

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Manish Kumar v. Warden, FCI Fort Dix, et al.

Kumar · No. Civil Action No. 26-1513 (GC) · Decided February 23, 2026

SUMMARY

The United States District Court for the District of New Jersey administratively terminated Manish Kumar’s § 2241 habeas petition challenging a Form I-860 Notice and Order of Expedited Removal. The court directed the Clerk to provide a pro se filing form and permitted Kumar to reopen the case within 30 days by addressing his representation status and submitting either an in forma pauperis application or the five-dollar filing fee.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Georgette Castner
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 23, 2026
DOCKET	Civil Action No. 26-1513 (GC)
DISPOSITION	other
PROCEDURAL POSTURE	A federal prisoner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and sought temporary and preliminary injunctive relief challenging a Form I-860 Notice and Order of Expedited Removal. The court administratively terminated the matter without filing the petition because the filing was submitted electronically by an apparently unrepresented party and lacked either the habeas filing fee or an application to proceed in forma pauperis.
PRECEDENTIAL VALUE	Nonprecedential memorandum and order
PARTIES	Manish Kumar v. Warden, FCI Fort Dix, et al.

TOPICS

- federal habeas corpus
- immigration
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- immigration
- civil procedure

QUESTIONS PRESENTED

1. Whether the court should administratively terminate a pro se electronically filed habeas petition that did not comply with the district's paper-filing rule and was unaccompanied by either the required filing fee or an IFP application.
2. Whether administrative termination without filing constitutes a dismissal or creates a statute-of-limitations bar.
3. What steps petitioner must take to reopen the case.

HOLDINGS

1. A pro se petition submitted electronically in violation of the District of New Jersey's filing rule and without either the required filing fee or an IFP application may be administratively terminated without filing.
2. Administrative termination is not a dismissal for statute-of-limitations purposes, and a timely case may be reopened without being barred by the statute of limitations.

KEY QUOTATIONS

“Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely”

“A party who is not represented by counsel must file documents with the Clerk as a Paper Filing.”

FACTUAL BACKGROUND

Manish Kumar is a convicted and sentenced federal prisoner incarcerated at FCI Fort Dix in New Jersey. He sought habeas relief and temporary or preliminary injunctive relief under 28 U.S.C. § 2241, challenging the Department of Homeland Security's issuance of a Form I-860 Notice and Order of Expedited Removal on January 16, 2026. He submitted the petition electronically and did not pay the five-dollar habeas filing fee or apply to proceed in forma pauperis.

PROCEDURAL HISTORY

Petitioner electronically submitted the § 2241 petition from an email address. The court determined that the filing did not comply with the District of New Jersey's paper-filing requirement for pro se parties and that petitioner had neither paid the five-dollar habeas filing fee nor submitted an IFP application. The court ordered administrative termination without filing the petition and provided a procedure for reopening within thirty days.

DISPOSITION

other

CASES CITED

- Papotto v. Hartford Life & Accident Insurance Co., 731 F.3d 265, 275 (3d Cir. 2013)

- Jenkins v. Superintendent of Laurel Highlands, 705 F.3d 80, 84 n.2 (3d Cir. 2013)
- Dasilva v. Sheriff's Department, 413 F. App'x 498, 502 (3d Cir. 2011) (per curiam)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY MANISH KUMAR, Petitioner, v. Civil Action No. 26-1513 (GC) WARDEN, FCI FORT DIX, et al., MEMORANDUM & ORDER Respondents. Petitioner is a convicted and sentenced federal prisoner currently incarcerated at FCI Fort Dix, Fort Dix MDL, New Jersey. He is proceeding with a petition for writ of habeas corpus and motion for temporary restraining order/preliminary injunction (Petition) pursuant to 28 U.S.C. § 2241.

(ECF No. 1.) Petitioner challenges the Department of Homeland Security's issuance of a Form I-860 Notice and Order of Expedited Removal on January 16, 2026. (Id. at 5.) Petitioner filed this Petition electronically from the email address "immigration- project@protonmail.com." Pursuant to Local Civ. R. 5.2(4), "Pro Se Parties - A party who is not represented by counsel must file documents with the Clerk as a Paper Filing." Petitioner shall submit a writing to the Court indicating whether or not he is represented by counsel who is eligible for electronic filing under the Court's local rules.

Furthermore, when he submitted his Petition, Petitioner did not submit the five-dollar filing fee for a habeas petition, see 28 U.S.C. § 1914(a), or apply to proceed in forma pauperis ("IFP"). IT IS, therefore, on this day 23rd of February, 2026, ORDERED as follows: ORDERED that the Clerk of the Court shall administratively terminate this case, without filing the Petition; Petitioner is informed that administrative termination is not a "dismissal" for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, see Papotto v. Hartford Life & Acc.

Ins. Co., 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); Jenkins v. Superintendent of Laurel Highlands, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); Dasilva v. Sheriff's Dep't, 413 F. App'x 498, 502 (3d Cir. 2011) (per curiam) ("[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs...."); and it is further ORDERED that the Clerk of the Court shall forward to Petitioner a blank form DNJ-Pro Se-007-B-(Rev.

09/09) by regular U.S. mail; and it is further ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in a writing addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, within thirty (30) days of the date of entry of this Order; Petitioner's writing shall include a statement indicating whether or not he is represented by counsel who is eligible for electronic filing under the Court's local rules, and either (1) a complete IFP application or (11) the five-dollar filing fee; and it is

further ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case and indicating whether or not he is represented by counsel who is eligible for electronic filing under the Court's local rules, and either (1) a complete IFP application or (11) the five-dollar filing fee, the Clerk of the Court will be directed to reopen this case; and it is further ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail.

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