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U.S. DISTRICT COURT

AQ 243 (Rev. 02-12) Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241
WESTERN DISTRICT OF LOUISIANA

JUN 26 2025

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana



BY: mb DANIEL J. MCCOY, CLERK

IANA KIM

Petitioner

v.

WARDEN / SOUTH LOUISIANA ICE PROCESSING
CENTER, DIRECTOR / NEW ORLEANS FIELD OFFICE
/ ICE / U.S. DEPARTMENT OF HOMELAND SECURITY

Respondent

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

Case No. 6:25-cv-0912

(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: IANA KIM
(b) Other names you have used: _____
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 
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, BASILE, LA

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

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

DETENTION WITHOUT WARRANT OR PROBABLE CAUSE

(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: SOUTH LOUISIANA ICE PROCESSING CENTER

(2) Date of filing: 07/21/2024

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

(4) Result: DENIED

(5) Date of result: 07/22/2024

(6) Issues raised: REQUESTED RELEASE FROM CUSTODY. OFFICER MCCULLOUGH AGREED TO RELEASE THE PETITIONER. HOWEVER, HIS SUPERIORS IN WASHINGTON, DC DECLINED TO DO SO BECAUSE HER RELEASE WOULD VIOLATE THE AGENCY'S DISCRIMINATORY POLICY DIRECTED TOWARDS IMMIGRANTS FROM CERTAIN EURASIAN COUNTRIES, INCLUDING RUSSIA.

(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

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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: Because DHS is a lawless agency. See Kilmar Abrego Garcia et al v. Kristi Noem et al.- No. 25-1404 - Court of Appeals, 4th Circuit, April 17, 2025 at p. 6. Therefore, it is futile to seek a lawful remedy from the same.

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: Same as in para 8(b) above.

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: 05/10/2024
- (b) Date of the removal or reinstatement order: 04/17/2025
- (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: 05/05/2025

(2) Case number: A-249-137-509

(3) Result: case is pending

(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: DHS ARRESTED THE PETITIONER WITHOUT WARRANT OR PROBABLE CAUSE IN VIOLATION OF "FEDERAL LAW GOVERNING DETENTION AND REMOVAL OF IMMIGRANTS".
SEE NOEM V. GARCIA - NO. 24A949 - SUPREME COURT, 2025, STATEMENT OF JUSTICE SOTOMAYOR.

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

ON 05/10/24 THE PETITIONER ALONG WITH COUPLE OF OTHER INDIVIDUALS ARRIVED TO A CALEXICO IMMIGRATION CHECKPOINT ON A PRIVATE CAR, WHERE SHE APPLIED FOR ASYLUM. NEXT DAY, CBP OFFICER ALEJANDRA TAPIA INTERVIEWED THE PETITIONER ON THE SUBJECT OF HER APPLICATION FOR ADMISSION TO THE UNITED STATES AND DECIDED TO DETAIN THE PETITIONER WITHOUT OBTAINING A WARRANT OR HAVING A PROBABLE CAUSE.

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

☐ Yes

☒ No

GROUND TWO:

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

(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: PETITIONER RESPECTFULLY REQUESTS FOR THE COURT TO ORDER THE RESPONDENTS IMMEDIATELY RELEASE THE PETITIONER FROM THEIR CUSTODY WITHOUT ANY CONDITION OR SUPERVISION. SEE ACT OF FEB. 5, 1867, § 1, 14 STAT. 386. SEE ALSO WILKINSON V. DOTSON - 544 US 74, 85, 86 - SUPREME COURT, 2005 (CONCURRING OPINION OF JUSTICE SCALIA).

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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:

06/11/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

My name is Kim Lona Torres, born on December 16, 2004. I have Russian citizenship. On May 10, 2024, I drove to Coahuila by car and requested political asylum. I was at the border for 12 days, the entire time there were terrible conditions of detention. We were fed terrible food, because of which I had problems with digestion and the doctors did not provide any help. There was a case when we had only pies and chips to eat (we all slept on the floor on thin mattresses for days). We all slept on the floor (on thin mattresses) and covered ourselves with foil, which did not save us from the cold in the room, and 2 blankets were forbidden to use. There were also problems with the shower, they gave only 3 minutes for a shower, in our shower you had to stay awake all night and wait in line, and if a person is sleeping (we were not allowed to wake them up the last 6 days our shower was broken and we had to wash ourselves in sinks, although this was prohibited. On May 22 at 1pm we left the border and at 5pm we arrived in "San Luis Regional Detention and support center" and until 11am we sat in cold cells on metal benches waiting for registration. On May 23 at 9pm we were rushed for departure and until 5am we were in cold cells waiting for registration. They put handcuffs on our hands and feet, put us on a bus and despite the cold temperature in the bus we were forbidden to put on 2 sweaters, some girls had their sweaters taken off and thrown away. We rode to the airport for 20 minutes and waited 3 hours on the bus until they put us on the plane. Before takeoff, they tightened the handcuffs even more tightly, which is why I got bruises. They only removed our hand cuffs when the plane started to descend and we crossed the Louisiana border in handcuffs (which is a violation). During the entire 42-hour journey, we only managed to sleep for 4 hours.

On May 24 we arrived at Richmond. On June 13 I was interviewed (which is also a violation, since I was not interviewed 20 days after being taken into custody and was not given an auto-positive). On June 20 they brought me a positive interview result and a document for a parole. I was in Richmond Detention, I was not given proper psychiatric care, when I complained about my condition they refused to give me pills.

Case 6:25-cv-00912-DCA Document 1 Filed 07/26/25 Page 10 of 18 PageID #: 10
Also, for about 2 weeks, we had no hot water and no work, we complained to the officers every day, but nothing happened and we had to wash in cold water. Due to weakened immune system many girls in my dorm got the flu, but the officers did not take proper measures, sick people were not treated they were not moved to solitary confinement cells and the flu sick people ate in the common dining room from common dishes.

On June 24, without any explanation, I was transported to South Louisiana. As soon as we arrived we were given only an orange uniform, without my warm clothes and T-shirts we were also not allowed to keep warm clothes from Richwood and it was very cold to sleep in the dorm and the officers refused to adjust the temperature. On July 15 I was given a document canceling the parole (with Flight Risk). On July 21st my mother personally came to my ICE officer asked him to accept my sponsorship package and request for a parole so that I could be released, but he refused then my mother asked to send me my interview from the border and detention, since I requested it through a request and from local ICE officers but they refused to send it to me. After my mother arrived they gave me my interview that same day and on July 25th they again sent me a refusal of the parole. On July 23rd my first master hearing took place where I asked for more time to find a lawyer. I explained that we did not have enough money to hire a lawyer, and they give me a list of numbers of free lawyers. It was very difficult to get through to these numbers, it took me about a month but what a single organization dealt only with members of LGBTQ+ community and HIV patients, and the others answered that they do not provide lawyers, they can only send me information on holding court in detention.

Throughout the entire time in South Louisiana there were big problems with treatment when I asked for medications, they answered that they were not covered by detention insurance and

that I could buy them at the commissary but in fact these goods were¹¹ not available. I was not given proper psychological help. The pills that the psychiatrist prescribed me have a side effect - thoughts of suicide. I was prescribed these pills despite the fact that I told about an episode of self-harm in my permission and I had life. Then they cancelled my pills without my permission and I had to fight for 2 weeks to get the pills back. Also there is a quarantine in our detention center now people are sick with tuberculosis seasonal flu and COVID-19 but not enough measures were taken, we were not given masks we were not given antiseptic we were not given an educational talk we were not tested for COVID and tuberculosis. And the growth of the disease is provoked by the fact that it has become cold now but we were only given sweaters from warm clothes our request for pants and hats was denied. Once a month ICE officers comes to our dorm and answer's questions when we asked "when will they release former soviet communist citizens", they were told "never" and when we asked "is this discrimination" they were told "yes, this is discrimination". All this prevents me from preparing for the trial, affects my emotional state. I have never broken the law and I have never been in such condition as real criminals. I live with people who are dangerous to society. I am treated like a criminal. I see fights, wars, cruelty to people, which affects me and my ability to prepare for the court, considering that I am only 19 years old and I am still a child.

AN-0:

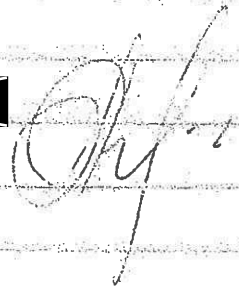


Iana Kim

My name is Irina Pakhtusova.

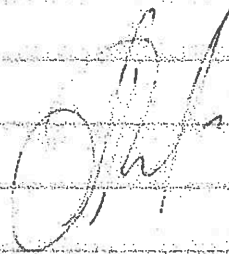
On May 10, 2024, I was crossing the border in Calexico with Tana Kim. We drove up to the border by car and called an officer. We asked the officer for political asylum, he took our passports and after a while invited us to drive behind the fence and go to the border, where we were detained and interviewed. Now I am still in detention.

Irina Pakhtusova, A# [REDACTED]



Меня зовут Ирина Пактусова.
10 мая 2024 года я вместе с Яной Ким пересекла
границу в Селехисо. Мы поехали на машине к
границе и позвали офицера. У офицера мы
спросили о политическом убежище, он забрал наши
паспорта и спустя время пригласил заехать за
забором и пройти на бордер, где нас задержали и
провели интервью. Сейчас я до сих пор нахожусь
в заключении в detention.

Ирина Пактусова, А#



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Iana Kim, A
3843 Stagg Ave, Basile LA 70515

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS
Warden, Director South Louisiana Ice Processing Center,
New Orleans Field Office, ICE, U S Dept of Homeland
County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability PRISONER PETITIONS ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28:2241
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE
DOCKET NUMBER

DATE
SIGNATURE OF ATTORNEY OF RECORD

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JUDGE
MAG. JUDGE

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