

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, WESTERN DIVISION

Deivis Hernandez Guedes v. Merrick B. Garland et al.

Guedes · No. 5:26-cv-00078-DCB-BWR · Decided May 11, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi recommends dismissing Deivis Hernandez Guedes’s 28 U.S.C. § 2241 petition without prejudice. The recommendation is based on his failure to prosecute the case and comply with three court orders, including orders requiring an amended petition and payment of the filing fee or an in forma pauperis motion.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Western Division
WRITING FOR THE COURT	Bradley W. Rath
JURISDICTION	United States District Court for the Southern District of Mississippi, Western Division
DECIDED	May 11, 2026
DOCKET	5:26-cv-00078-DCB-BWR
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 41(b) and the court's inherent authority, an action may be dismissed sua sponte for failure to prosecute or failure to obey court orders. Objections to a magistrate judge's report and recommendation are reviewed de novo by the district judge under Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Deivis Hernandez Guedes v. Merrick B. Garland et al.

TOPICS

- federal habeas corpus
- immigration detention
- civil procedure

PRACTICE AREAS

Federal habeas corpus

Immigration detention

Civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be dismissed without prejudice because petitioner failed to prosecute the action and failed to obey three court orders.

HOLDINGS

1. The magistrate judge recommended that the § 2241 petition be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and the court's inherent authority because petitioner failed to prosecute and obey three court orders.

KEY QUOTATIONS

“will result in this cause being dismissed without further notice to Petitioner.” (at 2)

FACTUAL BACKGROUND

Guedes, a Cuban national who entered the United States in 2021, was detained by ICE on December 9, 2025, and filed a § 2241 petition seeking release from custody. The court ordered him to submit a compliant § 2241 petition and address the filing fee or seek in forma pauperis status. He failed to comply with those orders and with a later order to show cause, while returned mail indicated that he had been released from detention.

PROCEDURAL HISTORY

Guedes filed a § 2241 petition seeking immediate release from Immigration and Customs Enforcement custody. The court ordered him to file a compliant petition and either pay the filing fee or seek leave to proceed in forma pauperis, but he did not comply. After the orders and a subsequent order to show cause were returned or unanswered, the magistrate judge recommended dismissal without prejudice for failure to prosecute and failure to obey court orders.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962)
- Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428-29 (5th Cir. 1996)

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