

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

Robel Teklezghi Tekle v. Warden, Folkston ICE Processing Facility, et
al.

Tekle · No. 5:26-cv-236 · Decided February 19, 2026

SUMMARY

This order addresses a 28 U.S.C. § 2241 habeas petition seeking release from ICE detention at the Folkston Detention Center. The court directs service of the petition, requires the Warden-Respondent to answer within seven business days, permits a petitioner reply within three days, and outlines an informal telephonic conference. The order also establishes procedures for any motion seeking interim relief.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Waycross Division
WRITING FOR THE COURT	Benjamin W. Cheesbro
JURISDICTION	United States District Court for the Southern District of Georgia, Waycross Division
DECIDED	February 19, 2026
DOCKET	5:26-cv-236
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention; the court ordered service of the petition and required an expedited answer.
STANDARD OF REVIEW	At the preliminary screening stage, dismissal is not warranted when it does not plainly appear from the petition that the petitioner is not entitled to relief. For interim release from detention while a habeas petition is pending, the petitioner 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.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and the order is primarily procedural.

PARTIES

Robel Teklezghi Tekle v. Warden, Folkston ICE Processing Facility, et al.

TOPICS

immigration detention

service of process

injunctions

civil procedure

immigration

PRACTICE AREAS

immigration

habeas corpus

federal civil procedure

immigration detention

QUESTIONS PRESENTED

1. Whether the petition should be screened out before service because it plainly appeared that Tekle was not entitled to habeas relief.
2. What showing Tekle must make to obtain interim release from immigration detention while the § 2241 petition is pending.

HOLDINGS

1. Because it did not plainly appear from the petition that Tekle was not entitled to relief, the court ordered the petition served and required the Warden-Respondent to file an answer.
2. A petitioner seeking release from detention while a habeas petition is pending must demonstrate both 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

“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.”

FACTUAL BACKGROUND

Tekle was detained by Immigration and Customs Enforcement at the Folkston Detention Center. He filed a habeas petition seeking release from that detention and apparently sought, or might seek, interim relief concerning release, removal, or transfer during the pendency of the petition.

PROCEDURAL HISTORY

Tekle filed a § 2241 habeas petition seeking release from ICE detention at the Folkston Detention Center. After reviewing the petition under the preliminary screening standard, the court found that it did not plainly appear that Tekle was not entitled to relief, ordered service on the Attorney General, the Warden, and the United States Attorney's Office, and established expedited briefing and conference procedures.

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)

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