

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

B.A.M.A.,	:	
	:	
Petitioner,	:	
	:	Case No. 7:26-cv-95-WLS-ALS
v.	:	28 U.S.C. § 2241
	:	
WARDEN, IRWIN COUNTY DETENTION CENTER, ET AL.,	:	
	:	
Respondent.	:	

RESPONSE TO MOTION TO ENFORCE JUDGMENT

Petitioner filed his habeas petition on December 18, 2024. ECF No. 1. On May 13, 2026, the Court granted the Petition in part, concluding that Petitioner was detained under 8 U.S.C. § 1226(a) and ordering Respondent to provide a bond hearing within seven days at which DHS bore the burden of establishing by clear and convincing evidence whether Petitioner was a danger or a flight risk. ECF No. 9. The Immigration Court conducted that hearing on May 20, 2026, and the IJ issued a written decision denying bond. Ex. A.

Notwithstanding that Respondent provided exactly what the Court ordered, Petitioner now seeks sweeping relief far beyond enforcement, including immediate release, transfer restrictions, coercive contempt sanctions, revamped bond procedures, and a second bond hearing. ECF No. 11. Petitioner styles this as an “enforcement” motion, but the Motion is plainly a challenge to the IJ’s discretionary decision and an attempt to obtain relief well outside the scope of this Court’s prior Order. Accordingly, the Motion should be denied.

I. Respondent Fully Complied with the Court’s Habeas Order.

The Court ordered that Petitioner receive a bond hearing under § 1226(a) within seven days and that DHS bear the burden of establishing danger or flight risk by clear and convincing evidence. ECF No. 9. Respondent fully complied with that directive. The Immigration Court convened the hearing on May 20, 2026, placed the burden on DHS in accordance with the Court’s Order, and adjudicated the matter under the framework the Court required. Ex. A. The IJ applied the correct burden, considered Petitioner’s arguments, and issued an individualized custody determination. Nothing in the May 13 Order required Respondent to guarantee a particular outcome or the specific manner in which an IJ weighs or evaluates the evidence; the Order required that the hearing be provided and that the correct burden be applied. That is exactly what occurred.

II. Section 1226(e) Precludes District Courts from Reviewing the Merits of the IJ’s Decision.

Even if Petitioner could identify some defect attributable to Respondent—which he cannot—§ 1226(e) bars judicial review of the IJ’s custody determination. Congress has expressly removed jurisdiction over bond-decision challenges, providing that “[n]o court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any noncitizen or the grant, revocation, or denial of bond or parole.” 8 U.S.C. § 1226(e). The Supreme Court has confirmed this prohibition, holding that § 1226(e) “precludes an alien from challenging a discretionary judgment by the Attorney General or a decision that the Attorney General has made regarding his detention or release.” *Jennings v. Rodriguez*, 583 U.S. 281, 295 (2018) (quoting *Demore v. Kim*, 538 U.S. 510, 516 (2003)).

Petitioner’s Motion attempts to recast a merits challenge as an “enforcement” concern, arguing that the IJ relied too heavily on the removal order, should not have found flight risk, and should have credited Petitioner’s equities. These arguments seek direct review of the IJ’s

discretionary weighing of evidence—precisely what § 1226(e) forbids. Section 1226(e) forecloses the relief Petitioner seeks, and the Motion fails for this reason alone.

III. Section 1252(a)(2)(B)(ii) Independently Bars Judicial Review Because Bond Decisions Are Discretionary.

Section 1252(a)(2)(B)(ii) provides an independent jurisdictional bar. The statute precludes judicial review of “any other decision or action” that the INA specifies is within the discretion of the Attorney General. Section 1226(a) uses exclusively permissive language—providing that the Attorney General “may” detain or “may” release a noncitizen on bond. Congress therefore committed bond decisions to unreviewable discretion. Because the IJ’s denial here was plainly a discretionary determination, § 1252(a)(2)(B)(ii) bars review.

The IJ exercised that discretion here. Even if Petitioner disagrees with the weight the IJ placed on the removal order, § 1252(a)(2)(B)(ii) prohibits district-court review of that discretionary judgment.

IV. A Motion to Enforce Is Not the Proper Vehicle for Petitioner’s Challenges, and Petitioner Failed to Exhaust His Administrative Remedies.

The Court ordered a bond hearing using the § 1226(a) regulatory framework, and Respondent provided that hearing. Petitioner now seeks new relief—a new burden allocation, immediate release, transfer restrictions, and contempt sanctions. These requests do not enforce the Court’s prior Order; they seek to modify or expand it. A motion to enforce cannot be used to obtain relief the Court did not previously grant.

Furthermore, Petitioner did not exhaust the administrative remedy Congress and EOIR established for bond-related challenges. The IJ advised Petitioner on the record that he had the right to appeal her bond decision to the BIA. Ex. A. He did not do so. Courts in this Circuit consistently require exhaustion in § 2241 cases. Petitioner’s decision to bypass the BIA cannot

convert simple disagreement with an IJ's discretionary determination into a claim of noncompliance by Respondent. The failure to exhaust bars the relief requested.

V. Even if the Court Reached the Merits, Petitioner's Constitutional Claims Fail.

Even on the merits, Petitioner's arguments fail. Petitioner is an arriving alien who was never admitted; his due process protections in custody matters derive exclusively from the statutory procedures Congress has provided. The IJ applied that statutory framework, considered competing factors, acknowledged Petitioner's equities, found no danger, and concluded that the removal order created a substantial flight risk. Ex. A. Under *Matter of Guerra*, 24 I. & N. Dec. 37 (B.I.A. 2006), IJs possess broad discretion to assign weight to custody factors. Nothing in the Court's May 13 Order required the IJ to treat Petitioner's pending appeal or address alternatives to detention before reaching a flight-risk finding. The IJ's reasoning reflects an individualized assessment, not a constitutional violation.

Petitioner's renewed effort to challenge the termination of his parole likewise provides no basis for enforcement. The Court already resolved the statutory detention posture in its May 13 Order, and that question is unrelated to whether Respondent complied with the directive to provide a bond hearing.

CONCLUSION

Respondent complied in full with the Court's May 13, 2026, Order. Petitioner received exactly the hearing the Court ordered. His dissatisfaction with the IJ's discretionary analysis cannot be reframed as a lack of compliance by Respondent, and the INA bars this Court from reviewing the merits of the IJ's bond decision. Petitioner also failed to exhaust administrative remedies, and his constitutional arguments lack merit. For these reasons, Respondent respectfully requests that the Court deny the Motion.

Respectfully submitted, this 5th day of June, 2026.

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28 U.S.C. § 543