

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

N.E.S.R.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 4:26-cv-906-CDL-AGH
	:	28 U.S.C. § 2241
Warden, STEWART DETENTION	:	
CENTER, <i>et al.</i> ,	:	
	:	
Respondents.	:	

REPORT AND RECOMMENDATION

On June 4, 2026, the Court received Petitioner’s *pro se* application for habeas corpus relief under 28 U.S.C. § 2241 (ECF No. 1). On July 14, 2026, the Court ordered Respondents to file a comprehensive response to the habeas application (ECF No. 6).¹ On July 23, 2026, Petitioner filed a *pro se* emergency motion for expedited consideration and ruling. ECF No. 7. For the reasons which follow, the Court construes Plaintiff’s motion as one seeking injunctive relief, and because the Court finds that a response from Respondents is unnecessary to its resolution, it recommends that the motion be denied.

In his habeas application, Petitioner alleged a plausible claim to habeas relief, seeking release from his alleged illegal detention. *See generally* Pet., ECF No. 1-2. However, Petitioner has filed numerous medical records into this case (ECF Nos. 3, 4), and most recently he filed his emergency motion seeking release from custody or an

¹ On August 3, 2026, Respondents timely filed a motion to dismiss the habeas petition. ECF No. 9. Petitioner’s response to the motion to dismiss is due September 2, 2026. Order, Aug. 3, 2026, ECF No. 10.

immediate transfer to a civilian hospital, which requests are based on an alleged imminent threat to his health based on allegedly deficient healthcare at Stewart Detention Center. Emerg. Mot. Exp'd Ruling, ECF No. 7.

“The chief function of a preliminary injunction is to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated.” *Robinson v. Att’y Gen.*, 957 F.3d 1171, 1178-79 (11th Cir. 2020) (citation omitted). The standards for obtaining a preliminary injunction and obtaining a TRO are the same. *See Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001); *Windsor v. United States*, 379 F. App’x 912, 916-17 (11th Cir. 2010). In determining whether a preliminary injunction should be granted, the Court considers

whether the movant has established: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that entry of the relief would serve the public interest.

Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225-26 (11th Cir. 2005) (citations omitted). “A preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the burden of persuasion as to the four requisites.” *All Care Nursing Serv., Inc. v. Bethesda Mem’l Hosp., Inc.*, 887 F.2d 1535, 1537 (11th Cir. 1989) (internal quotation marks and citations omitted). For two reasons, Petitioner’s emergency motion should be denied.

First, the relief that Petitioner seeks in his emergency motion is unavailable in a habeas action. A petition under “§ 2241 is not the appropriate vehicle for raising an inadequate medical care claim, as such a claim challenges the conditions of confinement, not the fact or duration of that confinement.” *Vaz v. Skinner*, 634 F. App’x 778, 781

(11th Cir. 2015) (citing *Nelson v. Campbell*, 541 U.S. 637, 644 (2004)). Additionally, even if Petitioner could demonstrate a constitutional violation based on the allegedly deficient medical treatment, “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.” *Id.* (citing *Gomez v. United States*, 899 F.2d 1124, 1126 (11th Cir. 1990)).

Second, the subject about which Petitioner seeks injunctive relief is unrelated to his habeas petition claim. In his § 2241 petition, Petitioner seeks release based on allegedly illegal detention. Pet. 7. In his emergency motion, Petitioner seeks release or transfer to a hospital because of medical issues. Emerg. Mot. Exp’d Ruling. “A district court should not issue an injunction when the injunction in question is not of the same character[] and deals with a matter lying wholly outside the issues in the suit.” *Kaimowitz v. Orlando, Fla.*, 122 F.3d 41, 43 (11th Cir. 1997). Consequently, Petitioner’s emergency motion (ECF No. 7) should be DENIED.

Pursuant to 28 U.S.C. § 636(b)(1), the parties 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. 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.

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 6th day of August, 2026.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE