioners' claims that (a) since some date in late January **no** reasonable bonds have been granted, and (b) EOIR directed Immigration Judges to deny bonds in cases where bond hearings were

[3] Nearly all of Petitioners' requested discovery implicates a variety of different privileges that Respondents may be required to invoke. The privileges and other protections that likely cover broad swaths of the information Petitioners seek include, but are not limited to, attorney-client privilege, attorney work product privilege, deliberative process privilege, and the Privacy Act.

ordered by district court judges. In sum, to the extent the Court determines that discovery is necessary, it should require a significant narrowing of the scope of requested discovery to include only information relevant to the narrow factual question of whether Petitioners'—and only Petitioners'—bond hearings complied with § 1226(a).

III. Petitioners' request for an expedited timeline is unreasonable.

Petitioners' request that discovery be provided on an "expedited" timeline is entirely unreasonable, especially considering the overly broad, irrelevant, and vague scope of the discovery requested. As discussed above, any discovery—but particularly Petitioners' requested discovery—will require the production of documents under new search terms, with different custodians, and possibly different timeframes. Creating relevant search terms with quality control for usefulness, finding and loading all potentially responsive documents into a review platform, and conducting an entirely new round of agency and interagency review amounts to a significant amount of work for both undersigned counsel and their agency partners, likely requiring hundreds if not thousands of hours by multiple individuals at multiple Executive agencies. Such a process is simply not workable and would impose a substantial and unwarranted burden on Respondents.

Relatedly, the burden of preparing witnesses for depositions under Fed. R. Civ. P. 30(b)(6), such as those proposed by Petitioners, is the work of multiple weeks or months. This is particularly true here where the scope of the proposed deposition topics is broad—notably unbound to the narrow question left for the Court to decide. Petitioners' requests

for *multiple* of such depositions from *multiple* agencies is not workable on an expedited timeline.

CONCLUSION

The Court should deny Petitioners' motion for discovery. To the extent the Court determines that limited discovery tailored to the factual question of whether Petitioners' bond hearings complied with the Court's orders is necessary, the Court should require that any requested discovery not exceed that narrow scope and deny Petitioners' request that discovery be completed on an expedited basis. Further, rather than order unnecessary discovery, this Court should deny Petitioners' motions to enforce for lack of jurisdiction.

Respectfully submitted this 13th day of March, 2026.

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