

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY
Charles Nkeza v. Warden Eric Rokosky, Elizabeth Detention Center,
et al.

Nkeza · No. Civil Action No. 26-2302 (GC) · Decided March 5, 2026

OPINION

NKEZA

PER CURIAM.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

CHARLES NKEZA,

Petitioner, Vv. Civil Action No, 26-2302 (GC)

WARDEN ERIC ROKOSKY, ELIZABETH MEMORANDUM & ORDER

| DETENTION CENTER, ef ai., Respondents, CASTNER, District Judge THIS MATTER comes before the Court on the counseled petition (Petition) for a writ of habeas corpus under 28 U.S.C. § 2241 filed by Petitioner Charles Nkeza.' (ECF No. 1,) Petitioner also moves for a temporary restraining order ("TRO") to prevent transfer (ECF No. 2 (Motion for TRO)) and requests an order to show cause ("OTSC") (ECF No, 1 at 7). According to the Petition, Petitioner is an immigration detainee held at the Elizabeth Contract Detention Facility in Elizabeth, New Jersey. (ECF No. | { 2.) 28 U.S.C. § 2243 provides in relevant part that "[a] court, justice or judge entertaining an application for 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." Under this statutory Petitioner names as Respondents (in their official capacities): Warden, Elizabeth Contract Detention Facility; Field Office Director, Newark Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; and Secretary, U.S. Department of Homeland Security, (ECF No, | at 1, 9 12-14.) provision, "[t]he writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed." However, "[t]hat slatute . . . is 'not the only statute governing a habeas petition.'" Schumaker v. Knight, No, 23-20834, 2024 WL 866347, at *1 (D.N.J. Feb. 29, 2024) (quoting Iremashvili v, Rodriguez, No, 15-6320, 2017 WL 935441, at *2 (D.N.J. Mar. 9, 2017)). Rule 4 of the Rules Governing Section 2254 Cases ("Habeas Rule 4"), applicable to 28 U.S.C. § 2241 cases through Habeas Rule 1(b), "provides the Court an alternative procedure, one that takes priority over the requirements of 28 U.S.C. § 2243." Jd; see also Iremashvili, 2017 WL 935441, at *224

(explaining that, as a procedural rule subsequently adopted by the Supreme Court and approved by Congress, Rule 4 supersedes § 2243), “Because Habeas Rule 4’s flexible time limits apply, ‘the Court is not obligated to issue a show-cause order. . . .; indeed, the common practice for courts in this District is to order respondents to answer within 45 days.’ /remashvili, 2017 WL 935441, at *4.” Benitez Castro v. Bondi, No. 25-17598, 2025 WL 3213829, at *1 n.5 (D.N.J. Nov. 18, 2025). Under Habeas Rule 4, the Court must promptly examine the Petition to determine whether it should be dismissed on the grounds that “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” “If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.” Habeas Rule 4. This Court has screened the Petition for dismissal pursuant to Habeas Rule 4 and has determined that dismissal without an expedited answer and production of the record is not warranted. Pursuant to the All Writs Act, see 28 U.S.C. § 1651(a) (empowering the federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law”), the Court orders that Petitioner shall not be transferred from the District of New Jersey, or removed We the United States, pending further order of this Court. IF IS, therefore, on this 6 day of March, 2026, ORDERED as follows: ORDERED that Petitioner SHALL NOT be TRANSFERRED from the District of New Jersey, or REMOVED from the United States, pending further order of this Court; and it is further ORDERED Petitioner’s Motion for TRO (ECF No, 2) is DENIED as moot; and it is further ORDERED that the Clerk of the Court shall terminate the Motion pending at ECF No. 2; and it is further ORDERED that Petitioner’s request for an OTSC is DENIED; and it is further ORDERED that the Clerk of the Court shall serve a copy of the Petition (ECF No. 1), the attachments to the Petition (ECF No. 1-1), the Motion for TRO (ECF No. 2), and this Memorandum and Order upon Respondents by electronic mail and regular U.S. Mail, with all costs of service advanced by the United States; and it is further ORDERED that the Clerk of the Court shall serve a copy of the Petition (ECF No. 1), the attachment to the Pelition (ECF No. 1-1), the Motion for TRO (ECF No. 2), and this Memorandum and Order to the Chief, Civil Division, United States Attorney’s Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further ORDERED that, within twenty-one (21) days of the date of entry of this Memorandum and Order, Respondents shall electronically file a full and complete answer to the Petition (ECF No, 1), which responds to the factual and legal allegations of the Petition; and it is further ORDERED that the answer shall state the statutory authority for Petitioner's detention, see 28 U.S.C. § 2243, and provide the relevant legal analysis and record; and it is further ORDERED that Respondents shall raise in the answer any appropriate defenses and relevant legal arguments with citations to appropriate legal authority; and it is further ORDERED that Respondents shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner’s claims; and it is further ORDERED that all exhibits to the answer must be identified by a descriptive name in the electronic filing entry, for example:

“Exhibit #1 Transcript of [type of proceeding] held on XX/KXX/XXXX” or “Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY”; and it is further ORDERED that Petitioner may file and serve a reply in support of the Petition within fourteen (14) days after the answer is filed; and it is further ORDERED that within three (3) days after any change in Petitioner’s custody or immigration status (be it release or otherwise) occurring any time during the pendency of this case, Respondents shall electronically file a written notice of the same with the Clerk of the Court.

GEQ@RGEATE CASTNER

United States District Judge