

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

GELA TSISKARAULI,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Civil Action No. 5:26-cv-223
WARDEN, FOLKSTON ICE	)	
PROCESSING CENTER, et al.,	)	
	)	
Respondents.	)	

RESPONDENT'S ANSWER

Warden-Respondent respectfully submits that Petitioner Gela Tsiskarauli is a native and citizen of Georgia who is lawfully detained by Immigration and Customs Enforcement (ICE) at the Folkston ICE Processing Center under the authority of Immigration and Nationality Act (INA) § 235(b)(1)(B)(ii), 8 U.S.C. § 1225(b)(1)(B)(ii). Declaration of Terrance Pittman (Exhibit 1), ¶¶ 3, 29.

Justiciability

Petitioner's 28 U.S.C. § 2241 petition asserts a prolonged-detention claim and argues that his "continued detention without meaningful individualized review" is unconstitutional. Doc. 1 at 4. Petitioner's claims, as they relate to the IJ's decisions regarding relief and removal, are procedurally barred by 8 U.S.C. § 1252(g).¹ The REAL ID Act expanded the jurisdiction of federal courts of appeal to review errors in

¹ 8 U.S.C. § 1252(g) provides, in part, "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien"

removal cases, but it precludes habeas relief under 28 U.S.C. § 2241 in federal district courts. *Fagan v. United States*, No. 21-13524, 2023 WL 2663239, at *2 (11th Cir. Mar. 28, 2023); *Balogun v. U.S. Atty. Gen.*, 425 F.3d 1356, 1360 (11th Cir. 2005) (“The provisions of 28 U.S.C. § 2241(a) no longer play any role in immigration cases”). To the extent Petitioner asserts cognizable claims challenging his detention, his claims are meritless.

Hearing Transcripts/Recordings

Neither the Warden of the Folkston ICE Processing Center nor the Department of Homeland Security possesses or has access to transcripts or recordings of the underlying immigration proceedings. Immigration hearings are recorded electronically by the Immigration Judge and are transcribed if an Immigration Judge’s decision is appealed to the Board of Immigration Appeals. OCIJ Immigration Court Practice Manual § 3.9(a), (b). Master calendar and merits hearings are recorded as a matter of course. Arguments made in support of motions or applications, such as a motion for redetermination of bond status, however, are not required to be recorded, although Immigration Judges may record them at their discretion. *See* 8 C.F.R. § 1240.9; OCIJ Immigration Court Practice Manual § 8.3(e)(3). Undersigned counsel contacted the Executive Office of Immigration Review regarding whether any recordings or transcripts exist of hearings in the underlying immigration proceedings and learned the following hearings were recorded and/or transcribed as indicated below:

- 9/15/2025 Master Reset (recorded)

- 9/8/2025 Master Reset (recorded)
- 12/26/2024 Individual Detainee (recorded and transcribed)
- 10/18/2024 Individual Detainee (recorded and transcribed)
- 9/27/2024 Individual Detainee (recorded and transcribed)
- 9/16/2024 Individual (recorded)
- 8/14/2024 Individual (recorded)
- 3/13/2024 Master Reset (recorded and transcribed)
- 2/21/2024 Master Reset (recorded and transcribed)
- 1/29/2024 Master Reset (recorded and transcribed)
- 12/18/2023 Initial Master (recorded and transcribed)

No Evidentiary Hearing Is Necessary

Respondent submits there is no need for the Court to hold an evidentiary hearing. This § 2241 petition presents a legal dispute concerning a question of law that can and should be resolved absent an evidentiary hearing.

Petitioner's Detention Is Lawful

Petitioner is a native and citizen of Georgia. Exh. 1, ¶ 3. On October 10, 2023, Petitioner was encountered by the U.S. Border Patrol (USBP) at or near Calexico, California, at which time Petitioner had not been admitted or paroled into the United States. Exh. 1, ¶ 4. Petitioner was detained and processed for expedited removal. *Id.*

On November 6, 2023, Petitioner received an initial positive determination from U.S. Citizenship and Immigration Services (USCIS). *Id.*, ¶ 5. ICE/ERO issued

Petitioner a Notice to Appear (NTA) charging him as inadmissible pursuant to INA §§ 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i). *Id.*, ¶ 6.

On March 13, 2024, Petitioner filed an application for relief from removal. *Id.*, ¶ 11.

On April 8, 2024, Petitioner filed written pleadings admitting the allegations and conceding to the charges stated in the NTA. *Id.*, ¶ 12. On April 8, 2024, Petitioner appeared for a master calendar hearing with counsel where the NTA was sustained and Georgia was designated as the country of removal. *Id.*, ¶ 13. A merits hearing was scheduled. *Id.* On two occasions, the merits hearing was continued due to Petitioner's requests for a continuance. *Id.*, ¶¶ 14, 15. The merits hearing occurred over three days in August, September, and October 2024. *Id.*, ¶ 16.

On January 17, 2025, the Immigration Judge (IJ) granted Petitioner's application for relief. *Id.*, ¶ 18. DHS timely appealed the IJ's decision to the Board of Immigration Appeals (BIA). *Id.*, ¶ 19. On August 25, 2025, the BIA sustained the appeal and remanded for further proceedings. *Id.*, ¶ 20.

Petitioner is not currently subject to a final order of removal. *Id.*, ¶ 27. Petitioner is presently detained at the Folkston ICE Processing Center pursuant to 8 U.S.C. § 235(b)(1)(B)(ii). *Id.*, ¶ 29.

Petitioner's detention is lawful. Respondent reserves all available defenses in this matter to be asserted in a forthcoming motion to dismiss.

Respectfully submitted,

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