

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Jerry Lee Contreras v. Sheriff David Davis

Contreras v. Davis · No. 5:25-cv-393-TES-CHW · Decided December 31, 2025

SUMMARY

The United States District Court for the Middle District of Georgia recommends dismissing Jerry Lee Contreras’s 28 U.S.C. § 2241 habeas petition without prejudice because he failed to exhaust available state remedies. The recommendation concerns challenges to his pretrial detention, bond, probable cause, counsel, and related criminal proceedings. The court also recommends denying a certificate of appealability and in forma pauperis status on appeal, while granting in forma pauperis status for purposes of the recommendation.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Charles H. Weigle
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 31, 2025
DOCKET	5:25-cv-393-TES-CHW
DISPOSITION	other
PROCEDURAL POSTURE	A federal magistrate judge screened a pro se pretrial detainee's petition under 28 U.S.C. § 2241 and recommended dismissal without prejudice for failure to exhaust available state remedies. The recommendation also recommended denial of a certificate of appealability and in forma pauperis status on appeal.
STANDARD OF REVIEW	At screening under Rule 4 of the Rules Governing Section 2254 Cases, the court must dismiss a habeas petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. The court applied the exhaustion requirement de novo as a procedural prerequisite to federal habeas relief.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Jerry Lee Contreras v. Sheriff David Davis

TOPICS

federal habeas corpus

habeas corpus

bail

probable cause

right to counsel

PRACTICE AREAS

federal habeas corpus

criminal procedure

post-conviction relief

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Contreras's pretrial detention and related constitutional claims could be considered under 28 U.S.C. § 2241 before he exhausted available state remedies.
2. Whether the petition should be dismissed without prejudice under Rule 4 for failure to exhaust state remedies.
3. Whether a certificate of appealability and leave to proceed in forma pauperis on appeal should be denied.

HOLDINGS

1. A state pretrial detainee must exhaust all available state-court remedies before seeking federal habeas relief under 28 U.S.C. § 2241, including by presenting claims through one complete round of the state's established appellate review process.
2. Failure to exhaust available state remedies is a proper basis for dismissal without prejudice of the habeas petition at screening.
3. A certificate of appealability should be denied because Contreras did not make the required substantial showing of the denial of a constitutional right or show that reasonable jurists could debate the procedural ruling.

KEY QUOTATIONS

“The Petition is therefore subject to dismissal for failure to exhaust.” (4)

“If Petitioner has not exhausted state remedies, the Court cannot grant relief.” (4)

“It is RECOMMENDED that Petitioner’s § 2241 petition (ECF No. 1), be DISMISSED WITHOUT PREJUDICE for failure to fully exhaust state remedies and that any COA and motion to proceed in forma pauperis on appeal be DENIED.” (6)

FACTUAL BACKGROUND

Contreras was a pretrial detainee most recently confined at the Bibb County Law Enforcement Center. He challenged his arrest, denial of bond, alleged failure to file an information within twenty-one days, the pending criminal charges, counsel's effectiveness, alleged defamation, and the failure to provide a commitment hearing.

He did not allege that he had filed a state habeas petition or otherwise pursued appeals, grievances, or administrative remedies concerning those claims.

PROCEDURAL HISTORY

Contreras filed a federal habeas petition challenging his pretrial detention and related state criminal proceedings, together with an amended petition and a motion to proceed in forma pauperis. The court granted the in forma pauperis motion for purposes of the recommendation, found that Contreras had not shown exhaustion of Georgia remedies, and recommended dismissal without prejudice. The parties were given fourteen days to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- O'Sullivan v. Boerckel, 526 U.S. 838, 842 (1999)
- Paez v. Sec'y, Fla. Dep't of Corr., 947 F.3d 649, 653-55 (11th Cir. 2020)
- Fletcher v. Oliver, No. 1:20-00347-KD-N, 2020 WL 5100631, at *2 n.4 (S.D. Ala. July 21, 2020)
- Braden v. 30th Jud. Cir. Ct. of Ky., 410 U.S. 484, 489-90 & n.4 (1973)
- Hughes v. Att'y Gen. of Fla., 377 F.3d 1258, 1262 n.4 (11th Cir. 2004)
- Dill v. Holt, 371 F.3d 1301, 1303 (11th Cir. 2004)
- Santiago-Lugo v. Warden, 785 F.3d 467, 475 (11th Cir. 2015)
- Hughes v. Coursey, No. CV 110-077, 2010 WL 3338696, at *2 (S.D. Ga. July 27, 2010)
- Mullinax v. State, 515 S.E.2d 839, 840 (Ga. 1999)
- Bozzuto v. State, 624 S.E.2d 166, 168 (Ga. Ct. App. 2005)
- Miller-El v. Cockrell, 537 U.S. 322, 327 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)