

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

**JORGE FIDEL CANACA MELENDEZ and
RAFAEL MURCIA DUBON,**

Petitioner,

v.

**WARDEN, STEWART DETENTION
CENTER,¹**

Respondent.

Case No. 4:26-cv-0086-CDL-AGH

MOTION TO SEVER

Respondent hereby files this Motion to Sever the claims of Petitioners Jorge Fidel Canaca Melendez (“Melendez”) and Rafael Murcia Dubon (“Dubon”) into separate actions pursuant to Federal Rule of Civil Procedure 21. Rule 21 states: “Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.” Fed. R. Civ. P. 21.

Petitioners Melendez and Dubon filed a single Petition on January 16, 2026, seeking relief in habeas for what they contend is their unlawful detention without a bond hearing during the pendency of their removal proceedings. ECF No. 1. Other than the ultimate goal of their claims,

¹ 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.

Petitioners do not appear connected in any way, such that their requests should be heard together. Rule 20 details when persons can be joined as plaintiffs together in one action. Fed. R. Civ. P. 20. Such joinder is permitted when multiple plaintiffs “assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions and occurrences; *and* any question of law or fact common to all plaintiffs will arise in the action.” *Id.*

Petitioners Melendez and Dubon do not meet the criteria for permissive joinder of plaintiffs.² The Petitioners are two distinct individuals, proceeding through their own removal proceedings under distinct facts and charges. The Petitioners are also not in the same substantive position as one another. In fact, they are held under two different detention authorities.³ They do not assert any right to relief “jointly, severally, or in the alternative,” and their claims do not arise from the “same transaction, occurrence, or series of transactions or occurrences.” Fed. R. Civ. P. 20. For this reason, each Petitioner’s claim for relief should be severed into its own distinct case.

Respectfully submitted this 27th day of January, 2026.

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² To be clear, Respondent does not concede that the Federal Rules of Civil Procedure necessarily govern this habeas action. The references to these Rules are merely intended as persuasive authority for the proposition that joinder of these Petitioners is inappropriate in one habeas action.

³ Respondent is prepared to file its responses to address each Petitioner’s case and will do so in order to comply with the current deadline. If the Court grants this motion to sever, Respondent can re-file one or both responses under the newly issued case numbers.

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