

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

**MILEIDYS ZAMARA AGUIAR  
HERNANDEZ,**

**Petitioner,**

**v.**

**WARDEN, STEWART DETENTION  
CENTER,<sup>1</sup>**

**Respondent.**

**Case No. 4:25-cv-0527-CDL-ALS**

**ABBREVIATED RESPONSE TO PETITION**

On December 30, 2025, Petitioner filed a petition for a writ of habeas corpus (“Petition”) claiming, among other things, that she is wrongfully detained because her removal proceedings have been terminated. Pet. 1-6, ECF No.1. Subsequent developments have occurred following the filing of the Petition such that, as of the date of this filing, Petitioner is again in removal proceedings pursuant to INA § 240 (8 U.S.C. § 1229a) and is held under mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A). Declaration of Kirk Scott (“Scott Decl.”) ¶¶ 4-12.<sup>2</sup>

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<sup>1</sup> In addition to the Warden of Stewart Detention Center, Petitioner also names officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents in his Petition. “[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

<sup>2</sup> Petitioner was originally in traditional removal proceedings under INA § 240, but those proceedings were terminated on motion of the Department of Homeland Security, because it determined that Petitioner was eligible for expedited removal. Scott Decl. ¶ 6. Subsequent to the termination of the § 240 proceedings,

Therefore, Petitioner's circumstance is not meaningfully distinguishable from that of the petitioners in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025).

Respondent acknowledges this Court's prior rulings in *J.A.M.* and *P.R.S.*, concerning similar challenges to the detention authority at issue in this case, which would control the result in this case should the Court adhere to its legal reasoning in those prior decisions. Should the Court determine that § 1226(a) governs Petitioner's detention, the only appropriate remedy is a bond hearing before an immigration judge, during which an immigration judge can properly determine in the first instance whether Petitioner is a flight risk or danger to the community. *See J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH, Order 15 (M.D. Ga. Oct. 31, 2025), ECF No. 12. Respondent reserves all rights, including the right to appeal, and reasserts the arguments raised in response to the petitions at issue in *J.A.M.* and *P.R.S.* by reference herein. Respondent submits this abbreviated response in lieu of an exhaustive responsive brief to preserve the legal issues and to conserve the resources of the Court and the parties. Should the Court prefer to receive a more exhaustive response brief, Respondent respectfully requests leave to file such a brief and will do so upon the Court's request.

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Petitioner was detained and placed in expedited removal proceedings. *Id.* ¶¶ 7-8. It was later determined that expedited removal was not appropriate for Petitioner, and Immigration and Customs Enforcement ("ICE") / Enforcement and Removal Operations ("ERO") issued Petitioner a new Notice to Appear, reinstating removal proceedings under INA § 240. *Id.* ¶ 10. Thus, Petitioner is in a similar posture to other detainees who are detained as applicants for admission under 8 U.S.C. § 1225(b)(2)(A). *Id.* ¶ 12.

Respectfully submitted this 21st day of January, 2026.

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