

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

Edicson David QUINTERO CHACÓN,

Petitioner,

v.

Terrence DICKERSON, Warden, Stewart
Detention Center, *et al.*,

Respondents.

Civil Action No. 4:25-cv-50-CDL-AGH

MOTION FOR EXPEDITED JURISDICTIONAL DISCOVERY

Petitioner Edicson David Quintero Chacón (“Mr. Quintero”) respectfully submits this motion for limited jurisdictional discovery. Respondents have moved to dismiss Mr. Quintero’s Amended Petition for a Writ of Habeas Corpus on the assertion that this action is moot because he “has been removed and is no longer in Respondent’s custody,” and the Court therefore lacks subject matter jurisdiction. Dkt. 27 at 3, 11–13.¹ As alleged in the Amended Petition and as will be further laid out in Mr. Quintero’s Response in Opposition to the Motion to Dismiss, this Court has jurisdiction to resolve Mr. Quintero’s claims because he remains in Respondents’ custody. Dkt. 24 ¶¶ 14–15, 17, 51. Because there are factual disputes regarding whether Mr. Quintero remains in Respondents’ custody and whether Respondents can provide relief for the harm alleged, the

¹ Though they mischaracterize the relief Mr. Quintero seeks, Respondents also make a redressability argument without calling it that, arguing that “[t]here is simply no basis, or jurisdiction, for this Court to . . . order . . . the Government of El Salvador to remove him, the government of Venezuela to admit him, or the United States Government to request either.” *Id.* at 13–16. Redressability is a component of Article III standing and thus jurisdictional. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 559, 561 (1992). The scope of Mr. Quintero’s proposed jurisdictional discovery therefore includes discovery related to Respondents’ redressability argument.

Court should order limited jurisdictional discovery.

I. There Is Good Cause for Jurisdictional Discovery

“A habeas petitioner, ‘unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course.’” *Phouk v. Warden, Stewart Det. Ctr.*, 378 F. Supp. 3d 1209, 1211 (M.D. Ga. 2019) (quoting *Bracy v. Gramley*, 520 U.S. 899, 904 (1997)) (granting motion for discovery where information sought was related to petitioner’s claims in petition for writ of habeas corpus). But courts may “authorize a party to conduct discovery under the Federal Rules of Civil Procedure” in habeas proceedings when good cause is shown. *Id.*; *see also* 28 U.S.C. § 2246 (“On application for a writ of habeas corpus, evidence may be taken orally or by deposition, or, in the discretion of the judge, by affidavit. If affidavits are admitted any party shall have the right to propound written interrogatories to the affiants, or to file answering affidavits”).² Indeed, “[a]lthough discovery [in habeas proceedings] is permitted only by the leave of the court, the court should not hesitate to allow discovery, where it will help illuminate the issues underlying the applicant’s claim.” *Gaitan-Campanioni v. Thornburgh*, 777 F. Supp. 1355, 1356 (E.D. Tex. 1991). “Good cause exists ‘where specific allegations [] show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that [they are] entitled to relief.’” *Phouk*, 378 F. Supp. 3d at 1211 (quoting *Daniel v. Comm’r, Ala. Dep’t of Corr.*, 822 F.3d 1248, 1281 (11th Cir. 2016)).

Relatedly, “[r]esolution of a pretrial motion that turns on findings of fact . . . may require some limited discovery before a meaningful ruling can be made.” *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997); *cf. ACLU of Fla., Inc. v. City of Sarasota*, 859 F.3d

² The Rules Governing § 2254 Cases in the United States District Courts (“Habeas Rules,” cited as “Habeas R.”) may be applied to petitions brought under § 2241. *See Annamalai v. Warden*, 760 F. App’x 843, 849–50 (11th Cir. 2019); Habeas R. 1(b).

1337, 1341 (11th Cir. 2017) (“[W]hen facts that go to the merits and the court’s jurisdiction are intertwined and genuinely in dispute, parties have a ‘qualified right to jurisdictional discovery.’” (citation omitted)). Indeed, this Court routinely allows jurisdictional discovery to afford parties a reasonable opportunity to establish jurisdiction or venue. *See, e.g., Barahona v. LaSalle Mgmt. Co., L.L.C.*, No. 7:23-CV-24-WLS, 2025 WL 961437, at *2 (M.D. Ga. Mar. 31, 2025) (allowing jurisdictional discovery regarding personal jurisdiction over the defendant at the motion to dismiss stage); *Wooten v. La Salle Corr.*, 748 F. Supp. 3d 1363, 1369 (M.D. Ga. 2024) (same); *cf. Talley v. City of LaGrange, Georgia*, No. 4:23-CV-32 (CDL), 2023 WL 8114369, at *12 (M.D. Ga. Nov. 22, 2023) (denying a motion to dismiss based on sovereign immunity with leave to reassert after plaintiff had opportunity to conduct discovery on sovereign immunity question).

Good cause for jurisdictional discovery exists here to determine whether Mr. Quintero remains in Respondents’ custody and whether the harms Mr. Quintero alleges are redressable. The fact that Mr. Quintero is no longer on U.S. soil does not resolve those questions. Drawing on the historical application of the Great Writ within the British Empire, the Supreme Court has held repeatedly that detention on foreign soil does not, in and of itself, strip U.S. habeas courts of jurisdiction. *See Rasul v. Bush*, 542 U.S. 466, 481–82 (2004) (“As Lord Mansfield wrote in 1759, even if a territory was no part of the realm, there was no doubt as to the court’s power to issue writs of habeas corpus if the territory was under the subjection of the Crown. Later cases confirmed that the reach of the writ depended not on formal notions of territorial sovereignty, but rather on the practical question of ‘the exact extent and nature of the jurisdiction or dominion exercised in fact by the Crown.’” (citations and internal quotation marks omitted)); *see also Boumediene v. Bush*, 553 U.S. 723, 762–66, 771 (2008) (rejecting a “formalistic, sovereignty-based test for determining the reach of the Suspension Clause” in favor of “a functional approach to questions of

extraterritoriality”); *Idema v. Rice*, 478 F. Supp. 2d 47, 52–53 (D.D.C. 2007) (declining to find the court lacked jurisdiction, and ordering a government response to a habeas petition filed by an individual imprisoned in an Afghan prison, where the petitioner alleged a great deal of “U.S. control over [his] arrest, conviction, appeal, and confinement”).

The United States government has only recently begun detaining noncitizens at Centro de Confinamiento del Terrorismo, the Terrorism Confinement Center (“CECOT”) in El Salvador. The question of whether those noncitizens remain in United States custody is presently before other federal courts. *See, e.g.*, Amended Class Action Petition for Writ of Habeas Corpus and Complaint, *J.G.G. v. Trump*, 1:25-cv-00766-JEB (D.D.C. Apr. 24, 2025), ECF No. 101 ¶ 76; Petition for Writ of Habeas Corpus, *Vaamondes Barrios v. DHS*, No. CV-25-1759 (E.D.N.Y. Mar. 31, 2025), ECF No. 1 at 4. No court has yet decided the issue. Nevertheless, it is not unprecedented for federal courts to hear and decide challenges to extraordinary detention on foreign soil, and in so doing, find jurisdictional discovery to be warranted and necessary. *See, e.g.*, *Abu Ali v. Ashcroft*, 350 F. Supp. 2d 28, 31, 68 (D.D.C. 2004) (denying government’s motion to dismiss and authorizing “expeditious jurisdictional discovery” on question of whether petitioner, who was detained in a prison in Saudi Arabia, was in actual or constructive custody of United States, because “if the facts alleged in the Petition were shown to be true, there would be habeas jurisdiction”).

Here, there is extensive public reporting on Respondents’ decision to warehouse people at CECOT,³ and while the precise contours of the arrangement with El Salvador are not yet public,

³ Some details about this arrangement have been reported, including that El Salvador has agreed to detain up to 300 Venezuelan nationals sent from the U.S. for up to one year, the U.S. paid El Salvador \$4.76 million on March 22, 2025, which includes costs of detaining 238 Venezuelan at CECOT, and El Salvador offered to continue detaining Venezuelan nationals for a second year at

Respondents have made numerous public statements confirming these reports. *See* Dkt. 24 ¶¶ 54–67. Thus, the jurisdictional facts, if fully developed, will show that Mr. Quintero remains in Respondents’ custody because he remains detained in CECOT at Respondents’ behest; indeed, Respondents have contracted for and are paying (with U.S. tax dollars) for his continued custody. Moreover, the question of whether Mr. Quintero remains in Respondents’ custody while confined at CECOT is one that has not yet been answered by any court, and discovery is necessary so that Mr. Quintero can have a full opportunity to rebut Respondents’ evidence to the contrary, if there is any. If Respondents continue to exercise control over Mr. Quintero’s detention as alleged, then Mr. Quintero remains in their custody and there is habeas jurisdiction.

While Respondents may make hay over the sensitivity of information regarding the U.S.-El Salvador agreement, as they have tried to do in other cases with no success thus far, *see e.g., Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX, 2025 WL 1166402, at *2–3 (D. Md. Apr. 22, 2025), the Supreme Court has entrusted federal district courts with the responsibility of balancing habeas petitioners’ due process rights with any sensitive information. *Hamdi v. Rumsfeld*, 542 U.S. 507, 539 (2004) (“We have no reason to doubt that courts faced with these sensitive matters will pay proper heed both to the matters of national security that might arise in an individual case and

a “50% discount” if the U.S. returned nine Salvadoran nationals to El Salvador. Jennifer Hansler & Priscilla Alvarez, *Trump admin proposed sending up to 500 alleged Venezuelan gang members during negotiations to use El Salvador’s mega-prison*, CNN (Apr. 28, 2025), <https://www.cnn.com/2025/04/28/politics/trump-el-savador-prison-negotiations/index.html>; Zolan Kanno-Youngs et al., *Behind Trump’s Deal to Deport Venezuelans to El Salvador’s Most Feared Prison*, N.Y. Times (Apr. 30, 2025), <https://www.nytimes.com/2025/04/30/us/politics/trump-deportations-venezuela-el-salvador.html>. Additionally, President Trump has confirmed that he has the power to effectuate the return of people sent to CECOT. Zolan Kanno-Youngs, *Trump Says He Could Free Abrego Garcia From El Salvador, but Won’t*, N.Y. Times (Apr. 30, 2025), <https://www.nytimes.com/2025/04/29/us/politics/trump-abrego-garcia-deported.html?smid=url-share>.

to the constitutional limitations safeguarding essential liberties that remain vibrant even in times of security concerns.”). Any highly sensitive information can be safeguarded with a reasonable protective order.

II. Scope of Discovery Sought

Mr. Quintero seeks expedited⁴ and limited jurisdictional discovery regarding his confinement in El Salvador at Respondents’ behest⁵ and his current physical location and custodial status. Overall, much of the discovery Mr. Quintero seeks already has or is being gathered and produced in the *Abrego Garcia* litigation pending in the District of Maryland. *See Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX, 2025 WL 1166402 (D. Md. Apr. 22, 2025) (resolving discovery disputes); Defs. Objs. & Resps. to Plfs. Interrogatories, *Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX (D. Md. Apr. 22, 2025), ECF No. 98-1; Defs. Objs. & Resps. to Plfs. RFPs, *Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX (D. Md. Apr. 22, 2025), ECF No. 98-1. This should significantly reduce the burden on Respondents here.

First, Mr. Quintero seeks an order allowing him to propound upon Respondents the following **requests for production of documents** created or modified on or after November 5, 2024:

- 1) Diplomatic demarches, diplomatic assurances, or diplomatic cables between the United States and El Salvador relating to Mr. Quintero’s transfer or removal from the United States;

⁴ Expedited discovery is warranted here given the inherently expedited nature of habeas, *see* 28 U.S.C. § 2243 (setting out an expedited timeframe for showing cause as to why the writ should not issue), and the fundamental liberty interest at stake, *see Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.”).

⁵ *Supra* note 3.

- 2) Documents relating to any agreement(s) between the United States and El Salvador regarding the transfer or removal of non-U.S. citizens to El Salvador and/or the confinement of such individuals in Salvadoran prisons;
- 3) Documents relating to any payment, or exchange of other consideration, between the United States and El Salvador for the confinement of non-U.S. citizens sent from the United States to CECOT;
- 4) Documents relating to Mr. Quintero's transport or removal from the United States to El Salvador and to CECOT, including but not limited to flight manifests;
- 5) Documents relating to Mr. Quintero's confinement between February 10, 2025 and the present, including documents specifying his location of confinement, conditions of confinement, the legal basis for his confinement, the anticipated length of his confinement at CECOT, and his custodial status;
- 6) Any documents provided to or signed by Mr. Quintero within 72 hours prior to or within 72 hours after completion of his transport or removal to El Salvador;
- 7) All Communications to or from anyone in the government of El Salvador or connected with CECOT concerning Mr. Quintero;
- 8) All documents sufficient to show Respondents' compliance with the 2011 Performance Based National Detention Standards, 2016 revision Sections 2.1(V)(I) ("Releases or Removals"), 4.3(V)(Z) ("Continuity of Care"), and 4.3(V)(BB) ("Medical Records"), as to Mr. Quintero's "removal" to El Salvador;
- 9) Documents relating to Respondent Noem's March 26, 2025 visit to CECOT, including correspondence, agreements, agendas, notes, photographs, and video footage;
- 10) Documents relating to policies or directives regarding the process for identifying non-

U.S. citizens for removal or transfer to CECOT and effectuating removals or transfers to CECOT; and

11) All documents Respondents may rely on to support their defenses or arguments that this Court does not have jurisdiction over Mr. Quintero's habeas petition.

Second, Mr. Quintero seeks an order allowing him to propound upon Respondents **interrogatories** seeking:

- 1) The flight numbers, dates, and times of the flights on which Mr. Quintero was transported from the United States to El Salvador;
- 2) The names of all Executive Branch officials responsible for Mr. Quintero's transfer to CECOT;
- 3) The names of all Executive Branch officials who identified Mr. Quintero for transfer to CECOT;
- 4) The names of all Executive Branch officials who have communicated with Salvadoran government officials about the location of, custodial status of, or health and safety of non-U.S. citizens transferred to CECOT;
- 5) The names of all Executive Branch officials with knowledge of the agreement, arrangement, or understanding between the United States and El Salvador for the confinement of non-U.S. citizens sent from the United States to CECOT;
- 6) The names of all Executive Branch officials with authority to negotiate with El Salvador regarding the confinement of non-U.S. citizens sent from the United States to Salvadoran prisons and to renew or extend the term of the agreement for El Salvador to detain non-U.S. citizens sent from the United States to Salvadoran prisons;
- 7) A description with particularity of the terms of any agreement, arrangement, or

understanding between the governments of the United States and El Salvador to confine in El Salvador non-U.S. citizens sent from the United States or transported from the United States to El Salvador; and

- 8) A list of each payment that has been, or will be, made or withheld in connection with the detention in El Salvador of Mr. Quintero and other non-U.S. citizens sent from the United States to El Salvador, including when each payment was or will be made or withheld, in what amount, by whom, and to whom.

Third, Mr. Quintero seeks an order allowing him to propound the following **Requests for Admission** upon Respondents:

- 1) Admit that Respondents or their agents, employees, subordinates, or contractors transported Mr. Quintero to El Salvador on March 15, 2025;
- 2) Admit that Respondents or their agents, employees, subordinates, or contractors transported Mr. Quintero to CECOT;
- 3) Admit that Mr. Quintero is currently confined at CECOT.

Fourth, Mr. Quintero seeks an order allowing government agency **depositions** not to exceed seven hours each of DHS/ICE and the State Department, in accordance with Federal Rule of Civil Procedure 30(b)(6). The scope of those depositions will be limited to any of Respondents' interrogatory responses and admissions, any evidence produced by Respondents, and the following topics: any agreement(s) between the United States and El Salvador to detain non-U.S. citizens sent from the United States to Salvadoran prisons; the agencies' knowledge of facts related to Mr. Quintero's present detention in El Salvador; the agencies' knowledge of the conditions of confinement, custodial status, legal basis for confinement, length of confinement, and release or return of non-U.S. citizens sent from the United States to Salvadoran prisons; agency policies and

procedures relating to the detention of non-U.S. citizens in Salvadoran prisons; the agencies' decision to send Mr. Quintero to El Salvador and to CECOT; and agency policies and procedures relating to the identification of non-U.S. citizens for third-country removals and removals to Salvadoran prisons. Mr. Quintero also seeks leave to conduct up to two additional depositions of individuals who are disclosed in Respondents' discovery responses.

Further, Mr. Quintero asks the Court to order that this discovery proceed on an expedited timeline, with:

- responses, objections, production of a privilege log, and production of responsive documents provided to Mr. Quintero's requests for production, interrogatories, and requests for admission within one week of entry of an order permitting discovery;
- depositions completed within two weeks of service of notice; and
- any motion to compel regarding requests for production, interrogatories or requests for admission filed within two weeks of entry of an order permitting discovery, with any response due one week after filing of the motion, and production of any remaining discovery made one week after entry of the Court's order resolving the motion.

Finally, Mr. Quintero asks the Court to order Respondents to promptly supplement their discovery responses with any further responsive information or documents as they discover new evidence after this date.

Another district court considering a related question regarding U.S. authority over people confined at CECOT has recently permitted expedited discovery of a similar scope and on a similar timeline. *See Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX, 2025 WL 1113440, at *4 (D. Md. Apr. 15, 2025); *Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX (D. Md. Apr. 30, 2025), ECF No. 107 (revising expedited discovery schedule); *cf. D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D.

Mass. Apr. 28, 2025), ECF No. 80 (ordering limited and expedited discovery regarding removal of plaintiff in possible violation of temporary restraining order); *D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D. Mass. Apr. 28, 2025), ECF No. 83 (ordering the parties to submit a joint plan for discovery regarding the factual circumstances surrounding the removal of four putative class members in possible violation of a temporary restraining order and the relationship between DHS and the Department of Defense, including, but not limited to, each agency's role with regards to removals, the management of Guantánamo Bay, and the March 7, 2025 memorandum of understanding between the two agencies).

CONCLUSION

For the reasons set for herein, the Court should find good cause exists for Mr. Quintero to conduct limited jurisdictional discovery regarding whether he remains in Respondents' custody while detained at CECOT and issue an order permitting discovery on the expedited schedule specified above.

Dated: May 5, 2025

Respectfully submitted,

/s/ Caitlin J. Sandley
 Caitlin J. Sandley
 GA Bar No. 610130
 Jessica Myers Vosburgh*
 Center for Constitutional Rights
 P.O. Box 486
 Birmingham, AL 35201
 T: (212) 614-6443
csandley@ccrjustice.org
jvosburgh@ccrjustice.org

Ayla Kadah*
 Center for Constitutional Rights
 666 Broadway, 7th Floor
 New York, NY 10012
 T: (212) 614-6491
akadah@ccrjustice.org

Rebecca M. Cassler
GA Bar No. 487886
Michelle Lapointe
GA Bar No. 007080
American Immigration Council
PMB 2026
2001 L ST. NW, Ste. 500
Washington, DC 20036
T: (202) 507-7514
rcassler@immcouncil.org
mlapointe@immcouncil.org

Stephanie M. Alvarez-Jones
GA Bar No. 237979
National Immigration Project of the
National Lawyers Guild
1763 Columbia Road NW
Ste 175 #896645
Washington, DC 20009
T: (202) 470-2082
stephanie@nipnlg.org

*Admitted pro hac vice

Counsel for Petitioner