

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, WAYCROSS DIVISION

Jose Fabian Guaman Chogllo v. Warden, Folkston ICE Processing
Facility

No. 5:26-cv-6, United States District Court for the Southern District of Georgia, Waycross Division (January 12, 2026)

SUMMARY

The United States District Court for the Southern District of Georgia orders service of a 28 U.S.C. § 2241 habeas petition filed by an immigration detainee against the Warden of the Folkston ICE Processing Facility. The order sets deadlines for the respondent’s answer and the petitioner’s reply, establishes procedures for any motion for interim relief, and requires production of relevant detention records.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Waycross Division
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of Georgia, Waycross Division
DECIDED	January 12, 2026
DOCKET	5:26-cv-6
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening and service order in a 28 U.S.C. § 2241 habeas proceeding challenging immigration detention.
STANDARD OF REVIEW	Under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, applied to the § 2241 petition, the court screened the petition to determine whether it plainly appeared that petitioner was not entitled to relief.
PRECEDENTIAL VALUE	Unpublished interlocutory procedural order with no reporter citation; limited precedential value.
PARTIES	Jose Fabian Guaman Chogllo v. Warden, Folkston ICE Processing Facility

TOPICS

federal habeas corpus

immigration detention

service of process

injunctions

civil procedure

PRACTICE AREAS

federal habeas corpus

immigration detention

civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be dismissed at initial screening because it plainly appeared that petitioner was not entitled to relief.
2. What service and response procedures should govern the habeas petition.
3. What showing is required for a petitioner seeking release from immigration detention or other interim relief while the habeas petition is pending.

HOLDINGS

1. Because it did not plainly appear that petitioner was not entitled to relief, the court ordered the petition served rather than dismissing it at the screening stage.
2. The United States Marshal must serve the petition and order on the Attorney General, the named Warden-Respondent, and the civil process clerk for the United States Attorney's Office for the Southern District of Georgia; the Warden must file an answer within seven business days addressing the allegations, certifying the true cause of detention, and showing cause why relief should not be granted.
3. A petitioner seeking release from detention while a habeas petition is pending must show a likelihood of success on the merits of a substantial constitutional claim and extraordinary and exceptional circumstances making release necessary to preserve the effectiveness of the requested habeas relief.

KEY QUOTATIONS

“I find that it does not plainly appear that Petitioner is not entitled to relief.” (at 1)

“Importantly, a petitioner who seeks release from detention while the Petition is pending must demonstrate in the motion for interim relief: (1) a likelihood of success on the merits of a substantial constitutional claim; and (2) extraordinary and exceptional circumstances exist that make release necessary to preserve the effectiveness of the habeas corpus relief sought.” (at 2)

FACTUAL BACKGROUND

The petition concerns Jose Fabian Guaman Chogllo's detention by immigration authorities at the Folkston ICE Processing Facility. The order does not resolve the merits of the detention challenge or describe the underlying detention facts in detail. Instead, it addresses initial screening, service, the respondent's obligation to explain the cause of detention, and procedures for any request for interim relief.

PROCEDURAL HISTORY

Petitioner filed a petition for habeas corpus relief under 28 U.S.C. § 2241. The court determined at the initial screening stage that it did not plainly appear that petitioner was not entitled to relief, directed service of the petition and order on the Warden and specified federal officials, and established deadlines for an answer, reply, and any motions. The court also provided procedures for seeking interim relief while the petition remains pending.

DISPOSITION

other

CASES CITED

- Wilcox v. Ford, 813 F.2d 1140 (11th Cir. 1987)
- Gomez v. United States, 899 F.2d 1124 (11th Cir. 1990)
- Wilson v. Sec'y, Dep't of Corr., No. 17-10060-D, 2017 WL 11815408, at *1 (11th Cir. May 10, 2017)
- Mapp v. Reno, 241 F.3d 221, 225 (2d Cir. 2001)

OPINION

Jose Fabian Guaman Chogllo v. Warden, Folkston ICE Processing Facility

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

WAYCROSS DIVISION

JOSE FABIAN GUAMAN CHOGLLO,

Petitioner, CIVIL ACTION NO.: 5:26-cv-6 v.

WARDEN, FOLKSTON ICE PROCESSING

FACILITY,

Respondent.

O R D E R

Service of the Petition. I have reviewed Petitioner's 28 U.S.C. § 2241 Petition for Habeas Corpus Relief. I find that it does not plainly appear that Petitioner is not entitled to relief. See Rules 1(b) and 4 of the Rules Governing Section 2254 Cases. Therefore, the Court directs the United States Marshal to serve a copy of the Petition, doc. 1, and a copy of this Order by registered or certified mail upon: (1) the Attorney General of the United States; (2) the named Warden-Respondent; and (3) the civil process clerk at the office of the United States Attorney for the Southern District of Georgia. See Fed. R. Civ. P. 4(i). The Court DIRECTS the Clerk of Court to provide a courtesy copy of this Order and the Petition to the United States Attorney's Office at: Bradford.Patrick@usdoj.gov; Woelke.Leithart@usdoj.gov; and Keveya.Sturkey@usdoj.gov. Answer Due in 7 Days. The Warden-Respondent must file an answer to the Petition within 7 business days of the date of this Order. See, e.g., 28 U.S.C. § 2243. The Answer must address the

allegations in the Petition, certify the true cause of the detention, and show cause why the Petition should not be granted. The Answer shall constitute a return for the purposes of 28 U.S.C. § 2243, as long as it certifies the true cause of detention. Counsel for the Warden- Respondent shall provide all relevant records, including orders, recordings, transcripts, and other records from ICE, that are available to counsel at the time of the Answer. Counsel shall promptly supplement the answer with any additional records that counsel obtains after filing the Answer. The Warden-Respondent will be permitted to file additional motions, including a motion to dismiss, within 21 days of filing the Answer. Reply Due in 3 Days. Petitioner shall file any desired Reply to the Answer within 3 days of the date the Answer is served. Petitioner shall file any desired response to a motion to dismiss within 14 days of service. Requests for Interim Relief. This Petition will be resolved in the ordinary course. Recently, petitioners in similar circumstances have sought various forms of interim relief, including a prohibition on the petitioner's removal from the United States, a prohibition on ICE from transferring the petitioner from one detention facility to another within the United States, and interim release from detention while the habeas petition is pending. To the extent Petitioner is requesting interim relief, Petitioner shall file an independent motion titled "Motion for Interim Relief" separate from the Petition. Petitioner should not make a request for interim relief in the body of the Petition or in a request for preliminary injunctive relief (e.g., a motion for temporary restraining order or a motion for preliminary injunction, or motion for order to show cause). The Warden-Respondent shall file a response to any motion for interim relief within 7 days of the date the motion is served. If there is a motion currently pending, the Warden-Respondent shall file a response to that Motion within 7 days of the date of this Order. Importantly, a petitioner who seeks release from detention while the Petition is pending must demonstrate in the motion for interim relief: (1) a likelihood of success on the merits of a substantial constitutional claim; and (2) extraordinary and exceptional circumstances exist that make release necessary to preserve the effectiveness of the habeas corpus relief sought. See, e.g., *Wilcox v. Ford*, 813 F.2d 1140 (11th Cir. 1987); *Gomez v. United States*, 899 F.2d 1124 (11th Cir. 1990); and *Wilson v. Sec'y, Dep't of Corr.*, No. 17-10060-D, 2017 WL 11815408, at *1 (11th Cir. May 10, 2017); see also *Mapp v. Reno*, 241 F.3d 221, 225 (2d Cir. 2001). SO ORDERED, this 12th day of January, 2026. BO

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA