

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

LIDIA ROSADO <i>o/b/o</i> F.Y.R.S.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 4:25-cv-340-CDL-AGH
	:	28 U.S.C. § 2241
IMMIGRATION AND CUSTOMS	:	
ENFORCEMENT,	:	
	:	
Respondent.	:	

RECOMMENDATION OF DISMISSAL

On November 3, 2025, the Court received a purported application for habeas corpus relief under 28 U.S.C. § 2241 (ECF No. 1) filed by Lidia Rosado as next friend for F.Y.R.S., who is currently detained at Stewart Detention Center in Lumpkin, Georgia. The same day, the Court received an *in forma pauperis* (“IFP”) declaration from Ms. Rosado (ECF No. 2). Neither the habeas application nor IFP declaration were signed. Therefore, the Clerk issued a notice of deficiency, instructing Ms. Rosado that every pleading and written motion filed by an unrepresented party must be signed. Notice of Deficiency, Nov. 3, 2025. On November 12, 2025, the Court received an application for habeas relief signed by Ms. Rosado as next friend of F.Y.R.S. and an IFP declaration signed by Ms. Rosado (ECF Nos. 4-1, 4-2).

However, because Ms. Rosado failed to provide an adequate explanation for why she should be allowed to proceed as next friend for F.Y.R.S. or file an IFP declaration setting out Petitioner’s inability to pay the filing fee, the Court ordered that: (1) Ms. Rosado provide a satisfactory explanation for why she should be allowed

to proceed as next friend for F.Y.R.S. or the Court must receive an application for habeas relief signed by F.Y.R.S. personally, and (2) Ms. Rosado or F.Y.R.S. must complete a standard IFP form for non-prisoners and set out the requested financial information for F.Y.R.S. Order 1-2, Dec. 15, 2025, ECF No. 5. Petitioner was given twenty-one days to comply and warned that failure to comply could result in the dismissal of this action. *Id.* at 2. The Court did not receive an explanation from Ms. Rosado, a signed petition from Petitioner, or application to proceed IFP setting out Petitioner's inability to pay the filing fee.

Therefore, on February 11, 2026, the Court ordered Petitioner to respond and show cause why the petition should not be dismissed for failure to comply with the Court's order and to prosecute. Order 2, ECF No. 6. The Court again instructed Ms. Rosado that she must either provide a satisfactory explanation as to why she should be allowed to proceed as next friend or the Court must receive a habeas application signed by Petitioner. *Id.* Finally, the Court stated that it must receive a signed IFP motion setting out Petitioner's inability to pay. *Id.* Petitioner was given fourteen days to respond and warned that "[f]ailure to respond will likely result in the dismissal of this action." *Id.*

The time for compliance passed, and the Court received neither a satisfactory explanation regarding next friend status from Ms. Rosado nor a habeas application signed by Petitioner.¹ The Court has also not received a signed IFP motion setting out Petitioner's inability to pay. It is therefore recommended that this case be

¹ The Clerk mailed a copy of the Court's show cause order to both Ms. Rosado and to Petitioner at Stewart Detention Center. The order was returned with a notation that Petitioner was no longer at the facility. Mail returned, ECF No. 7.

dismissed without prejudice for failure to comply with a court order or to prosecute. See Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal for a plaintiff's failure to prosecute and to comply with a court order).

Pursuant to 28 U.S.C. § 636(b)(1), Petitioner may serve and file written objections to this Recommendation, or seek an extension of time to file objections, within FOURTEEN (14) DAYS after being served with a copy hereof.² Any objection should be no longer than TWENTY (20) PAGES in length. See M.D. Ga. L.R. 7.4. The district judge shall make a *de novo* determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

Petitioner is hereby notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

SO RECOMMENDED, this 13th day of March, 2026.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE

² The Clerk is directed to mail a copy of this recommendation both to Ms. Rosado and to Petitioner at Stewart Detention Center, even though the Court recognizes that it is likely to be returned. The Court has no other address for Petitioner.