

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA

Akhmed Tatarashvili v. Warden, Folkston ICE Processing Center

Tatarashvili · No. 5:26-cv-151 · Decided February 5, 2026

SUMMARY

The United States District Court for the Southern District of Georgia directs service of Akhmed Tatarashvili’s 28 U.S.C. § 2241 habeas petition on the Attorney General, the respondent warden, and the United States Attorney’s Office. The order sets deadlines for the respondent’s answer, any motions, and the petitioner’s replies, and establishes procedures for seeking interim relief from immigration detention.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia
JURISDICTION	United States District Court for the Southern District of Georgia
DECIDED	February 5, 2026
DOCKET	5:26-cv-151
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a 28 U.S.C. § 2241 habeas petition challenging immigration detention and ordered service on the federal and facility respondents. The court set deadlines for the answer, any motion to dismiss, and the petitioner's reply, and addressed the procedure for seeking interim relief.
STANDARD OF REVIEW	Preliminary habeas screening under Rule 4: dismissal is not appropriate when it does not plainly appear from the petition and attached materials that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

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

PRACTICE AREAS

- immigration law
- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be served because it does not plainly appear that the petitioner is not entitled to habeas relief.
2. What procedural requirements and deadlines should govern the respondent's answer, production of detention records, and the petitioner's reply.
3. What procedure and showing apply if the petitioner seeks interim relief, including release from immigration detention while the habeas petition is pending.

HOLDINGS

1. Because it did not plainly appear that petitioner was not entitled to relief, the court ordered the petition served on the Attorney General, the named warden, and the civil process clerk for the United States Attorney's Office.
2. The respondent must answer within seven business days, address the petition's allegations, certify the true cause of detention, show cause why the petition should not be granted, and provide relevant ICE records available to counsel, with supplementation as additional records are obtained.
3. A petitioner seeking release from detention while the § 2241 petition is pending must demonstrate 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

“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

Akhmed Tatarashvili filed a federal habeas petition under 28 U.S.C. § 2241 concerning his detention at the Folkston ICE Processing Center. The order does not resolve the merits of the detention challenge or identify additional underlying facts. The court considered possible requests for interim relief, including release from detention, restrictions on removal, and restrictions on transfer between detention facilities.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition for habeas corpus relief. After preliminary review 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 and ordered service of the petition. The court directed the respondent to answer within seven business days and permitted further motion practice.

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., 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 AKHMED TATARASHVILI, Petitioner, CIVIL ACTION NO.: 5:26-cv-151 v. WARDEN, FOLKSTON ICE PROCESSING CENTER, Respondent. ORDER 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 5th day of February, 2026. BO UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA