

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA

Mohammadullah Assadi v. Warden, Folkston ICE Processing
Facility, et al.

Assadi · No. 5:26-cv-283 · Decided March 9, 2026

SUMMARY

The United States District Court for the Southern District of Georgia directs service of Mohammadullah Assadi’s 28 U.S.C. § 2241 habeas petition challenging his detention by Immigration and Customs Enforcement. The Order requires the Warden-Respondent to answer within seven business days, permits a petitioner reply within three days, and provides for an informal telephonic conference. It also establishes procedures for requesting interim relief, including release from detention, removal restrictions, or transfer restrictions.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia
WRITING FOR THE COURT	Benjamin W. Cheesbro
JURISDICTION	United States District Court for the Southern District of Georgia
DECIDED	March 9, 2026
DOCKET	5:26-cv-283
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed an initial petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his detention by Immigration and Customs Enforcement. The court conducted the preliminary screening required by Rules 1(b) and 4 of the Rules Governing Section 2254 Cases and ordered service of the petition and an expedited answer.
STANDARD OF REVIEW	Preliminary habeas screening under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, requiring dismissal only when it plainly appears from the petition and attached materials that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mohammadullah Assadi v. Warden, Folkston ICE Processing Facility, et al.

TOPICS

federal habeas corpus

immigration detention

service of process

removal proceedings

civil procedure

PRACTICE AREAS

immigration

habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the petition should be dismissed at preliminary screening because it plainly appeared that Assadi was not entitled to habeas relief.
2. What service, answer, record-production, and reply procedures should govern the initial processing of the § 2241 petition.
3. What showing would be required for interim release from detention while the habeas petition remains pending.

HOLDINGS

1. Because it did not plainly appear that Petitioner was not entitled to relief, the court declined to dismiss the petition at the screening stage and ordered service and an answer.
2. A petitioner seeking release from detention while a habeas petition is pending 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.

KEY QUOTATIONS

“I find that it does not plainly appear Petitioner is not entitled to relief.”

“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

Assadi was detained by Immigration and Customs Enforcement at the Folkston Detention Center. He filed a § 2241 petition seeking release from immigration detention. The order does not resolve the merits of the detention challenge or identify the underlying factual circumstances of the detention.

PROCEDURAL HISTORY

Assadi filed a § 2241 habeas petition seeking release from ICE detention at the Folkston Detention Center. The court determined that it did not plainly appear that he was not entitled to relief, ordered service on the Attorney General, the named warden, and the United States Attorney's Office, and directed the warden to answer within seven business days. The court also established deadlines for a reply, contemplated an informal telephonic conference, and provided procedures for any motion for interim relief.

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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA WAYCROSS DIVISION MOHAMMADULLAH ASSADI, Petitioner, CIVIL ACTION NO.: 5:26-cv-283 v. WARDEN, FOLKSTON ICE PROCESSING FACILITY, et al., Respondents. O RDE R Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner seeks release from Immigration and Customs Enforcement (“ICE”) detention at the Folkston Detention Center.

Service of the Petition. I have reviewed the Petition. I find that it does not plainly appear 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). Petitioner is responsible for serving any other Respondent named in the Petition. 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, at a later time. Reply Due in 3 Days. Petitioner shall file any desired Reply to the Answer within 3 days of the date the Answer is served. Informal Telephonic Conference.

The Court will conduct an informal telephonic conference with the parties approximately 10 days from the date of this Order, but not before the Answer and Reply have been filed. The parties should be prepared to discuss: (1) the circumstances leading up to Petitioner's detention; (2) relevant authority; and (3) the schedule for any additional briefing, amendments, or motions.

The parties should schedule this conference by emailing the undersigned's courtroom deputy clerk at: kim_mixon@gas.uscourts.gov. The Court will not schedule this informal conference until counsel for Petitioner and for Warden-Respondent have contacted Ms. Mixon. 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 9th day of March, 2026. BO BENIAMIN W. CHEESBRO UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA