

## UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

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U.S. DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

JUL 09 2025

DANIEL J. MCCOY, CLERK

BY: *mdh*

Karim Shinshir

Petitioner

v.

Merrick Garland et al

Case No. 6:25-cv-00838-DCJ-CBW SEC P  
(Supplied by Clerk of Court)

Respondent

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

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

## Personal Information

1. (a) Your full name: Karim shinshir  
 (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
 (a) Name of institution: south Louisiana  
 (b) Address: 3843 Saint Landry road, Broussard, La  
30515
3. (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): Immigration detention pending removal  
proceedings; no criminal record; has U.S. resident  
sponsor; has husband and two minor daughters residing  
lawfully in California
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)

## Decision or Action You Are Challenging

- 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: ICE - South Louisiana ICE Processing Center, Bosile, Louisiana

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

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

Continued detention without bond or parole despite family sponsorship and no criminal history.

(d) Date of the decision or action: Since

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

Yes

## 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) No formal decision was issued by ICE to appeal; repeated parole and bond requests were ignored or not decided.

(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

9. (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:

No second appeal was possible because ICF never issued a formal decision to appeal

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:

No third appeal was available because no prior appeal was possible and no formal denial was issued

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: \_\_\_\_\_

(d)

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: \_\_\_\_\_

12.

**Other appeals**

Other than the motions you listed above, have you filed any other petition, application, or motion about the same subject matter in any other court?

(e)

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

Yes

(f) Kind of action, court, or jurisdiction:

(g) Name of the authority issuing or receiving:

(h) Date of filing:

(i) Docket number, case number, or hearing number:

11.

**Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_  
 (b) Date of the removal or reinstatement order: \_\_\_\_\_  
 (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: \_\_\_\_\_

(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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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:

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

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

(b) Did

17 NO

## GROUND TWO:

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

3.) Did you present Ground Two in all appeals that were available to you?

(B) Dr.

□ 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?

(3) **BR**

□ No

**Grounds for Relief**

**Grounds for Relief and Supporting Facts**

**Ground One**

The prolonged detention of Nargiza Ibraeva without a bond hearing or individualized justification violates the Due Process Clause of the Fifth Amendment and exceeds the reasonable time limits established in *Zadvydas v. Davis*.

**Ground Two**

ICE has failed to exercise discretion or respond to multiple parole and bond requests, despite the fact that Ms. Ibraeva has no criminal record, no flight risk, and a verified sponsor (her husband) who resides in California with their two minor children.

**Ground Three**

Ms. Ibraeva's ongoing detention has caused emotional harm to her young daughters (ages 7 and 9), from whom she has never been separated before. Her prolonged separation from her family violates the right to family unity protected under due process principles.

**Supporting Facts**

Nargiza Ibraeva lawfully entered the United States on September 1, 2024, through the CBP One process, together with her husband and two daughters, ages 7 and 9. They were initially detained at the border. On September 5, 2024, her husband and children were released. However, Ms. Ibraeva was transferred to the South Louisiana ICE Processing Center, where she has remained in detention since November 2024.

She has no criminal record and has fully cooperated with all immigration proceedings. Her husband, Karim Shinshir, resides in California with their daughters and has submitted multiple parole and bond requests to ICE, offering financial support, a place to live, and supervision. ICE has failed to respond or provide any written decision.

Ms. Ibraeva is not the principal asylum applicant; her husband is. Her prolonged detention causes severe psychological and emotional harm to her children, who have never before been separated from her.

There is no justification for continued detention. She poses no flight risk or danger to the public, and all legal and humanitarian factors support her release.

**GROUND FOUR:**

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

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(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:

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**Request for Relief**

15. State exactly what you want the court to do:

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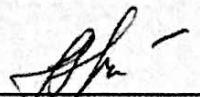
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**Declaration Under Penalty Of Perjury**

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: 06/30/2025

  
*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*