

Thus, although Plaintiff cites 42 U.S.C. § 1983, a review of Plaintiff's complaint shows that he is challenging the fact of his current detention, rather than the conditions of his confinement. Generally, a habeas corpus petition is the appropriate vehicle for an individual to challenge the fact or duration of his confinement.¹ *See Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). Moreover, Plaintiff already has a 28 U.S.C. § 2241 petition for a writ of habeas corpus pending in this Court in relation to this same detention. *See Mowatt v. Dep't of Homeland Security*, Case No. 4:25-cv-00034-CDL-AGH. In that case, Plaintiff has also raised claims relating to the validity of his NTA and purported Fourteenth Amendment violations. Thus, this action is duplicative of Plaintiff's pending case.

“As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative” of one already pending in federal court. *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000). “[A] suit is duplicative of another suit if the parties, issues, and available relief do not significantly differ between the two actions.” *IA. Durbin, Inc. v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986).

Because the pleadings in these cases challenge the same detention and raise similar issues, the present action is duplicative of one already pending in this Court. Therefore, this case is now **DISMISSED WITHOUT PREJUDICE**, and the pending motion to

¹There are limitations on this Court's ability to review a detainee's claims relating to the validity of his detention or removal proceedings. *See, e.g.*, 8 U.S.C. § 1252(a)(5), (b)(9). Because this case is appropriately dismissed as duplicative, as discussed herein, the extent of those limitations and whether Plaintiff may raise his claims in this Court are not addressed in this order.

proceed *in forma pauperis* is **DENIED AS MOOT**.² See *Curtis*, 226 F.3d at 138.

SO ORDERED, this 11th day of March, 2025.

S/Clay D. Land
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA

²In *Mowatt*, Case No. 4:25-cv-00034-CDL-AGH, Plaintiff has been ordered to amend his pending petition. Therefore, he may raise any additional claims relating to the propriety of his detention in his amended petition in that case.