

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

MAY 28 2025

NADER HEIDARI

Petitioner

v.

PAM BONDI; KRISTI NOEM; TODD M. LYONS;
LETICIA DIAZ

Respondent

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

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: _____ DEPUTY CLERK

Case No.

(Supplied by Clerk of Court)

SA25CA0614 FB

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

Personal Information

1. (a) Your full name: NADER HEIDARI
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: SOUTH TEXAS ICE PROCESSING CENTER
(b) Address: 566 VETERANS DRIVE
PERSALL, TEXAS, 78061
(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): _____

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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)
- ☐ 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: IMMIGRATION AND CUSTOMS ENFORCEMENT

(b) Docket number, case number, or opinion number: N/A

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

An Immigration judge entered a removal order against me on November 7, 2024. More than six months have passed and I continue to be detained. My removal case was docketed on February 16, 2024. I cannot be removed to Iran because there are no diplomatic ties. I have no criminal history and am a Christian convert.

(d) Date of the decision or action: _____

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: ICE - San Antonio Field Office

(2) Date of filing: 2/24/2025

(3) Docket number, case number, or opinion number: N/A

(4) Result: DENIED

(5) Date of result: 2/28/2025

(6) Issues raised: I FILED AN APPLICATION FOR STAY OF REMOVAL AND WAS DENIED. MY SECOND REQUEST TO BE RELEASED WAS DENIED ON MAY 12, 2025.

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

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: _____

N/A

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: _____

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

N/A

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

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:

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- (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: 2/16/2024
- (b) Date of the removal or reinstatement order: 11/7/2024
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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: _____

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(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: APPLICATION FOR STAY OF REMOVAL (I-246)
(b) Name of the authority, agency, or court: ICE SAN ANTONIO FIELD OFFICE

(c) Date of filing: 2/24/2025

(d) Docket number, case number, or opinion number: N/A

(e) Result: DENIED

(f) Date of result: 2/28/2024

(g) Issues raised: MY DETENTION IS UNREASONABLY PROLONGED. I CANNOT BE REMOVED TO LACK OF DIPLOMATIC TIES. I CONVERTED TO CHRISTIANITY AND MY LIFE WILL BE IN DANGER IF I AM REMOVED TO IRAN. I DO NOT HAVE A CRIMINAL RECORD AND I HAVE FAMILY MEMBERS IN THE UNITED STATES.

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.

GROUND ONE: MY CONTINUED DETENTION VIOLATES MY SUBSTANTIVE AND PROCEDURAL RIGHTS UNDER THE FIFTH AND 14TH AMENDMENTS

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

MY CONTINUED DETENTION HAS NO BASIS.

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

☒ Yes

☐ No

GROUND TWO: MY CONTINUED DETENTION VIOLATES THE INA AND THE US CONSTITUTION

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

MY CONTINUED DETENTION HAS NO BASIS.

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

☒ Yes

☐ No

GROUND THREE:

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

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

☐ Yes

☐ No

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GROUND FOUR:

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

(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 RESPECTFULLY ASK THE COURT TO ORDER MY RELEASE
CUSTODY. UPON MY RELEASE I WILL COMPLY WITH ALL THE TERMS OF MY RELEASE.

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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:

23,05,2025

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:

23,05,2025

Nader Heidari

Signature of Petitioner

Signature of Attorney or other authorized person, if any

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