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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MAY 14 2025

BY A.S. DANIEL J. McGOY, CLERK
AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

GEGINE AVAKIAN

Petitioner

v.

United States Immigration and Customs Enforcement
United States Department of Homeland Security

Respondent

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

Case No. 6:25-cv-00662 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: GEGINE AVAKIAN
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: SOUTH LOUISIANA ICE PROCESSING CENTER
(b) Address: 3843 STAGG AVENUE
BASILE, LA 70515
(c) Your identification number: A-Number: # [REDACTED]
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: SOUTH LOUISIANA ICE PROCESSING CENTER

3843 STAGG AVENUE, BASILE, LA 70515

(b) Docket number, case number, or opinion number: A-Number: # [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The continued detention of Petitioner by immigration authorities despite her serious and worsening medical condition. Petitioner challenges the

failure to provide adequate medical care for a broken arm, the resulting permanent injury, and the denial of release necessary to obtain proper treatment.

These actions violate her constitutional rights to due process and adequate medical care under federal law.

(d) Date of the decision or action: 09/11/2024

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: UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(2) Date of filing: 12/09/2024

(3) Docket number, case number, or opinion number: Case 3:24-cv-02142-AGS-SBC

(4) Result: Terminated

(5) Date of result: 02/19/2025

(6) Issues raised: _____

AMENDED COMPLAINT FOR DECLARATORY AND

INJUNCTIVE RELIEF AS A MEMBER OF THE CLASS ACTION FOR UNLAWFUL DETENTION

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

N/A

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: DHS Administrative Review, ICE Case Review
 (2) Date of filing: 02/06/2025
 (3) Docket number, case number, or opinion number: N/A
 (4) Result: DENIED
 (5) Date of result: 02/08/2025
 (6) Issues raised: Petitioner's continued detention is unnecessary and not justified by any compelling government interest and not under the public interest and is not a danger to the community. Petitioner's release is in the best interest of justice and fairness. Petitioner is an integral part of his family and community and pose no threat to the community or the immigration process. It is requested to release the Petitioner on ICE ADT program under the (I) Family and Community Ties, (II) Humanitarian or medical considerations. Both sections were applicable for Petitioner, since her medical condition is continuously deteriorating while in detention and her community ties as shown in the supporting documentation to the request will secure her best possible treatment and integration up until her matter is adjudicated.

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

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: U.S. Department of Homeland Security; U.S. Immigration and Custom Enforcement (ICE)
 (2) Date of filing: 03/06/2025
 (3) Docket number, case number, or opinion number: N/A
 (4) Result: PENDING
 (5) Date of result: N/A
 (6) Issues raised: Petitioner filed a federal tort claim with DHS. The continued detention of Petitioner by immigration authorities despite her serious and worsening medical condition. Petitioner challenges the failure to provide adequate medical care for a broken arm, the resulting permanent injury, and the denial of release necessary to obtain proper treatment. no proper medical care was provided, including for her preexisting condition of breast cancer. These actions violate her constitutional rights to due process and adequate medical care under federal law.

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

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: N/A

II. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 08/08/2024

(b) Date of the removal or reinstatement order: N/A

(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: _____

Parole request under ADT program on Humanitarian and Community Ties eligibility

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

U.S. Immigration and Customs Enforcement

Enforcement Removal Operations, New Orleans Field Office

(c) Date of filing: 11/27/2024

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

N/A

(e) Result: DENIED

(f) Date of result: 01/22/2025

(g) Issues raised: The Petitioner's continued detention is unnecessary and not justified by any compelling government

Interest and not under the public interest and is not a danger to the community. The Petitioner is eligible for release under

ADT program under the (i) Family and Community Ties, (ii) Humanitarian or medical considerations.

Both sections were applicable for Petitioner, since her medical condition has been continuously deteriorating

while in detention and her community ties as shown in the supporting documentation to this

request will secure her best possible treatment with no expense for the government and integration up until her matter is adjudicated.

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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:

Denial of necessary medical care while in immigration custody.

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

Petitioner is detained by ICE upon her entry to the US. While in federal custody, Petitioner sustained a serious injury to her arm, resulting

in a broken bone. Despite repeated requests for medical attention, ICE and/or detention

facility staff failed to provide timely and adequate medical care. As a result of this neglect, Petitioner has suffered permanent damage to her arm,

has lost functional use of the limb, and is unable to perform basic life activities such as bathing and using the restroom independently.

ICE has repeatedly denied her release, despite her deteriorating condition and inability to access appropriate treatment while detained.

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

☒ Yes

☐ No

GROUND TWO:

Abuse, coercive medical practices, and inhumane transport conditions while in immigration custody.

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

When Petitioner raised concerns about her pain and health, she was often verbally abused and reprimanded.

She was given unidentified pills without explanation and, at times, pressured to take medication against her will.

During medical transport, she was deprived of food and water for an entire day,

kept handcuffed for hours, and sustained injuries to her wrists as a result.

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

☒ Yes

☐ No

GROUND THREE: Deliberate medical mistreatment rising to the level of malpractice
resulting in permanent harm and denial of humanitarian release.

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

Petitioner's broken arm was treated with an external fixator that was misapplied, causing nerve damage and extreme pain. Despite repeated complaints,

the device was reapplied incorrectly twice, worsening her condition. A medical professional recently confirmed the arm was never properly set.

The injury, now lasting over six months, has likely caused permanent damage. ICE denied multiple parole or bond requests submitted after

she established a credible fear of persecution, even though she has U.S. relatives and a sponsor willing to secure her care. Petitioner continues to suffer constant pain,

loss of mobility, and cannot bathe or care for herself. She now experiences panic attacks and insomnia due to her deteriorating condition and confinement.

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

☒ Yes

☐ No

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GROUND FOUR: N/A

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

N/A

(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: N/A

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that the Court issue a writ of habeas corpus, ordering her immediate release from immigration custody due to the denial of necessary medical care, mistreatment, and prolonged detention. She further requests access to appropriate medical treatment and evaluation, and the opportunity for release based on humanitarian grounds. Additionally, Petitioner seeks any other relief the Court deems just and proper.

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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:

N/A – Petitioner is not incarcerated in a prison facility. Petition is being filed with the Court directly.

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: 05 / 12 / 2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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