

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

I.C.C.,)	
)	
)	
Petitioner,)	
)	CASE NO 4:26-cv-249-CDL-ALS
vs.)	
)	
KRISTI NOEM, Secretary, U.S. Department of)	
Homeland Security (DHS); TODD M. LYONS,)	
Acting Director, U.S. Immigration and Customs)	
Enforcement (ICE); DEREK GORDON, Acting)	
Executive Associate Director, Homeland Security)	
Investigations (HSI), U.S. Immigration and Customs)	
Enforcement (ICE); MARCOS CHARLES, Acting)	
Executive Associate Director, Enforcement and)	
Removal Operations (ERO), U.S. Immigration and)	
Customs Enforcement (ICE); DAREN MARGOLIN,)	
Acting Director, Executive Office For Immigration)	
Review; JASON STREEVAL, Warden, Stewart)	
Detention Center,)	
)	
Respondents.)	
)	

**MOTION TO ENFORCE JUDGEMENT
OR ALTERNATIVELY, TO SHOW CAUSE RE CONTEMPT**

Petitioner, Iovany Carmona Cervantes, through undersigned counsel, respectfully moves this Court to enforce its Order of February 12, 2026 [ICC Dkt. 3]. In that Order, this Court granted Petitioner’s Habeas Petition, directing Respondents to provide Petitioner with an individualized bond hearing pursuant to 8 U.S.C. § 1226(a).

I. FACTUAL ALLEGATIONS SUPPORTING ENFORCEMENT

On February 12, 2026, an Order granting Petitioner's petition was issued. [ICC Dkt. 3]. On February 16, 2026, the Respondent submitted a response [ICC Dkt. 5]. Pursuant to the Court's Order, an Immigration Judge conducted a bond hearing on February 19, 2026 at 1pm. At the bond hearing, DHS argued that their response to the Habeas Petition and Order stayed the final grant of Habeas. The Immigration Judge took no action on bond explaining that he believed the respondent's response to the Order stayed the decision and he could not conduct a bond hearing. He noted that he has not received direction from the district court that we would need to wait until the court responded to DHS to consider bond for petitioner.

Counsel for petitioner requested that the court consider bond provided that DHS had not properly filed a Motion to stay the order of habeas. Her request was denied and the parties were instructed to update the court on any orders from the District Court.

The Immigration judge explained that he believed that the order may been issued in error because he explained that all habeas petitions are all being granted at this time and that the order itself did not address the specific facts of Petitioner's manner of entry.

II. ARGUMENT

A. THE COURT ORDERED A BOND HEARING AND SET A CLEAR PROCEDURE FOR ANY STAY

The Court's order directed Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a)(2) within seven days. The Court further stated that if Respondents in good faith believed that *J.A.M.* and *P.R.S.* did not control, they were required to file an

appropriate motion seeking relief from the order and demonstrating why those rulings were inapplicable. Only upon the filing of such a motion would the order be stayed. This procedure was explicit and unambiguous.

B. RESPONDENTS HAVE NOT FILED THE MOTION REQUIRED TO TRIGGER A STAY

Respondents have not filed a motion seeking relief from the Court's order. They have not moved for reconsideration, modification, or vacatur, nor have they addressed the Court's authority to grant habeas relief. Instead, Respondents have advanced statutory arguments distinguishing *J.A.M.* and *P.R.S.* in a response that does not comply with the procedure set forth by the Court.

Because Respondents have not filed the good-faith motion contemplated by the Court's order, the stay provision has not been triggered. Respondents' continued failure to provide the ordered bond hearing therefore constitutes noncompliance with a valid court order.

III. RELIEF SOUGHT AND ENFORCEMENT REQUEST

WHEREFORE, for the reasons stated herein, Petitioner Iovany Cervantes Carmona respectfully requests that this Court enforce its February 12, 2026 Order and grant the following relief:

1. An immediate Order directing the court to conduct a bond hearing;
2. Granting Petitioner attorney's fees expended in the preparation of this motion; and
3. Grant any and all other relief this Court deems just and proper.

For the foregoing reasons, Respondents have acted in clear violation of this Court's lawful Order and have unlawfully deprived Petitioner of his liberty. To protect the integrity of the judicial process and vindicate Petitioner's rights, this Court should grant the requested relief and enforce its prior judgment.

Respectfully submitted this 22 day of February, 2026.

_____/s/Joy Rich_____

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CERTIFICATE OF SERVICE

I certify that on February 22, 2026, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

_____/s/Joy Rich_____

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EXHIBIT 1

**Transcription of Bond Hearing conducted on February 19, 2026 at 1pm before the Stewart
Immigration Court**

Respondent: Iovany Carmona Cervantes



IJ Fuller 0:00

Alright, we're on the record this immigration judge before sitting in Lumpkin, Georgia. Today is the 19th of February, 2026 this is a custody proceeding for Mr. Carmona Cervantes,  respond as present detained and represented by Joy rich Esquire strain of Polish. Esquires for the department, and we are proceeding with Miss Matos, our Spanish interpreter through the interpreter to the respondent, good afternoon. Please state your name for the record.

IJ Fuller 0:38

And sir, Spanish a language you speak and understand.

Speaker 1 0:42

You all right.

IJ Fuller 0:53

Government. Are there any jurisdictional issues in the case?

DHS 0:56

Yes, Your Honor. This one's a little unique, and I'm hoping Council will also see and see the same, although there was a habeas granted by the Middle District of Georgia here, the government did respond to the Habeas order and make a filing to contest that the respondent is not eligible for bond as an arriving alien, and it is my understanding that the government's filing stays the habeas bond order until that can be adjudicated, so that currently before this court, we

would not have a hearing under 236 A because that order would be stayed given the government's response. Filing response.

IJ Fuller 2:21

Counsel?

Joy Rich 1:49

Your honor in the habeas grant, the last paragraph explains that the respondents need to file the appropriate motion seeking relief from the order and then the order will be stayed pending the resolution of that motion. I don't I don't represent the respondent in the federal proceedings.

However, I am unaware of any type of motion or stay to the habeas that was granted, and I would ask that we move forward on the bond proceeding today. You

IJ Fuller: Government?

DHS 2:27

So department did file. It's at tab C. It is in the record for these bond proceedings the Middle District of Georgia, Columbus position department's response motion to that petition. So although you may not represent respondent in those proceedings, I provided a copy that has been filed in the Middle District of Georgia, and as you've done it now, those proceedings are stayed, and department's position is being Council of record for both the case in chief and for bond. It's clear the respondent is an arriving alien from all the established record from the notice to appear, the written pleadings, the immigration judge sustaining and finding the removability respondent is not statutorily eligible for the relief he's seek. He's seeking right now for custody determination, nothing further.

IJ Fuller: Council?

Joy Rich 3:30

uh, Your Honor, I would, I would ask that we still go forward, we still have a habeas grant. And I don't, I do see that filing. I don't see a motion. I don't think a response is a motion. But again, I don't represent the client in that case, and a habeas grant can be granted in a case with an arriving alien, the court, a habeas grant can be granted to someone who's, yeah, an arriving alien. So I would ask that we go forward on the bond motion.

IJ Fuller 4:01

Oh, no, all right. I mean, I understand that. Here's the problem with with these. This issue right now is the local district court is getting just bombarded with habeas petitions. So there they came up with, actually, I think Judge Land's word itself was, or his phrase was that they came up with, like, novel solutions to address all of these, and what they're doing is they're just kind of blanketly finding that, hey, we're going to grant this. But if there's some other reason that this is not the appropriate thing to do, well then the department should file with the court. What's interesting, though, is that specifically, if you read the habeas motion and grant. Judge Land, I believe, let me pull this see if I can see it, where he says it, buh, buh buh. Oh, yeah, so I'm looking at Bond, the bond Redetermination Request that's filed by the department on the 13th of February. It's marked as Exhibit one, and it's on page one. It's the last paragraph says this case appears to involve the same issues raised in J.A.M. and streva or versus streeval, and it says In those cases, the court concluded that for non citizens who are found in the country unlawfully and are arrested without having been inspected by an examining immigration officer. And then it goes on to say that they should be given a bond because they're not applicants for admission, right? But that's certainly not the case here. So it makes me wonder, like is, I would love to see the habeas petition that's filed by by whoever did this, did they say that he was apprehended at the border, that that he wasn't found inside the US, that he was found at the border? So I think

there's a lot of distinctions to be made. But regardless of that, I do think the department has, I guess, some grounds here to say that they're complying with what the district court asked them to do, that if in good faith, the party them do not believe that J.A.M. and PRs apply, then they should file the appropriate motion seeking relief, which they provided that for it. But then, I mean, I guess the casualty then say, well, I'm not the attorney, so I don't know if it's been stayed. We should go forward is, I don't, I don't see how that's fair to me or the department. Of course, the respondent wants to go forward with his bond hearing. Of course he does. Of course he wants the judge today to make a decision. But I don't, I don't think that's appropriate to do again. I don't have anything specifically from the district court saying that it stayed, but I do have something from the department saying that they've responded to the petition, basically arguing, and it looks like it was filed with the US District Court. So I think just casually saying we want to go forward, I don't, I don't think we should casually go forward when there's it appears the department has filed a response to the habeas petition, and I think we should wait to see what happens. But again, I'm in the same boat that you are. I'm not part of the District Court. I don't have access to their I don't know if it's state or not. I don't, I don't. No one gives us any guidance on what we're supposed to do. But I also know that you probably don't want me to go forward if I'm going to deny a bond, and then all of a sudden. So there's, there's a million different outcomes, but you also, the respondent probably wants me to go for it if I was going to grant bonds. But again, I don't know. I don't know what I'm supposed to do. I'm not told. We're not given any guidance on this. But it seems, at least from my perspective, that the department in good faith, has filed something with the US District Court saying we think the facts of art this present case are distinguishable from from the basis that this particular habeas was granted. So I, my personal opinion, we take no action today, and I don't know how it gets put back on the

docket, unless, like two three days from now, Council, you file a one page motion to put it back on the docket, we come right back in, and at that point, I would think the department would have an answer from the US District Court, and then we go from there. I don't think if the district court comes back and says, No, we disagree. We think the habeas should still be granted, well then I think we're we're in the same position. We'll be going forward on the facts that we have anyway. But if they do say, no government, you're correct. He is an arriving alien. We don't have jurisdiction. We're not granting a habeas well then he would have the same recourse as anybody else that's an arriving alien. He can ask for parole or go back to the district court as an arriving alien and try to convince them that the habeas is appropriate with those facts. I think that's the way we should do it. But again, I'm open to it seems like every day we get a new set of facts like this to try to figure out what to do you

Joy Rich 7:42

Yeah, I I Yeah, Your Honor, I did want to note that in the record, it looks like right behind the order is the petition that was filed for the habeas and just looking at it, it seems that the attorney is arguing that. You know, he did enter at a port of entry, but should not be mandatorily detained. Should not be classified as an arriving alien. Unfortunately, you know, we've already admitted that he wasn't arriving alien. So I don't know that can be done around that, but it does seem to be that was the argument in federal court.

IJ Fuller 10:21

Well, I don't know if that's the argument. I'm telling you, the way that Judge Land and the US District Court is doing this, they're basically granting all of these and basically saying, I mean literally saying, we don't have the time to deal with these. We're granting them. And government, if there's something different about this one, then you file something, putting it right back on the

department, which, to me, is not a proper way of doing it, but that's what they're doing, and it forces all of us into these uncomfortable, awkward scenarios right here, where we don't really know what we're supposed to be to do with this, but, but again, I think the Department is doing what they're supposed to, and I would agree With you counsel too, though, if, if, if Judge Lands order were to have said something different than the normal language of just saying, you know, unlawfully found unlawfully in the US and this way. But he specifically cites those two cases that I think it's just a knee jerk, not knee jerk in the sense of but I think they're granting these and forcing us to kind of deal with them. Yeah, I listen. Here's what I'm going to do. I'm going to take no action. I can reserve on your behalf if you want to, but I'll put in my order no action given Department filed a response to the habeas petition, and that if either party wants this back on the docket, I would say this, as soon as we know something from the US District Court, whether that's by the department or yourself or the party that filed it, they should contact the front desk here, Heather at our office, and I don't even know if it would require you filing anything because of the district court's direction, we would just put it right back on the docket. And I think that's the way that we should probably do it. Yeah, all right, so I will do that. I'm just going to take no action. Do you want me to reserve on your behalf? Just in case? Okay, all right, so that's what I'll do. And I'll put a good note in here so that when the front desk gets it, and we'll know, but department, I will on the record. I will tell you that if you do get a response from the district court that says, either Well, either way, if you could just somehow alert our office and counsel, I don't know if that would be a there's, there won't be a record in the bond to do it, but if you could let the front desk know somehow, and then They could alert the parties. All right. Anything else, counsel, all right. Govern anything else from you, all right, through the interpreter to the respondent, sir, your case is a little unique.

IJ Fuller 13:18

Although a habeas was granted, the department is asking the district court to re look the habeas grant,

IJ Fuller 13:37

and I'm going to take no action on The case until the district court rules on that that that motion or response by the department.

IJ Fuller 13:56

As soon as the department or your counsel is aware of a response, we'll put this back on the docket

IJ Fuller 14:12

if the district court directs us To continue, I guess, pursuant to that habeas grant.

IJ Fuller 14:30

All right, if you have any questions, just reach out to your council.

IJ Fuller 14:40

All right, and we're off the record. Thank you. Council. You too.

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