

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

<b>QUINTERO CHACON EDICSON,</b>	:	
	:	
<b>Petitioner,</b>	:	
	:	<b>Case No. 4:25-CV-50-CDL-AGH</b>
v.	:	<b>28 U.S.C. § 2241</b>
	:	
<b>WARDEN, STEWART DETENTION CENTER, <i>et al.</i>,</b>	:	
	:	
<b>Respondents.</b>	:	

**MOTION FOR A STAY OR FOR RECONSIDERATION**

On Tuesday, June 3, 2025, this Court issued an Order granting Petitioner’s motion for expedited jurisdictional discovery and deferring issuing a recommendation on Respondents’ motion to dismiss until after jurisdictional discovery is complete. Order, ECF No. 36. Specifically, this Court granted Petitioner expedited jurisdictional discovery to determine whether the fact that Petitioner is being held at the Centro de Confinamiento del Terrorismo, The Terrorism Confinement Center (“CECOT”) in El Salvador means that he remains in “custody” of the United States such that Petitioner can bring a habeas petition under 28 U.S.C. § 2241. This Court relied on a previous order issued by the U.S. District Court for the District of Columbia finding that “the detention of aliens ... at CECOT potentially implicates the ‘concept of constructive custody.’” Order at 8 (quoting Order, *J.G.G. v. Trump*, No. 25-766 (JEB), 2025 WL 1349496, at \*2 (D.D.C. May 8, 2025)). This Court determined that if Petitioner is in fact in the constructive custody of the United States while Petitioner is imprisoned at CECOT and Petitioner’s custodian is one of the respondents here, this Court would have jurisdiction to adjudicate Petitioner’s habeas petition.

This Court ordered that expedited jurisdictional discovery commence forthwith to determine whether Petitioner is in the constructive custody of the United States. Specifically, this

Court ordered Respondents to respond to discovery requests and interrogatories, and submit to depositions of Executive Branch officials, that would reveal highly sensitive details about the conduct of foreign relations, even though “[s]uch matters are so exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference.” *Saavedra Bruno v. Albright*, 197 F.3d 1153, 1159 (D.C. Cir. 1999) (quoting *Harisiades v. Shaughnessy*, 342 U.S. 580, 588–89 (1952)). Respondents are required to serve their responses to Petitioner’s discovery requests—which Petitioner sent on June 4th—within one week. Order at 21. This Court also approved Petitioner’s request for Rule 30(b)(6) depositions “to obtain information from a representative of the Executive Branch who will be expected to provide information authorized by this Order.” Order at 18. Those depositions must be completed within two weeks of service of notice of the deposition. Order at 21. Petitioners served notices of depositions on June 4th.

Respondents intend to timely submit objections to this Court’s discovery requests to the district court judge. Federal Rule of Civil Procedure 72(a) permits Respondents to submit objections to magistrate judge orders on non-dispositive matters—like discovery orders—to the district court within 14 days after the entry of the order. “The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a).

Under the current timeline for Respondents to comply with this Court’s discovery order, Respondents will be unable to obtain district court review of the order even if Respondents submit “timely objections”—i.e., objections filed within 14 days after entry of this Court’s order. Petitioner’s discovery requests were served on June 4th and are due one week from that date.

Petitioner also served notices of deposition on June 4th, and per this Court's order, those depositions must occur within two weeks of that date.

Given the compressed jurisdictional discovery timeline ordered by this Court and Federal Rule of Civil Procedure 72(a)'s mandate that district judges consider timely-filed objections, Respondents seek a stay of this Court's expedited jurisdictional discovery order until the district court has ruled on Respondent's objections to the order. A stay is particularly appropriate here because responses to Petitioner's discovery and deposition requests would reveal highly sensitive details about the Executive Branch's conduct of foreign relations. Regardless, Respondents are entitled to district court review of their objections to the expedited jurisdictional discovery order under Federal Rule of Civil Procedure 72(a)—review that would be effectively mooted by the deadlines approved by this Court.

A stay is also appropriate because it is unclear why Respondents cannot simply produce the same discovery Respondents produced in another case in the District of Columbia. In fact, a day after this Court issued its order, the United States District Court for the District of Columbia issued its own order that determined aliens held at CECOT are *not* in the constructive custody of the United States. Mem. Op. at 23-27, *J.G.G. v. Trump*, No. 25-766 (JEB) (D.D.C. June 4, 2025) (attached to this Motion as Ex. 1). The District of Columbia district court conducted limited discovery, evaluated the documents produced, and relied upon a sworn declaration by Michael G. Kozak, who serves as the Senior Bureau Official with the Bureau of Western Hemisphere Affairs at the State Department, stating and providing evidence that “the detention and ultimate disposition of those detained in CECOT and other Salvadoran detention facilities”—like Petitioner—“are matters within the legal authority of El Salvador in accordance with its domestic and international legal obligations.” *Id.* at 22 (quoting Redacted Kozak Decl.).

To the extent that this Court believes that any discovery is warranted here, it should order the production of the *J.G.G.* discovery material—including the Kozak Declaration—before going further. As the district court in *J.G.G.* found, that discovery was sufficient to conclude that aliens held at CECOT—like Petitioner here—were not in the constructive custody of the United States. Ordering duplicative and burdensome discovery—particularly on a highly expedited timetable—is unwarranted and disproportionate to the needs of the case here.

### CONCLUSION

For the foregoing reasons, Respondents request reconsideration or a stay of this Court’s June 3rd discovery order.

Respectfully submitted,

YAAKOV M. ROTH  
Acting Assistant Attorney General  
Civil Division

ELIANIS M. PEREZ  
Assistant Director

DATED: June 6, 2025

/s/ Lindsay W. Zimlik  
Lindsay W. Zimlik  
Trial Attorney  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation  
General Litigation and Appeals Section  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
(202) 353-5950  
Facsimile (202) 305-7000  
[Lindsay.Zimlik@usdoj.gov](mailto:Lindsay.Zimlik@usdoj.gov)

*Attorneys for the United States*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2025, I electronically filed the foregoing via the Court's CM/ECF system.

/s/ Lindsay W. Zimlik  
LINDSAY W. ZIMLIKI  
Trial Attorney  
PA Bar No. 322181  
U.S. Department of Justice  
Civil Division  
Office of Immigration Litigation  
General Litigation and Appeals Section  
P.O. Box 868  
Ben Franklin Station  
Washington, D.C. 20044  
T: (202) 353-5950  
F: (202) 305-7000  
E: Lindsay.Zimlik@usdoj.gov