

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Ibrahim Nasr Ibrahim v. United States

Ibrahim · No. 4:26-CV-4034-KES · Decided March 16, 2026

SUMMARY

The magistrate judge recommends dismissing Ibrahim Nasr Ibrahim’s motion under 28 U.S.C. § 2255 with prejudice as untimely. The recommendation concludes that the motion was filed after the one-year limitation period under § 2255(f)(1) and, alternatively, § 2255(f)(4), and that Ibrahim failed to establish grounds for equitable tolling. The matter concerns an ineffective-assistance claim based on counsel’s alleged failure to advise Ibrahim of the immigration consequences of his conviction.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Veronica L. Duffy
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	March 16, 2026
DOCKET	4:26-CV-4034-KES
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on a pro se motion under 28 U.S.C. § 2255 to vacate, correct, or set aside a sentence.
STANDARD OF REVIEW	The magistrate judge screened the § 2255 motion under Rule 4 of the Rules Governing § 2255 Proceedings. Objections to the report and recommendation would require de novo review by the district court if timely and specific.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- federal habeas corpus
- post-conviction relief
- statute of limitations
- ineffective assistance
- criminal procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

immigration

remedies

QUESTIONS PRESENTED

1. Whether Ibrahim's § 2255 motion was timely under 28 U.S.C. § 2255(f)(1).
2. Whether the immigration-removal notice constituted newly discoverable facts triggering a later limitations period under 28 U.S.C. § 2255(f)(4).
3. Whether equitable tolling should excuse the untimely filing.

HOLDINGS

1. The motion was untimely because Ibrahim's unappealed conviction became final on April 6, 2023, after expiration of the time to file a direct appeal, and the one-year limitations period expired on April 6, 2024.
2. The August 2023 notice that immigration authorities would seek Ibrahim's removal did not make the motion timely because it arose before expiration of the § 2255(f)(1) period and, even if treated as newly discovered evidence, Ibrahim filed more than one year after receiving the notice.
3. Equitable tolling was unavailable because Ibrahim did not show that he pursued his rights diligently or that an extraordinary circumstance prevented timely filing.

KEY QUOTATIONS

“The one-year AEDPA statute of limitations is not a jurisdictional bar.”

“Equitable tolling represents “an exceedingly narrow window of relief.””

FACTUAL BACKGROUND

Ibrahim was indicted for conspiracy to distribute a controlled substance, pleaded guilty under a written plea agreement, and was sentenced on October 31, 2022. An amended judgment was entered on March 23, 2023, and he did not appeal either judgment. He filed his § 2255 motion on February 13, 2026, alleging that counsel failed to inform him of the immigration consequences of his conviction. He stated that immigration authorities notified him in August 2023 that they would seek his removal.

PROCEDURAL HISTORY

Ibrahim pleaded guilty to conspiracy to distribute a controlled substance and was sentenced in the District of South Dakota. He did not appeal either the original or amended judgment. He filed the present § 2255 motion on February 13, 2026, alleging ineffective assistance based on counsel's failure to advise him of the immigration consequences of his conviction. After screening the motion as potentially untimely, the magistrate judge ordered the parties to show cause; the government sought dismissal, and Ibrahim did not respond. The magistrate judge recommended dismissal with prejudice as untimely, subject to objections and review by the district court.

DISPOSITION

other

CASES CITED

- United States v. Johnson, United States v. Johnson, 457 U.S. 537, 543 n. 8 (1982)
- Clay v. United States, 537 U.S. 522, 525, 527 (2003)
- Moshier v. United States, 402 F.3d 116, 118 (2d Cir. 2005)
- Sanchez-Castellano v. United States, 358 F.3d 424, 428 (6th Cir. 2004)
- Kapral v. United States, 166 F.3d 565, 577 (3d Cir. 1999)
- Baker v. Norris, 321 F.3d 769, 771 (8th Cir. 2003)
- Holland v. Florida, 560 U.S. 631, 649-50 (2010)
- Pace v. DiGuglielmo, 544 U.S. 408, 418 (2005)
- Shoemate v. Norris, 390 F.3d 595, 597 (8th Cir. 2004)
- Jihad v. Hvass, 267 F.3d 803, 805 (8th Cir. 2001)
- Thompson v. Nix, 897 F.2d 356, 357-58 (8th Cir. 1990)