

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

MAIRA ABIGAIL PORTILLO GARCIA,)

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-103

**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 her illegal detention at the Stewart Detention Center in Lumpkin, Georgia, where she has been held since November 15, 2025. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

3. Petitioner is being held illegally without due process of law and in violation of the Administrative Procedure Act (“APA”) and Immigration and Nationality Act (“INA”) because she was denied a bond hearing to determine whether she is a flight risk or danger to society, as Respondents assert she is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). However, 8 U.S.C. § 1225(b)(2)(A) is inapplicable to the Petitioner, as she lived and worked in the interior of the country for over one year before being arrested by Respondents.

4. Respondents’ new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner. Notably, the vast majority of federal courts to consider this issue, including this Court, have agreed. *See, e.g., J.A.M. v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) (finding petitioners’ detention governed by 8 U.S.C. § 1226(a)); *P.R.S. v. Streeval*, No. 4:25-cv-343-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025) (same).

5. Despite this Court's recent rulings rejecting the Respondents' position that § 1225(b)(2)(A) applies to individuals such as Petitioner, Respondents continue to maintain that noncitizens who entered the United States without inspection are not eligible for bond redetermination hearings, because they are applicants for admission within the meaning of 8 U.S.C. § 1225(b)(2)(A).

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. 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."

9. 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.

10. 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.

11. Because the Respondents have denied Petitioner a bond hearing, he continues to be unlawfully held in detention in violation of federal law and the U.S. Constitution.

12. Petitioner respectfully requests that this Court immediately issue an Order to Show Cause against the Respondents.

Respectfully submitted,

/s/ Brittany S. Pierce

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Application for Order to Show Cause

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Dated: 21 January, 2026