

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

Ismael Antonio Gil v. Warden, Folkston ICE Processing Center

Gil · No. 5:26-cv-268 · Decided February 26, 2026

SUMMARY

The United States District Court for the Southern District of Georgia directs service of Ismael Antonio Gil’s 28 U.S.C. § 2241 habeas petition on the respondent and specified federal officials. The order requires the respondent to answer within seven business days, permits additional motions, establishes reply deadlines, and provides procedures for any separately filed motion for interim relief.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Waycross Division
JURISDICTION	United States District Court for the Southern District of Georgia, Waycross Division
DECIDED	February 26, 2026
DOCKET	5:26-cv-268
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening and service order in a 28 U.S.C. § 2241 habeas petition challenging immigration detention.
STANDARD OF REVIEW	Under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, the court may dismiss a habeas petition at the initial screening stage when it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Ismael Antonio Gil v. Warden, Folkston ICE Processing Center

TOPICS

- immigration detention
- federal habeas corpus
- service of process
- removal proceedings

PRACTICE AREAS

- immigration detention
- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be dismissed at initial screening because it plainly appeared that petitioner was not entitled to relief.
2. Whether the petition should be served on the designated federal officials and respondent, with an answer required within seven business days.
3. What showing is required for interim release from detention while the habeas petition is pending.

HOLDINGS

1. The petition was not subject to dismissal at the initial screening stage because it did not plainly appear that petitioner was not entitled to relief.
2. The United States Marshal was directed to serve the petition and order on the Attorney General, the named Warden-Respondent, and the civil process clerk at the United States Attorney's Office for the Southern District of Georgia; the respondent was required to answer within seven business days and certify the true cause of detention.
3. 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

"I find that it does not plainly appear that Petitioner is not entitled to relief." (Order, Service of the Petition)

"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." (Order, Requests for Interim Relief)

FACTUAL BACKGROUND

The petition concerns Ismael Antonio Gil's detention at the Folkston ICE Processing Center and seeks relief under 28 U.S.C. § 2241. The order does not make substantive factual findings about the legality or duration of the detention. The court addressed only preliminary screening, service, the respondent's obligation to explain the cause of detention, and procedures for any request for interim relief.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition for habeas corpus relief. After reviewing the petition under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, the court determined that it did not plainly appear that petitioner was not entitled to relief. The court ordered service on the Attorney General, the named Warden-Respondent, and the civil process clerk for the United States Attorney's Office, and set deadlines for an answer, possible motions, and a reply.

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 (11th Cir. May 10, 2017)
- Mapp v. Reno, 241 F.3d 221 (2d Cir. 2001)

OPINION

Gil

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

WAYCROSS DIVISION

ISMAEL ANTONIO GIL,

Petitioner, CIVIL ACTION NO.: 5:26-cv-268 v.

WARDEN, FOLKSTON ICE PROCESSING
CENTER,

Respondent.

O R D E R

Service of the Petition. I have reviewed Petitioner’s 28 U.S.C. § 2241 Petition for Habeas Corpus Relief. I find that it does not plainly appear that Petitioner is not entitled to relief. See Rules 1(b) and 4 of the Rules Governing Section 2254 Cases. Therefore, the Court directs the United States Marshal to serve a copy of the Petition, doc. 1, and a copy of this Order by registered or certified mail upon: (1) the Attorney General of the United States; (2) the named Warden-Respondent; and (3) the civil process clerk at the office of the United States Attorney for the Southern District of Georgia. See Fed. R. Civ. P. 4(i). The Court DIRECTS the Clerk of Court to provide a courtesy copy of this Order and the Petition to the United States Attorney’s Office at: Bradford.Patrick@usdoj.gov; Woelke.Leithart@usdoj.gov; and Keveya.Sturkey@usdoj.gov. Answer Due in 7 Days. The Warden-Respondent must file an answer to the Petition within 7 business days of the date of this Order. See, e.g., 28 U.S.C. § 2243. The Answer must address the allegations in the Petition, certify the true cause of the detention, and show cause why the Petition should not be granted. The Answer shall constitute a return for the purposes of 28 U.S.C. § 2243, as long as it certifies the true cause of detention. Counsel for the Warden- Respondent shall provide all relevant records, including orders, recordings, transcripts, and other records from ICE, that are available to counsel at the time of the Answer. Counsel shall promptly supplement the answer with any additional records that counsel obtains after filing the Answer. The Warden-

Respondent will be permitted to file additional motions, including a motion to dismiss, within 21 days of filing the Answer. Reply Due in 3 Days. Petitioner shall file any desired Reply to the Answer within 3 days of the date the Answer is served. Petitioner shall file any desired response to a motion to dismiss within 14 days of service. Requests for Interim Relief. This Petition will be resolved in the ordinary course. Recently, petitioners in similar circumstances have sought various forms of interim relief, including a prohibition on the petitioner's removal from the United States, a prohibition on ICE from transferring the petitioner from one detention facility to another within the United States, and interim release from detention while the habeas petition is pending. To the extent Petitioner is requesting interim relief, Petitioner shall file an independent motion titled "Motion for Interim Relief" separate from the Petition. Petitioner should not make a request for interim relief in the body of the Petition or in a request for preliminary injunctive relief (e.g., a motion for temporary restraining order or a motion for preliminary injunction, or motion for order to show cause). The Warden-Respondent shall file a response to any motion for interim relief within 7 days of the date the motion is served. If there is a motion currently pending, the Warden-Respondent shall file a response to that Motion within 7 days of the date of this Order. 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. See, e.g., *Wilcox v. Ford*, 813 F.2d 1140 (11th Cir. 1987); *Gomez v. United States*, 899 F.2d 1124 (11th Cir. 1990); and *Wilson v. Sec'y, Dep't of Corr.*, No. 17-10060-D, 2017 WL 11815408, at *1 (11th Cir. May 10, 2017); see also *Mapp v. Reno*, 241 F.3d 221, 225 (2d Cir. 2001). SO ORDERED, this 26th day of February, 2026. BO

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA