

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

Yovani Amilcar MARTIIN-CHAVEZ,	)	
	)	C/A No. 4:26-cv-00999
Petitioner,	)	
v.	)	
	)	PETITIONER'S EMERGENCY MOTION
Warden of the Stewart Detention Center, <i>et</i>	)	TO SHORTEN TIME FOR
<i>al.</i> ;	)	RESPONDENTS TO SHOW CAUSE
	)	
Respondents.	)	JUDGE CLAY D LAND
	)	
	)	MAGISTRATE JUDGE ALFREDA L
	)	SHEPPARD

**PETITIONER'S EMERGENCY MOTION TO SHORTEN TIME FOR
RESPONDENTS 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.

2. Petitioner challenges his detention has been prolonged for more than four months without an opportunity for a bond hearing that give due consideration of his pending T- visa petition and the protections established by *ICWC v. Noem* No. 2:25-cv-09848-AB-AS, LEXIS 114740, (C.D. Cal. May 20, 2026). *See* Petition for Writ of Habeas Corpus, ECF No. 1.

3. On July 9, 2026, this Court ordered Respondents to file a responsive pleading within twenty-one (21) days, with Petitioner permitted to file any reply within fourteen (14) days thereafter. *See* ECF No. 2. Under that schedule, Respondents’ return is not due until on or about July 30, 2026.

4. Petitioner has been in the custody of the U.S. Immigration and Customs Enforcement at the Stewart Detention Center since March 3, 2026, a period that, as of the filing of this motion, exceeds four months and continues to accrue with each day this case remains pending.

3. 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.

4. 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.” Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.” 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.”

5. The twenty-one day period set by the Court’s standard scheduling practice in these cases, necessitated by the extraordinary volume of habeas petitions arising from the Stewart Detention Center, already exceeds the statutory maximum contemplated for the ordinary case. Petitioner does not suggest that the practice is improper as a general matter, but submits that the individual circumstances presented here, including imminence of Petitioner’s merits hearing, warrants a return to something closer to the statutory norm.

6. Good cause exists to the return period in this case. Petitioner’s detention, now exceeding four months, has already outlasted two custody redetermination hearings and a prior habeas petition without producing his release, and the sole administrative avenue still open to him—the BIA Bond Appeal—offers no assurances of timely resolution. Each additional day of

delay in this Court's review compounds an already prolonged deprivation of liberty and prolongs Petitioner's separation from his spouse and two young U.S. citizen children.

7. Petitioner's claims also implicate the enforcement of a nationwide class-wide preliminary injunction in *ICWC v. Noem*, entered on May 20, 2026, of which Respondents have taken no accounts as to Petitioner in his bond hearing on June 18, 2026. Continued delay perpetuates the precise harm that injunction was entered to prevent.

8. In addition, Petitioner stresses the urgency of his filing where he also faces such irreparable harm because his individual merits hearing on his applications for relief before the Immigration Court is scheduled for July 14, 2026, (*see* Exhibit 1, Notice of Hearing), and he is unable to adequately prepare for that hearing while detained and having limited communication with counsel and limited access to evidence.

7. Pursuant to Section 2243 and the foregoing reasons, Petitioner respectfully requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return **within three (3) 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 three (3) days after Respondents file the return.

WHEREFORE, Petitioner respectfully requests that this Honorable Court order Respondents to show cause within three days of the Court's order why the writ of habeas corpus should not be granted.

Respectfully submitted,

/s /Margaret W. Wong
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Attorney for the Petitioner

Dated July 10, 2026

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Exhibit 1 Notice of Hearing

CERTIFICATE OF SERVICE

I, Margaret W. Wong, hereby certify that on July 10, 2026, I caused the *Petitioner's Emergency Motion to Shorten Time for Respondents to Show Cause Response to it* in the above-captioned matter to be filed with the United States District Court for the Northern District of Ohio via the Court's CM/ECF system.

/s/Margaret W. Wong

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