

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

RUBEN ENRIQUE RAMIREZ ROMERO, )

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. 4:26-cv-00018

**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 December 15, 2025. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

3. On or about December 15, 2025, U.S. Immigration and Customs Enforcement (“ICE”) detained Petitioner. Petitioner had appeared for a routine ICE check-in with counsel, who provided the ICE officer with proof of his pending asylum application with USCIS. Counsel also informed the officer that they’d been waiting for the NTA to be docketed for a long time, but OPLA had failed to file the NTA with the immigration court. The ICE officer detained Petitioner on the spot, stating that detention was their “current policy” since TPS had been terminated and Petitioner had “nothing else pending.”

4. Petitioner has lived in the interior of the U.S. since 2021, and has a pending asylum application, Form I-589. *See id.* He was 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.*

5. 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 violated the final order in *Maldonado Bautista*. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 20, 2025 C.D. Cal.) (vacating the ICE memo and declaring class members are entitled as a matter of law to a bond hearing).

6. 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.

7. 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.”

8. 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.”

9. 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.”

10. 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.

11. 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.

12. 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).

13. Because the Immigration Court has 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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*Counsel for Petitioner*

Dated: 6 January, 2026

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