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

VENKATA NARSAMAMBA VASAMSETTY,	:	
Petitioner,	:	
v.	:	**Case No. 7:26-CV-00228-WLS-CHW** **28 U.S.C. § 2241**
WARDEN, IRWIN COUNTY DETENTION CENTER,[1]	:	
Respondent.	:	

RESPONDENT'S 3-DAY RETURN

On August 12, 2026, Petitioner filed her Emergency Petition for writ of habeas corpus. ECF No. 1. Therein, Petitioner alleges that she is detained without ***any*** statutory authority. *Id.* On August 13, 2026, the Court issued an Order directing Respondent to file a comprehensive return within three days. ECF No. 4. ***Petitioner is wrong***. Petitioner was served with a Notice to Appear ("NTA") initiating removal proceedings which was signed on August 11, 2026, the same day she was taken into custody. Petitioner's own exhibit reflects this. *See* Pet'r's Ex. G, ECF No. 3-3. In accordance with that NTA, Petitioner was arrested and is currently detained at Irwin County Detention Center. As the NTA states, Petitioner is an "arriving alien" according to the regulations promulgated under the Immigration and Nationality Act ("INA"), and while it is Respondent's position that all "arriving aliens" are subject to mandatory detention under 8 U.S.C. § 1225(b)(2), Respondent acknowledges that should the Court follow its recent decisions, including *B.A.M.A. v. Warden*, No. 7:26-cv-95-WLS, 2026 WL 1362520

[1] In addition to the Warden of Irwin County Detention Center, Petitioner names officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents. "[T]he default rule [28 U.S.C. § 2241 petitions] 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 Irwin County Detention Center as the sole appropriately named respondent in this action.

(M.D. Ga. May 13, 2026), Petitioner would be understood to be detained pursuant to 8 U.S.C. § 1226(a) and entitled to a bond hearing before the immigration court. *B.A.M.A.*, 2026 WL 1362520 at *2. As such, Respondent urges the Court to issue its standard order directing such a bond hearing, which will be provided to Petitioner within seven days of the Court's order.

BACKGROUND

Respondent relies on the Declaration of Supervisory Detention and Deportation Officer Robin Esperon ("Esperon Decl."), submitted concurrently with this filing. The Esperon Declaration accurately summarizes Petitioner's immigration history, custody proceedings, and current detention status, and Respondent refers the Court to it for the factual record [2]

ARGUMENT

Petitioner alleges that Respondent has "absolutely no justification or lawful authority" for her detention. Pet. ¶ 8. This is incorrect. Petitioner is currently subject to an NTA issued on August 11, 2026, charging her with removability pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I), in that she is an applicant for admission who was "not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document" as required by the INA. Esperon Decl. ¶ 17 & Ex. B. At the time Petitioner filed her Petition, this information was known to her and her counsel. *See* ECF No. 3-3. The INA states that "an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Thus, Petitioner is not detained with "no justification or lawful authority," she is detained on the basis of the NTA issued on the date of her arrest

[2] Respondent highlights that Petitioner's prior removal proceedings were dismissed based on a procedural issue and Petitioner has offered no basis to find that that dismissal was with prejudice to the Government's ability to bring new charges of inadmissibility in a new NTA. *See* Esperon Decl. ¶¶ 14-16. In the Eleventh Circuit, res judicata only bars a subsequent case if four elements are present, including that "there is a final judgment on the merits[.]" *Maldonado v. U.S. Atty. Gen.*, 664 F.3d 1369, 1375 (2011). Because the dismissal for failure to comply with the IJ's orders is not a "judgment on the merits," res judicata does not preclude the new NTA, and Petitioner cannot claim that the August 11, 2026, NTA is invalid for this reason. In any event, such a claim would only be proper before the immigration court or the Eleventh Circuit on petition for review as the decision to commence proceedings by filing an NTA is not an issue within the jurisdiction of this Court to review. *See* 8 U.S.C. § 1252(g).

and "detained pending a decision on whether [she] is to be removed from the United States." As such, and as determined by this Court in *B.A.M.A.*, notwithstanding the fact that she is classified as an "arriving alien," she was detained in the interior of the United States, and if the Court follows its recent precedent, she would therefore be entitled to a bond hearing before the immigration court. 2026 WL 1362520 at *2 (citing *Hernandez Alvarez v. Warden*, 175 F. 4th 1258, 1276 (11th Cir. 2026)). While Respondent disagrees with these rulings, he understands that this is the Court's reading of the relevant statutes and, if it follows recent precedent, will continue to be the Court's position.

Contrary to Petitioner's contention, she is not entitled to immediate release from detention. This Court has repeatedly found that petitioners detained during the pendency of their removal proceedings are only entitled to a bond hearing under the procedures outlined in *B.A.M.A.* and discussed above.

CONCLUSION

The above information is respectfully submitted for Court consideration. To the extent Petitioner seeks immediate release from custody, the request should be denied because the appropriate remedy is a compliant bond hearing. Respondent respectfully requests that if the Court follows its standard procedure, it should order a bond hearing pursuant to its recent decisions.

Respectfully submitted this 14th day of August, 2026.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: *s/ Michael P. Morrill*
Michael P. Morrill
Assistant United States Attorney
Georgia Bar No. 545410
United States Attorney's Office
Middle District of Georgia
P. O. Box 2568
Columbus, GA 31902
Ph: (706) 649-7700
michael.morrill@usdoj.gov