

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

BRENDA GARRO SALAZAR,)

Petitioner,)

v.)

Case No. 7:26-CV-142

TODD LYONS, Acting Director of ICE;)

WARDEN, Irwin Detention Center;)

KRISTEN SULLIVAN, Acting FRO)

Director of Atlanta Field Office,)

U.S. Immigration and Customs Enforcement)

(“ICE”); **MARKWAYNE MULLIN,**)

Secretary of the U.S Department of)

Homeland Security; **TODD BLANCHE,**)

Attorney General of the United States; and)

WILLIAM KEYES, U.S. Attorney for the)

Middle District of Georgia,)

in their official capacities,)

Respondents.)

_____)

PETITIONER’S MOTION TO ENFORCE HABEAS CORPUS ORDER

COMES NOW, Brenda Garro Salazar, Petitioner in the above-styled and numbered cause, by and through the undersigned attorney of record, and for cause of action hereby respectfully requests immediate release from detention. Petitioner seeks an Order enforcing the Court's prior judgment by: (1) directing Petitioner's

immediate release from detention; or, in the alternative, (2) setting a reasonable bond of no more than \$5,000 and/or non-monetary conditions of release.

I. INTRODUCTION AND BACKGROUND

Petitioner, Brenda Garro Salazar, through counsel, moves to enforce the Court's Order of May 5, 2026, entered in *B.G.S. v. Warden, Irwin Detention Center, et al.*, No. 7:26-CV-142-WLS-CHW (M.D. Ga.). In that Order, the Court granted Petitioner's Habeas Petition and ordered Respondents to provide a bond hearing under § 1226(a)(2) within 7 days and requiring that the Department bear the burden of establishing by clear and convincing evidence that Petitioner is either a danger to the community or a flight risk. This motion seeks immediate enforcement because Respondents failed to provide a hearing. Respondents scheduled a bond hearing before Stewart Immigration Court on May 11th at 1:00 pm EST on May 6, 2026. That same day, Respondents transferred Petitioner to South Louisiana ICE Processing Center.

This motion seeks immediate enforcement because Respondents failed to provide a constitutionally valid hearing. Specifically, Immigration Judge (IJ) George Ward Jr made a finding that the Petitioner is a danger to the community based on a single misdemeanor offense. IJ Ward denied bond entirely, resulting in continued unlawful detention. The evidence used against the Petitioner, simply Form I-213, Record of Deportable/Inadmissible Alien, merely listed the reason for Petitioner's arrest.

Petitioner invokes the Court's inherent authority, the All Writs Act (28 U.S.C. § 1651(a)), to ensure specific performance of the Court's Order.

II. FACTUAL ALLEGATIONS SUPPORTING ENFORCEMENT

Petitioner Brenda Garro Salazar entered the United States in November 2022. She turned herself in to Department of Homeland Security (“DHS”) officials at or near the border and subsequently released into the United States to await her immigration court proceedings. On April 28, 2026, Petitioner was detained by ICE officers. Following her detention, ICE transferred Petitioner to the Irwin Detention Center in Ocilla, Georgia. ICE has not provided Petitioner with any bond hearing or any meaningful opportunity to contest her detention before a neutral decisionmaker. On May 5, 2026, this court issued an order on Petitioner’s application for habeas corpus relief. In that Order, the Court granted Petitioner's Habeas Petition and ordered Respondents to provide a bond hearing under § 1226(a)(2) within 7 days and requiring that the Department bear the burden of establishing by clear and convincing evidence that Petitioner is either a danger to the community or a flight risk. Respondents scheduled a bond hearing before Stewart Immigration Court on May 11th at 1:00 pm EST on May 6, 2026. That same day, Respondents transferred Petitioner to South Louisiana ICE Processing Center.

On May 8, 2026, both Petitioner and the Department of Homeland Security submitted evidence for the bond hearing scheduled for May 11, 2026. On May 11,

2026, Petitioner informed Counsel that the Detention Center said she did not have a hearing. Petitioner's Counsel verified that the hearing was still scheduled. At approximately 12:58 pm EST, Petitioner called Counsel to inform her that the Detention Center said they would not be taking her to a hearing room. Petitioner's Counsel's office called the Detention Center and spoke to a clerk named Maxxi who informed her that she would not be taken to a hearing room because the bond hearing was not scheduled for Louisiana. The Board of Immigration Appeals in the *Matter of Cerda Reyes*, 26 I&N Dec. 528 (BIA 2015), held that the transfer of respondent did not divest immigration judge of the jurisdiction to consider a pending bond motion. South Louisiana ICE Processing Center, therefore, must present Petitioner for this virtual bond hearing.

Petitioner's Counsel decided to move forward with the bond hearing and was logged on to Immigration Judge Ward's Webex starting at 12:50 pm EST. Petitioner's Counsel was kicked off Webex at approximately 2:50 pm EST. Petitioner's Counsel called the Stewart Immigration Court who told Counsel to get back on to the Webex and that they would call Petitioner for hearing. Bond hearing occurred at approximately 3:30 pm EST without Petitioner present but Counsel chose to move forward due to lack of cooperation from Detention Center.

Petitioner is a noncitizen and a native and citizen of Peru who entered the United States on or about November 2022 as a minor child with her mother and has lived

here continuously since that time. She resides with her mother, brother, aunt and United States Citizen uncle and their children. Prior to her current detention, Petitioner had a long and undisputed history of compliance with her court obligations. Around April 2026, the Petitioner was arrested for the Georgia misdemeanor offense of driving under the influence under the age of 21 (O.C.G.A. § 40-6-391(k)(1)) – this is the incident that led to the Petitioner’s transfer into ICE custody. This case remains pending before the court.

In the 4 years that the Petitioner has lived in the U.S., this is her only misdemeanor offense that resulted in no injury and no harm to anyone. Petitioner’s offenses, while in no way inconsequential, do not rise to the level of danger to the community. Petitioner productive member of society, working, going to school, and paying her taxes. Petitioner has filed tax returns since she began to earn enough money to qualify. Petitioner also had several friends, family, teachers, and members of the community attest to her character.

All these facts were presented to the IJ at the bond hearing held on May 11, 2026. Nevertheless, the IJ denied bond based solely on the issue of danger to the community, and specifically, based on the DUI arrest. The IJ first held that Petitioner had failed to meet her burden to show she was not a danger to the community. When the attorney for the Department of Homeland Security reminded the IJ that the

burden was on the Department, the IJ held that the Department met its burden by filing an I-213 listing what led to Petitioner's arrest.

III. PETITIONER'S BOND HEARING DID NOT COMPLY WITH THIS COURT'S ORDER.

The perfunctory proceeding on May 11, 2026, did not provide the constitutionally adequate bond hearing this Court ordered. Instead of a neutral, individualized assessment, Immigration Judge Ward conducted a cursory hearing that failed to comply with the Court's mandate in critical respects.

The IJ did not find the Petitioner to be a flight risk and only concluded that the Petitioner would be a danger to the community based on a pending misdemeanor offense. The record was replete with undisputed evidence of Petitioner's strong equities— minor criminal history, a fixed address shared her mother, sibling, aunt, and uncle, pending asylum application, proof of school enrollment, and a multi-year record of perfect compliance with filing tax returns. The IJ ignored all of this.

IV. LEGAL STANDARD FOR ENFORCEMENT AND CONTEMPT

This Court has both inherent and statutory authority to enforce its May 11, 2026, Order. A federal court possesses the inherent power "to enforce compliance with its lawful orders "and to protect the integrity of its judgments. This authority is essential to the administration of justice and includes the power to hold parties in civil

contempt to secure obedience to a clear and unambiguous order. Congress has affirmed this authority through several statutes. The All-Writs Act empowers federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions." 28 U.S.C. 1651(a).

The jurisdictional bar at 8 U.S.C. § 1226(e) does not preclude this enforcement action. While 1226(e) forecloses appellate review of an IJ's discretionary bond determinations, it does not strip this Court of its authority to review "constitutional claims or questions of law," including whether a bond hearing was so fundamentally unfair as to violate due process and the terms of this Court's order. *Demore v. Kim*, 538 U.S. 510, 517 (2003). Federal courts retain authority to determine whether a hearing complied with the mandate of a habeas writ. *See Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at 2 (3d Cir. Feb. 25, 2022) (distinguishing non-reviewable discretionary bond decisions from reviewable claims that a hearing was "fundamentally unfair" in violation of a court order); *Morgan v. Oddo*, No. 3:24-CV-221, 2025 WL 2653707, at 4 (W.D. Pa. Sept. 16, 2025). This motion does not ask the Court to reweigh the IJ's discretion; it asks the Court to enforce its judgment requiring a constitutionally adequate hearing.

The IJ Improperly Relieved the Government of its Burden of Proof.

The Due Process Clause requires the government to justify continued civil detention, typically by clear and convincing evidence of flight risk or dangerousness.

See *J.G. v. Warden, Irwin Cnty. Det. Ctr.*, 501 F. Supp. 3d 1331, 1341 (M.D. Ga. 2020); *Velasco Lopez v. Decker*, 978 F.3d 842, 855-57 (2d Cir. 2020); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 213--14 (3d Cir. 2020). Here, the government utterly failed to meet that burden. At the May 11, bond hearing, DHS submitted only a copy of their own Form I-213, Record of Deportable/Inadmissible Alien. The only documentary evidence of Petitioner's supposed dangerousness that the IJ relied on was this record showing Petitioner had been detained for a DUI. Apart from this form, no substantial evidence was presented by the DHS. Accordingly, the DHS failed to articulate why the Petitioner should continue to remain detained based on a minor offense, still pending before the court.

V. RELIEF SOUGHT AND ENFORCEMENT REQUEST

Respondents' constitutionally defective bond hearing constitutes a flagrant violation of this Court's May 11, 2026, Order. Where the government fails to comply with a conditional grant of habeas relief, federal courts have not hesitated to employ the full range of enforcement tools ordering the Petitioner's immediate release, directing specific-performance-style relief under Rule 70, and imposing civil contempt sanctions as necessary to secure compliance with their prior judgments. See, e.g., *Solis v. Koresko*, Civ. No. 09-988, 2016 WL 4547167, at *6--8 (E.D. Pa. Aug. 31, 2016) (discussing inherent enforcement power, civil contempt, and the All-Writs Act as mechanisms to compel obedience to a prior injunction).

Other courts likewise recognize that a district court retains continuing jurisdiction to address noncompliance with habeas writs and to ensure that the relief it ordered is actually provided. *See Sanchez v. Sabol*, No. 1:15-CV-2423, at 5-7 (M.D. Pa. Dec. 23, 2016). *See also Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024, 1035 (W.D. Wash. 2019) (rejecting "the Government's position [] that the court's only job is to ensure that the immigration courts recite the correct legal standard").

In *Y.S.G. v. Andrews*, No. 2:25-cv-1884-SCR, 2025 WL 2979309 (E.D. Cal., Oct. 22, 2025) the court grappled with a similar issue. A noncitizen filed and was granted a writ of habeas and a subsequent bond redetermination hearing was ordered. Unfortunately, the IJ's decision was deficient, and the court ordered immediate release. Ordering a new bond hearing before EOIR is not a sufficient remedy in light of the patently deficient first hearing and the institutional pressures described above those systematically skew adjudications in DHS's favor.

In these circumstances, this Court's habeas enforcement authority, including its inherent power, the All Writs Act, 28 U.S.C. section 1651(a), fully supports ordering Petitioner's immediate release or, at a minimum, setting a constitutionally reasonable bond amount itself rather than remanding him to another unreliable administrative proceeding.

VI. CONCLUSION

WHEREFORE, for the reasons stated herein, Petitioner respectfully requests that this Court enforce its May 11, 2026, Order and grant the following relief:

1. **An Order retaining jurisdiction over this matter** to ensure compliance;
2. **Immediate Release:** As the primary and most effective remedy, issue an immediate and unconditional order directing Respondents to release Petitioner from custody;
3. **Alternative Relief--Court-Set Bond:** In the alternative, set a reasonable bond in an amount no greater than \$5,000 and/or order Petitioner's release on non-monetary conditions of supervision; and
4. 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 her 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 21st day of May, 2026.

COCHRAN IMMIGRATION

/s/ Johanna Cochran
by: Johanna Cochran
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