

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, WAYCROSS DIVISION

Filmon Tekie Yohanes v. Warden, Folkston ICE Processing Center

Yohanes · No. 5:26-cv-259 · Decided February 25, 2026

SUMMARY

This order directs service of a 28 U.S.C. § 2241 habeas petition filed by Filmon Tekie Yohanes against the Warden of the Folkston ICE Processing Center. It requires the respondent to answer within seven business days, permits further motions, establishes reply deadlines, and sets procedures for any motion seeking 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 25, 2026
DOCKET	5:26-cv-259
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening and service order in a 28 U.S.C. § 2241 habeas action challenging immigration detention.
STANDARD OF REVIEW	Under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, as applied to the § 2241 petition, the court screened the Petition to determine whether it plainly appeared that Petitioner was not entitled to relief.
PRECEDENTIAL VALUE	Unreported district-court order; generally nonprecedential
PARTIES	Filmon Tekie Yohanes v. Warden, Folkston ICE Processing Center

TOPICS

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

PRACTICE AREAS

- immigration
- habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition should proceed past initial screening and be served on the Respondent and required government officials.
2. What deadlines and record-production obligations should govern the Respondent's answer and any subsequent motions.
3. What procedural requirements and substantive showing apply to a separate motion seeking interim release from detention while the habeas petition is pending.

HOLDINGS

1. Because it did not plainly appear that Petitioner was not entitled to relief, the court directed service of the Petition and Order rather than dismissing the action at the screening stage.
2. The United States Marshal must 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 Warden must answer within seven business days and provide available records concerning the detention.
3. A petitioner seeking release from detention while a habeas petition is pending must file a separate motion for interim relief and 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

“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.” (at 2)

FACTUAL BACKGROUND

Filmon Tekie Yohanes filed a federal habeas petition under 28 U.S.C. § 2241 concerning his detention at the Folkston ICE Processing Center. The record does not contain a merits determination concerning the lawfulness of his detention or any underlying removal claim. The court addressed only initial screening, service, briefing, production of detention records, and the procedure for seeking interim relief.

PROCEDURAL HISTORY

Petitioner filed a 28 U.S.C. § 2241 petition for habeas corpus relief. The court determined that it did not plainly appear that Petitioner was not entitled to relief, directed service of the Petition and Order on the required federal and local officials, and established deadlines for the Respondent's answer, any motion to dismiss, and Petitioner's reply. The court also instructed Petitioner to file any request for interim relief in a separate motion.

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 FILMON TEKIE YOHANES, Petitioner, CIVIL ACTION NO.: 5:26-cv-259 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 25th day of February, 2026. BO UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA