

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT

for the

FILED
JUN 2 - 2025

Oleg Tamakhin

Petitioner

v.

F. Villanueva

Respondent

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

NATHAN OGHSNER
CLERK OF COURT

Case No.

B-25-110
(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: Oleg Tamakhin
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Port Isabel Service Detention Center
(b) Address: 27991 BUENA VISTA BLVD.
LOS FRESNOS, TX 78566
(c) Your identification number: A# [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: PORT ISABEL IMMIGRATION COURT
27991 BUENA VISTA BLVD LOS FRESNOS, TX 78566
(b) Docket number, case number, or opinion number: _____
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
The immigration judge ordered REMOVAL.
(d) Date of the decision or action: 09/23/2024

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: _____

(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 did not appeal due to the poor financial situation, nor I was able to hire a lawyer, lack of information and language barrier.

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 did not file a second appeal due to the poor financial situation, lack of information and language barrier.

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 did not file a third appeal due to the poor financial situation, lack of information and language barrier.

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: 06/25/2024

(b) Date of the removal or reinstatement order: 09/23/2024

(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: Unlawful Detention

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 Do not cite cases or law.):

The 180-day detention period has passed, after the Immigration Judge ordered removal on 09/23/2024. But I am still being detained. This violates my right to due process.

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

☐ Yes

☒ No

GROUND TWO: No Significant Likelihood of Removal in the Foreseeable Future.

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 Do not cite cases or law.):

There are no facts that the government can deport me back to Russia anytime soon.
There are no travel plans or documents in place.

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

☐ Yes

☒ No

GROUND THREE: Not a Danger or Flight Risk

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

I do not pose a threat to the public and I am unlikely to run away. This are strong reasons to release me. I am 63 years old going on 64 this year, and it is really hard mentally for me to continue my journey in detention. I am never had criminal or trouble with the law.

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

☐ Yes

☒ No

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GROUND FOUR: Risk of Harm if Deported to third countries

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

I know that there are cases of expulsion or deportation of immigrants to the third countries included in the list of dangerous and disadvantaged countries of the world. These facts are especially relevant for citizens who have had difficulties with deportation and leaving the United States, one of such countries is Russia, so I am afraid that I will be deported to a dangerous country.

(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:

Request for Relief

15. State exactly what you want the court to do: I would like to: 1) be released to my sponsor Pavel Volynets located in Philadelphia, and I promise that I will follow all ICE and government rules and regulations, or 2) have DHS expeditiously deport me to Russia, or 3) have my removal reviewed and approved at my expense (voluntary removal).

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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:
On Wednesday, May 28, 2025

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: May 27, 2025


Signature of Petitioner

Signature of Attorney or other authorized person, if any

Oleg Tamakhin

A-number: [REDACTED]

Port Isabel Detention Center
[REDACTED]

Dear Judge,

I, Oleg Tamakhin, a citizen of the Russian Federation, nationality – Russian, A-number: [REDACTED] crossed the Mexico – United States border on June 25, 2024, at the invitation of the CBP One program to meet with an immigration officer. I appeared on the appointment day and time, was detained and transferred to the Port Isabel Detention Center, in Los Fresnos, Texas, 78566, Buena Vista Blvd., 27991, where I am currently located.

My trial and individual hearing took place on September 23, 2024 in Los Fresnos, Texas, 78566, Buena Vista Blvd., 27991, where Immigration Judge Pimentel Frank issued on oral decision ordering my removal to Russia. Given my dire financial situation, I could not afford to hire an attorney to represent me in the Court of Appeals. Accordingly, I waived my right to appeal the Immigration Judge's decision the Board of Immigration Appeals.

As of May 27, 2025, I have been in Port Isabel Detention Center for 247 days since an Immigration Judge ordered my deportation to Russia. DHS, which is holding me here, has not given a clear answer about the date of my deportation to my home country.

The legal 180-day period required to arrange my deportation has already expired, and my detention by the government agency DHS has no legal basis. ICE DHS officers are not answering my questions properly and cannot give me a date for my deportation to Russia and are avoiding meeting with me.

Therefore, I am submitting this cover letter and motion to the Court to resolve my issue, which I propose to consider as part of: 1) my parole under the sponsorship package that was sent in December 2024 to the ICE officer handling my case, or 2) to compel DHS to effect my prompt removal to Russia, or 3) to consider my removal at my own expense (voluntary removal).

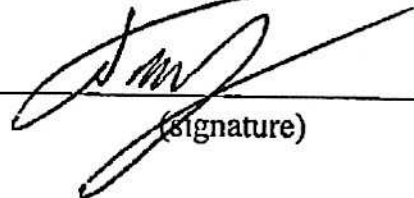
Also, with this letter I am sending a second copy of the documents to return them to me with a stamp indicating acceptance of the documents in Court.

Given that I am detained and in Port Isabel Detention Center, please call my sponsor at the following number if you have any questions: +1 (717)278-52-76.

Attachment to the letter:

1. Original and copy of receipt for payment of the \$5 filing fee required by 28 U.S.C. §1914(a) – Page 1 and Page 44;
2. Original and copy of petition for writ of habeas corpus under 28 U.S.C. §2241 – Pages 2-10 and Pages 45-53;
3. Copies of the Immigration Judge's Order – Pages 11-14 and Pages 54-57;
4. Copies of Notice of Alien of interview for review of custody status dated November 20, 2024 – Pages 15-17 and Pages 58-60;
5. Copies of the Form-229(a) and decision to continue detention dated December 18, 2024 – Pages 18-22 and Pages 61-65;
6. Copies of the Form-229(a) dated January 21, 2025 – Pages 23-24 and Pages 66-67;
7. Copies of the sponsorship package – Pages 25-43 and Pages 68-86.

Oleg Tamakhin


(signature)

May, 27, 2025
(date)

Oleg Tamakhin

A-number: [REDACTED]

Port Isabel Detention Center
[REDACTED]

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Oleg Tamakhin


(signature)

May, 27, 2025
(date)

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Oleg Tamakhin

A-number: [REDACTED]

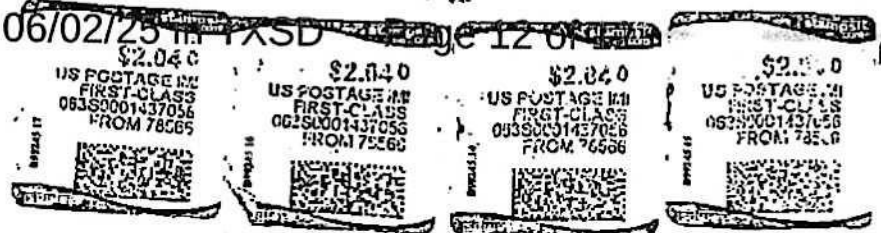
Port Isabel Service
Detention Center
27991 Buena Vista Blvd.
Los Fresnos, TX 78566

MAIL
United States District Court
Southern District of Texas

JUN -2 2025

RECEIVED
Nathan Ochsner, Clerk of Court

A2



5/29/25

Security Notice
Unauthorized Opening Mail
Penalty: \$1000
Port Isabel Detention Center

To:
Clerk of Court
Nathan Ochsner
600 E. Harrison St. #101
Brownsville, TX 78520