

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

AUSEL MAJIN GOMEZ FRANCISCO,

Petitioner,

v.

WARDEN, STEWART DETENTION  
CENTER,

Respondent.

Case No. 4:26-CV-00021-CDL-ASL

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

On January 6, 2026, Petitioner filed a petition for a writ of habeas corpus (“Petition”) claiming that (1) he is not subject to mandatory pre-final order of removal detention pursuant to 8 U.S.C. § 1225(b)(2)(A), and (2) even if he is, that statute is unconstitutional on its face because it violates due process. ECF No. 1. On January 7, 2026, 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 rulings 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).<sup>1</sup> ECF No. 3.

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<sup>1</sup> Respondent’s Response was due on January 14, 2026. Unfortunately, the deadline for this Response was overlooked. Respondent apologizes and ask the Court to receive this Response on January 15, 2026 out of time.

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.

Respectfully submitted this 15th day of January, 2026.

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