

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PRECEDENTIAL VALUE	unpublished district court order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)

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