

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Western District of Louisiana

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MAY 12 2025

Azat Garaev

Petitioner

v.

Kristi Noem, Secretary of the DHS;
DHS/ICE Office of Chief Counsel - RCC; US DHS; US
ICE

Respondent

(name of warden or authorized person having custody of petitioner)

BY: DANIEL J. MCCOY, CLERK

Case No. 25-cv-0640 Sec P
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Azat Garaev
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: River Correctional Center
 - (b) Address: 26362 Highway 15
Ferriday, LA 71334
 - (c) Your identification number: _____
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: US Department of Justice Executive Office for Immigration Review US Immigration court Jena, Louisiana
- (b) Docket number, case number, or opinion number: A [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
The Immigration Judge Richard C. Jacobs granted asylum pursuant to section 208 of the act on 6/21/2024 and 2/27/2025
- (d) Date of the decision or action: 02/27/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I agree with IJ decisions to grant asylum on my case twice, no reason to appeal, but I am still being detained

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

I agree with IJ decisions to grant asylum on my case twice, no reason to appeal, but I am still being detained

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

I agree with IJ decisions to grant asylum on my case twice, no reason to appeal, but I am still being detained

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 04/14/2024
- (b) Date of the removal or reinstatement order: 04/14/2024
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of 28 U.S.C. § 2241

Under 28 U.S.C. § 2241, Federal courts have the authority to review the legality of detention

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

My continuous detention despite the lack of objective reasons and grounds is unlawful

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Violation of the Fifth Amendment of the U.S. Constitution

Petitioner's continued detention violates the Fifth Amendment's guarantee of due process

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The Government has failed to provide any objective and valid reasons for my ongoing detention

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Immigration and Nationality Act (INA), 9 U.S. Code § 1226 (a)

This Law gives DHS the authority to detain immigrants but requires that it be justified by necessity

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I am not a danger to the community, at no time my actions constitute a danger to anyone.

I have never had any criminal charges against myself. There are no risks that I will abscond, or that I pose any danger to persons or property, or that I pose a risk to national security.

My sister, who is a US citizen, has sworn to provide financial support for all my necessary living expenses

My detention violates this law

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR: INA § 241 (a) (6) (8 U.S.C. § 1231(a)(6))

Defines the grounds for prolonged detention of immigrants but requires that it be justified by necessity

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

My detention is not justified

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I agree with IJ decisions to grant asylum on my case twice, no reason to appeal, but I am still being detained

Request for Relief

15. State exactly what you want the court to do: I am respectfully asking the court to pay close attention to my case and release me as soon as possible. Despite the IJ's decisions to grant me an asylum in June of 2024 and February of 2025, I have been held in ICE custody for undefined time without any objective reasons (the only reason I was told unofficially that DHS doesn't want to release me). I have submitted requests to release under supervision and parole requests over 10 times by mail, electronically, all have been ignored and no explanation or reasoning ever provided.

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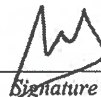
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

5/6/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any