

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

<b>EMMANUEL EVARISTE, et al,</b>	:	
	:	
<b>Petitioners,</b>	:	
	:	<b>Case No. 4:26-CV-0027-CDL-CHW</b>
<b>v.</b>	:	<b>28 U.S.C. § 2241</b>
	:	
<b>WARDEN, STEWART DETENTION CENTER,<sup>1</sup></b>	:	
	:	
<b>Respondent.</b>	:	

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**MOTION TO DISMISS PETITION**

On January 7, 2026, Petitioners, led by Petitioner Emmanuel Evariste, filing *pro se*, filed this “Petitioners Class Action for an Emergency Writ of Habeas Corpus Pursuant to 28 U.S.C. Section 2241” (Petition). ECF No. 1. Petitioners claim, among other things, that the conditions at Stewart Detention Center are “dangerously deplorable” and leave them faced with a heightened risk of injury and illness, and that they are not receiving adequate medical attention, and that for these reasons, the “class members” are entitled to a writ of habeas corpus to receive bond hearings. ECF No. 1. On January 20, 2026, the Court ordered Respondents to file a comprehensive response to the Petition within twenty-one days. ECF No. 6. On January 22, 2026, Petitioners, still proceeding without counsel, filed an Amended Petition in which the same claims are asserted but some of the original Petitioners withdrew from the case. ECF No. 10. Respondent now files this

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<sup>1</sup> In addition to the Warden of Stewart Detention Center, Petitioner also names officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents in his Petition. “[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

motion to dismiss the Petition, showing that the claims are not cognizable in habeas and that the requested relief would not be the appropriate remedy, if any remedy were appropriate, and further that the Court lacks jurisdiction to grant habeas relief beyond application to an individual petitioner pursuant to 8 U.S.C. § 1252(f)(1). For these reasons, the Petition should be dismissed.

### CLAIMS

Petitioner Evariste Emmanuel alleges on behalf of two other immigration detainees currently detained at Stewart Detention Center (“SDC”) in Lumpkin, Georgia, that the conditions of their detention at SDC put their health “at substantial risk of harm.” ECF No. 10 at 1. Petitioners allege a lack of proper staffing, poor ventilation, and significant delays in provision of medical care. *Id.* at 2-3. Petitioners seek an order directing that they receive “bail hearings pending a ruling on the merits of their constitutional claims.” *Id.* at 4. Petitioners also seek preliminary injunctive relief, expedited discovery, certification of a proposed class, and an emergency temporary restraining order. *Id.*

### ARGUMENT

Petitioners have brought their purported “class action” under 28 U.S.C. § 2241, which provides jurisdiction to federal district courts to grant the writ of habeas corpus, in relevant part, where a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States[.]” 28 U.S.C. § 2241(c)(3). Petitioners’ claims, however, are not cognizable in habeas, and their requested remedy would not be the appropriate remedy to resolve their complaints, even if proven. Additionally, the request for “class certification” or any broadly applicable injunctive relief is foreclosed within the context of immigration detention by effect of 8 U.S.C. § 1252(f)(1) and the Supreme Court’s decision in *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022). For these reasons the case should be dismissed.

**I. Conditions of confinement claims are not cognizable in habeas.**

First, Petitioners' claims should be denied because they are not cognizable in habeas. "[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and [] the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). "[W]here an inmate seeks injunctive relief challenging the fact of his conviction or the duration of his sentence . . . [s]uch claims fall within the 'core' of habeas corpus[.]" *Nelson v. Campbell*, 541 U.S. 637, 643 (2004). "By contrast, constitutional claims that merely challenge the conditions of a prisoner's confinement, whether the inmate seeks monetary or injunctive relief, fall outside of that core[.]" *Id.* For these reasons, in the immigration context, the Eleventh Circuit has held that a "§ 2241 petition is not the appropriate vehicle for raising . . . a claim challeng[ing] the conditions of confinement, not the fact or duration of that confinement." *Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015) (per curiam) (affirming dismissal of immigration detainee's habeas petition alleging the denial of inadequate medical care because the claim was not cognizable in habeas).

In reliance on these principles, courts throughout the Eleventh Circuit have held that immigration detainees' claims concerning their conditions of confinement are not cognizable in habeas. *Benavides v. Gartland*, No. 5:20-cv-46, 2020 WL 3839938, at \*4 (S.D. Ga. July 3, 2020); *Louis v. Martin*, No. 2:20-cv-349-FtM-60NPM, 2020 WL 3490179, at \*7 (M.D. Fla. June 26, 2020); *A.S.M. v. Warden, Stewart Cnty. Det. Ctr.*, 467 F. Supp. 3d 1341, 1348-49 (M.D. Ga. 2020); *Archilla v. Witte*, No. 4:20-cv-00596-RDP-JHE, 2020 WL 2513648, at \*12 (N.D. Ala. May 15, 2020); *Matos v. Lopez Vega*, 614 F. Supp. 3d 1158, 1167-68 (S.D. Fla. 2020). Petitioners similarly attempt to challenge the conditions of their immigration detention at SDC through this habeas

petition under § 2241. The Court should deny their claims because they are not cognizable in this habeas proceeding.

**II. Release from custody would not be the appropriate remedy for Petitioners' claims.**

Second, Petitioners' claims should be denied because they would not be entitled to release from custody to remedy any purportedly unlawful condition of confinement. "[E]ven if a prisoner proves an allegation of mistreatment in prison that amounts to cruel and unusual punishment, he is not entitled to release." *Gomez v. United States*, 899 F.2d 1124, 1126 (11th Cir. 1993) (citing *Cook v. Hanberry*, 596 F.2d 658, 660 (5th Cir. 1979), *cert. denied*, 442 U.S. 932 (1979)). Rather, "[t]he appropriate Eleventh Circuit relief from prison conditions that violate the Eighth Amendment during legal incarceration is to require the discontinuance of any improper practices, or to require correction of any condition causing cruel and unusual punishment." *Id.*

The Eleventh Circuit has held that "even if [an immigration detainee] established a constitutional violation [in a habeas proceeding], he would not be entitled to the relief he seeks because release from imprisonment is not an available remedy for a conditions-of-confinement claim." *Vaz*, 634 F. App'x at 781 (citing *Gomez*, 899 F.2d at 1126); *see also A.S.M.*, 467 F. Supp. 3d at 1348 ("Release from detention is not available as a remedy for unconstitutional conditions of confinement claims." (citations omitted)). Accordingly, even assuming Petitioners could establish an unlawful condition of confinement, their habeas claims should be denied because they are not entitled to release from custody as a remedy.

**III. Classwide relief is not available in the immigration detention context.**

Title 8 United States Code Section 1252(f)(1) provides:

Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of part

IV of this subchapter, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, other than with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.”

8 U.S.C. § 1252(f)(1). The Supreme Court has stated that this provision, “strips lower courts of ‘jurisdiction or authority’ to ‘enjoin or restrain the operation of ‘ the relevant statutory provisions. The ordinary meaning of these terms bars the class-wide relief awarded by the two District Courts.” *Garland*, 596 U.S. at 548. The Court continued that § 1252(f)(1) “generally prohibits lower courts from entering injunctions that order federal officials to take or to refrain from taking actions to enforce, implement, or otherwise carry out the specified statutory provisions[,]” but this is subject to the exception that the prohibition “does not extend to individual cases.” *Id.* at 550. Thus, “§ 1252(f)(1) ‘prohibits classwide injunctive relief.’” *Id.* (quoting *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 481–482, (1999)). “Therefore, § 1252(f)(1) does not preclude a court from entering injunctive relief on behalf of a particular alien (so long as ‘proceedings’ against the alien have been ‘initiated’), but injunctive relief on behalf of an entire class of aliens is not allowed because it is not limited to remedying the unlawful ‘application’ of the relevant statutes to ‘an individual alien.’” *Garland*, 596 U.S. at 550-51.

Petitioners seek classwide injunctive relief with regard to the implementation of the INA in relation to their detention pending removal, but § 1252(f)(1) bars the Court from providing such relief. Therefore, Petitioners’ request should be dismissed.

### CONCLUSION

For the reasons set forth above, Respondent respectfully requests that the Court dismiss the Petition.

Respectfully submitted this 10th day of February, 2026.

WILLIAM R. KEYES  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

This is to certify that I have this date filed the Respondent's Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

EMMANUEL EVARISTE

A 

GRAHAM HUMPHREY

A 

FRANTZ SIMEON

A 

Stewart Detention Center

P.O. Box 248

Lumpkin, GA 31815

This 10th day of February, 2026.

BY: */s/ Michael P. Morrill*  
MICHAEL P. MCRRILL  
Assistant United States Attorney