

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

DAVID SALAZAR-DELGADO,

Petitioner,

v.

WARDEN, STEWART DETENTION
CENTER,

Respondent.

Case No. 4:25-cv-00529-CDL-CHW

**ABBREVIATED RESPONSE TO PETITION
AND RESPONSE TO ORDER TO SHOW CAUSE**

On December 30, 2025, Petitioner filed a petition for a writ of habeas corpus ("Petition") claiming, among other things, that he is not subject to mandatory pre-final order of removal detention pursuant to 8 U.S.C. § 1225(b)(2)(A). ECF No. 1. On December 31, 2025, the Court issued an Order to Show Cause directing Respondent to show cause within seven days why the Petition should not be granted in light of the Court's ruling in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH (M.D. Ga. Nov. 1, 2025). ECF No. 3.

Respondent acknowledges this Court's prior ruling in *J.A.M.* concerning a similar challenge 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 that prior decision. 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 (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 petition at issue in *J.A.M.* by reference herein.¹ 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.

Respectfully submitted this 7th day of January, 2026.

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¹ Respondent notes that Petitioner appears to fall within the certified non-opt out class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Given the uncertainty surrounding the effect, if any, of the respondents' recently filed notice of appeal in that case, however, Respondent contends that the relief granted in *Maldonado Bautista* does not present an appropriate or efficient basis on which to adjudicate this case.