

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

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 (3rd 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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