

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

FILED
UNITED STATES DISTRICT COURT U.S. DISTRICT COURT
for the SAVANNAH DIV.

Southern District of Georgia

2025 JUL 22 A 10:38

BADRA KABA

Petitioner

v.

DEPARTMENT OF HOMELAND SECURITY,
IMMIGRATION AND CUSTOMS ENFORCEMENT

Case No. 7:25-CV-00083-WLS-AGS
(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: BADRA KABA
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: FOLKSTON ICE PROCESSING CENTER
(b) Address: 3026 Highway 252 East
Folkston, GA 31537
(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: 2020-R-018
(c) Date of sentencing:
☒ Being held on an immigration charge
☐ Other (explain): ACCUSATION
Held on false Affidavit On 2018, While waiting at ICE custody, change to accusation on 2020

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): For over seven years, never been interrogate or have a court date.

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: Detention , prosecution and removal
Bryan County Superior Court
- (b) Docket number, case number, or opinion number: 2020-R-018
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I never receive a court date, except been arrested without a Due process for over 26 months total
- (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: Superior Court of Bryan County

(2) Date of filing: 05/08/2025

(3) Docket number, case number, or opinion number: 2020-R-018

(4) Result: No Response except Bond

(5) Date of result: 05/15/2025

(6) Issues raised: MOTION TO INDICT OR DISMISS

2018 spent 269 days, I filed Motion to indict or release, I was turned over ICE after spending eight months ICE attempted to remove me with a fraudulent document, while I was in the custody of ICE, on January 31 2020 the case become accusation, On 2021 letter was sent to my old address for appearance that was re 2020 the case become accusation, On 2021 a letter for appearance was sent to my previous address, that letter was returned to the court causing the failure to appear and bench warrant was issued. I was arrested again on October 2024 and presented me with an accusation, given a bond and turned to ICE.

(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: N/A

(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:

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: N/A

(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:

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: N/A
- (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: N/A
- (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: 06/13/2025
- (b) Date of the removal or reinstatement order:
- (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: N/A
- (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: N/A
- (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: My removal while the accusation case is pending not even indict

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

Accusation, motion for speedy trial, motion to indict or dismiss.

I filed multiple motion to the superior court with no answer, Here as supporting documents I would like to include all documents regarding to different motions. Accusation-Exabit1, Precision- Exabit2, Letter to the attorney- Exabit3, Motion and demand for speedy trial-Exabit4, Motion and demand for recusal- Exabit5, Motion to Indict or Dismiss-Exabit6

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

☐ Yes ☐ No

GROUND TWO: I was detained for over 26 months without indictment or trial,

(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: N/A

(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: N/A

(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: N/A

Request for Relief

15. State exactly what you want the court to do: The petitioner move this honorable court for Emergency hearing, and demand for a Relief from unconstitutional incarceration, The State of Georgia have incarcerated me for a total of 17 months without Due process, Immigration and Customs Enforcement have incarcerated me for over 10 months and tried to remove me with fraudulent document while the state case is pending or in dead docket since 2018, No indictment. I pray and hope this honorable court understand the hardship and violation the petitioner have been through in this process

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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:

07/11/2025

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: 07/11/2025

Babbar Khatun
Signature of Petitioner

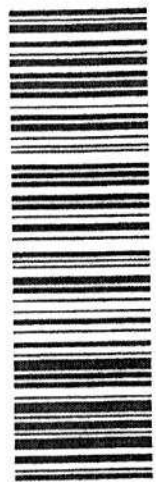
Signature of Attorney or other authorized person, if any

ADRI KAPPA

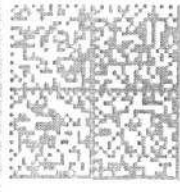


Folkston ICE Processing Center
PO Box 2248
Folkston, GA 31537

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



9589 0710 5270 2632 7816 44



quadrant
FIRST-CLASS MAIL
IM1
\$012.98
07/18/2025 ZIP 315
043M31267474

INSPECTED BY

JUL 22 2025

U.S. Marshals Service/SGA

TO: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
PO BOX 8286
FOLKSTON, GA 31412