

WITNESS TO A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

FOR THE

(a) Your full name: *Eluonyechie Orolua*

(b) Other names you have used:

Place of confinement: **WESTERN DISTRICT OF LOUISIANA**

(c) Name of institution: *Allen Parish*

(d) Address: *1251 Highway 26 West, Oberlin, LA 70549*

(e) Your identification number: *(A Number 2514271)*

(f) Are you currently being held on orders by:

Federal authorities

State authorities

ELUONYECHIE, OROLUA

Petitioner,

)

BY:

DANIEL J. MCCOY, CLERK

KW

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

v. If you are currently serving a sentence, provide:

Name and location of court that sentenced you

JAMIE A. ARWIE

Oakdale Field Office Director;

MELISA HARPER,

New Orleans Field Office;

TODD LYONS

Acting Director of United States Immigration

and Customs Enforcement;

KRISTI NOEM,

Secretary of the Department of Homeland

Security;

PAM BONDI,

United States Attorney General;

MICHAEL J. MANUEL

Warden of Allen Parish Public Safety Complex,

Case No. **25-cv-0868 Sec P**

Respondents.

)

Disciplinary procedure:

Other findings:

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

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

Personal Information

1. (a) Your full name: Eluonyechie Orlolu
(b) Other names you have used _____
2. Place of confinement:
(a) Name of institution: Allen Parish Public Safety Complex
(b) Address: 7340 Highway 26 West, Oberlin, La. 70655
(c) Your identification number: (A Number) XXXXXXXXXX
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
ICE DETENTION
4. Are you currently:
 A pre-trial 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 Acting 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 calculating of good time credits)
 Pre-trial detention No
 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 challenging:
(a) Name and location of the agency or court: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT REFUSAL TO REALESE ME FROM IMMIGRATION DETENTION
(b) Docket number, case number, or opinion number: None
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
REFUSAL TO REALESE ME FROM IMMIGRATION DETENTION

(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: _____

(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 because I am currently detained since September 6, 2024 without a Final Hearing or Immigration Judge ordering an expedited outcome to my pending filed I-130 regarding my adjustments of status, which would lead to my release.

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 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: _____

(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: _____

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 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) 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 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: _____

12. Other _____

Other _____

about _____

(c) Explain why 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: 5/15/24
- (b) Date of the removal or reinstatement order: N/A
- (c) Did you file an appeal with Board of Immigration Appeals?

Yes No

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: _____

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

Yes No

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: _____

(a) _____

12. Other appeals

Other than the appeals you listed above, have you filed any petition, application, or motion about the issue 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: _____

(a) _____

(a) Do you present Ground Three in all appeals that you file?

Yes

No

GROUND FOUR:

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 Constitutional 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 8 U.S.C. §1231(a)(6)

(a) Supporting facts

Petitioner is not removable at this time, even though I am held in ICE custody for failure to adjust my status, it is evident that as matter of law, I am married to U.S. citizen and have a legally pending I-130 USCIS application.

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

Yes No

GROUND TWO: Violation of the due process clause of the Fifth Amendment to the U.S. Constitution.

(a) Supporting facts:

ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period. See attached memorandum with additional specific facts. Question (b) below is not applicable.

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

Yes No

GROUND THREE:

(a) Supporting facts:

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

Yes No

GROUND FOUR:

(a) Supporting facts:

(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: This is not applicable for this matter.

14. State exactly what you want to the court to do: Order my immediate release from ICE custody

Request for Relief

15. State exactly what you want to the court to do: Order my immediate release from ICE custody

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: _____

(Signature of Petitioner)
