

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

GELA TSISKARAULI, A-Number: [REDACTED] Petitioner, v. WARDEN, FOLKSTON ICE PROCESSING CENTER, in official capacity; DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, in official capacity; SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY, in official capacity, Respondents.

Civil Action No. _____

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PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

**AND EMERGENCY MOTION FOR IMMEDIATE RELEASE
OR RELEASE UNDER ALTERNATIVES TO DETENTION**

Filing Fee Pd. #400003684

(including supervision, reporting requirements, electronic monitoring, or other reasonable conditions)

I. INTRODUCTION

Petitioner Gela Tsiskarauli, proceeding pro se, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his prolonged civil immigration detention by U.S. Immigration and Customs Enforcement ("ICE") as unlawful and unconstitutional under the Due Process Clause of the Fifth Amendment.

Petitioner has been detained by ICE since approximately November 2023, with no meaningful custody review and no foreseeable end to detention.

Petitioner was issued a Notice to Appear ("NTA") after an asylum officer found that Petitioner demonstrated a credible fear of persecution or torture. (Exhibit A). Despite this credible fear determination, ICE continues to detain Petitioner indefinitely.

Petitioner has actively sought release through available legal procedures. Through counsel, Petitioner submitted a formal parole/bond request to ICE on February 20, 2024, supported by documentation and evidence. (Exhibit C). Petitioner also received notice of a scheduled custody redetermination hearing. (Exhibit B). Nevertheless, Petitioner remains detained.

Petitioner has no criminal history. A certificate issued by the Ministry of Internal Affairs of Georgia confirms that Petitioner is not convicted and not wanted. (Exhibit D).

EOIR records show that Petitioner's case was transferred to the Board of Immigration Appeals ("BIA") on September 25, 2025, and that there are no upcoming hearings scheduled. (Exhibit E). The immigration court clock is stopped, demonstrating that there is no foreseeable end to detention.

Because Petitioner's continued detention has become excessive, punitive in effect, and no longer serves any legitimate governmental purpose, Petitioner respectfully requests immediate release, or alternatively release under reasonable conditions of supervision.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1331.

Petitioner is "in custody" within the meaning of § 2241 because he is detained at the Folkston ICE Processing Center.

Venue is proper in this District because Petitioner is confined in Folkston, Georgia, within the Southern District of Georgia.

III. PARTIES

A. Petitioner

Petitioner Gela Tsiskarauli is a citizen of Georgia, A-Number [REDACTED], currently detained by ICE.

B. Respondents

Respondent Warden of Folkston ICE Processing Center is Petitioner's immediate custodian.

Respondent Director of ICE is responsible for immigration detention operations.

Respondent Secretary of the Department of Homeland Security oversees ICE and detention policies.

IV. FACTUAL BACKGROUND

1. Petitioner is a citizen and national of Georgia.
2. DHS issued Petitioner a Notice to Appear ("NTA") alleging that Petitioner entered the United States on or about October 10, 2023, near Calexico, California, and was not admitted or paroled. (Exhibit A).
3. The NTA states that it was issued after an asylum officer found that Petitioner demonstrated a credible fear of persecution or torture. (Exhibit A).
4. Petitioner has remained in ICE detention continuously since approximately November 2023.
5. On February 21, 2024, the Immigration Court issued a Notice scheduling a Custody Redetermination Hearing for February 26, 2024. (Exhibit B).
6. On February 20, 2024, Petitioner's attorney submitted a formal parole/bond request to ICE at deportations.ecc@ice.dhs.gov, supported by Form G-28 and other documentation. (Exhibit C).
7. Despite Petitioner's formal request for release and supporting evidence, ICE continued detention without providing a meaningful individualized custody determination.
8. Petitioner has no criminal history. On February 12, 2024, the Ministry of Internal Affairs of Georgia issued an official certificate confirming that Petitioner is not convicted and not wanted. (Exhibit D).
9. On September 25, 2025, the Immigration Judge transferred Petitioner's case to the Board of Immigration Appeals ("BIA"). (Exhibit E).
10. EOIR records reflect that Petitioner currently has no upcoming hearings scheduled and that the court clock is stopped, confirming that proceedings are delayed and that there is no foreseeable end to detention. (Exhibit E).
11. Petitioner is not a danger to the community and is not a flight risk. Continued detention has become excessive and punitive in effect.

V. MEDICAL AND MENTAL HEALTH CONDITIONS

Petitioner suffers from serious medical conditions which have worsened during detention.

Petitioner experiences chronic spinal pain and physical limitation.

Petitioner suffers from cholesterol abnormalities requiring monitoring and treatment.

Petitioner experiences frequent headaches, and medical staff have suggested that these may be related to elevated blood pressure, yet no consistent or effective treatment plan has been implemented.

Petitioner also suffers psychological distress and has sought mental health services while detained, including meeting with a psychologist. However, Petitioner has not received meaningful treatment.

Continued detention places Petitioner at serious risk of deterioration and constitutes irreparable harm.

VI. LEGAL STANDARD

Immigration detention is civil in nature and must remain reasonably related to its regulatory purpose.

Prolonged detention without a meaningful opportunity for release violates the Due Process Clause of the Fifth Amendment.

When detention becomes excessive or indefinite, federal courts have authority to grant habeas relief. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VII. GROUNDS FOR RELIEF

COUNT I – UNCONSTITUTIONAL PROLONGED DETENTION (FIFTH AMENDMENT)

Petitioner has been detained since approximately November 2023. His detention has become unreasonably prolonged and punitive in effect.

Petitioner's immigration case has been transferred to the BIA, there are no upcoming hearings scheduled, and the court clock is stopped. Petitioner's continued detention has no foreseeable end.

Petitioner's detention therefore violates the Due Process Clause of the Fifth Amendment.

COUNT II – DENIAL OF MEANINGFUL CUSTODY REVIEW

Petitioner pursued release through legal procedures, including a custody redetermination hearing notice and a formal parole/bond request submitted through counsel. (Exhibits B and C).

Despite this, ICE has continued detention without meaningful individualized review considering credible fear determination, lack of criminal history, non-dangerousness, availability of alternatives to detention, and serious medical conditions.

ICE's failure to provide meaningful custody review violates due process.

COUNT III – ARBITRARY DETENTION AND ABUSE OF DISCRETION

ICE continues to detain Petitioner arbitrarily and unlawfully.

Official records confirm Petitioner has no criminal conviction and is not wanted. (Exhibit D).

Given the delay in proceedings and lack of scheduled hearings, detention no longer serves a legitimate government purpose and is excessive.

VIII. EMERGENCY RELIEF AND IRREPARABLE HARM

Petitioner suffers irreparable harm due to continued loss of liberty, deterioration of physical health, untreated medical conditions, and psychological distress.

Each additional day of detention compounds the constitutional injury.

Emergency relief is warranted because release under alternatives to detention would fully protect any governmental interest while preventing further harm.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;
- B. Order Petitioner's immediate release from ICE custody;
- C. Alternatively, order Petitioner's release under appropriate alternatives to detention, including supervision, reporting requirements, electronic monitoring, or other reasonable conditions;
- D. In the further alternative, order a prompt and constitutionally adequate bond hearing before a neutral decision-maker;
- E. Grant such other and further relief as the Court deems just and proper.

X. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 02.02.2026

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8-2-26

GELA TSISKARALI

Petitioner, Pro Se

A-Number: 

XI. EXHIBIT LIST

Exhibit A: Notice to Appear (Form I-862), issued November 28, 2023, including credible fear notation.

Exhibit B: Immigration Court Notice of Custody Redetermination Hearing scheduled for February 26, 2024.

Exhibit C: Email submission of ICE Parole/Bond Request by counsel dated February 20, 2024.

Exhibit D: Criminal clearance certificate from Ministry of Internal Affairs of Georgia dated February 12, 2024.

Exhibit E: EOIR case status screenshots confirming BIA transfer (September 25, 2025), no upcoming hearings, and stopped court clock.

XII. PERSONAL DECLARATION OF GELA TSISKARAU LI

I, Gela Tsiskarauli, declare under penalty of perjury:

1. I am the Petitioner in this habeas action.
2. I fled Georgia because I fear persecution and torture if returned.
3. U.S. authorities found that I demonstrated a credible fear of persecution or torture.
4. I have been detained by ICE since approximately November 2023.
5. I have never committed any crime. A certificate issued by the Ministry of Internal Affairs of Georgia confirms that I am not convicted and not wanted.
6. My immigration case has been transferred to the Board of Immigration Appeals, and I currently have no upcoming hearings scheduled.
7. I suffer from serious medical problems, including spinal pain, cholesterol issues, headaches, and psychological distress. My health has worsened during detention.
8. I am not a danger to the community and I am not a flight risk.
9. If released, I will comply with all conditions of supervision imposed by ICE or the Court, including reporting requirements or electronic monitoring.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 02-09, 2024

B G 2-17-24
GELA TSISKARAU LI

Petitioner, Pro Se

A-Number: 

XIII. CERTIFICATE OF SERVICE

I certify that on this 09 day of 02, 2026, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Emergency Motion for Immediate Release and all attached exhibits upon the Respondents by placing the documents in the U.S. Mail, first-class postage prepaid, addressed to:

Office of the United States Attorney
Southern District of Georgia
125 Bull Street, Suite 440
Savannah, GA 31401

and

U.S. Department of Homeland Security
Office of the General Counsel
245 Murray Lane, SW
Washington, DC 20528

and

U.S. Immigration and Customs Enforcement (ICE)
Office of the Principal Legal Advisor (OPLA)
500 12th Street SW
Washington, DC 20536

and

Warden, Folkston ICE Processing Center
Folkston ICE Processing Center
Folkston, Georgia

Executed on: 02.09.2026

363 2-17-26

GELA TSISKARAULI

Petitioner, Pro Se

2/20/24, 8:06 PM

Gmail - PAROLE/BOND REQUEST TSISKARAULI, GELA A [REDACTED] ICE Detainee in Calexico, CA]



Dmitry Efros, Esq. <efroslaw@gmail.com>

PAROLE/BOND REQUEST TSISKARAULI, GELA A [REDACTED] ICE Detainee in Calexico, CA]

1 message

Dmitry Efros, Esq. <efroslaw@gmail.com>
To: deportations.ecc@ice.dhs.gov

Tue, Feb 20, 2024 at 5:06 PM

Good afternoon,

I am the attorney of record for Mr. TSISKARAULI, GELA, [REDACTED], per form G28 (see attached).

Please find attached the request and all supporting evidence. Kindly forward this request to the Deportation Office currently handling my client's case.

Thank you for your attention to this matter.

Sincerely,
Dmitry Efros, Esq.

—
Law Office of Dmitry Efros, P.C.
160 Broadway, Fl. 10, East-Bldg.
New York, NY 10038
Tel.: (212)-233-0020
Fax: (646)-661-5725
Email: efroslaw@gmail.com



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2 attachments

G-28 .pdf
582K

ICE_Release_Cover_letter.pdf
23351K

IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

LAW OFFICE OF DMITRY EFROS
Efros, Dmitry
160 BROADWAY,
FL.10 EAST BLDG.
NEW YORK, NY 10038

FILE: 

RE: TSISKARAULI, GELA

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE
IMMIGRATION COURT ON Feb 26, 2024 AT 10:00 A.M. AT THE FOLLOWING ADDRESS:

1572 GATEWAY ROAD
CALEXICO, CA 92231

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [] ALIEN c/o Custodial Officer [e] ALIEN's ATT/REP [e] DHS
DATE: 2/21/2024 BY: COURT STAFF cl
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

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