

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

FILED

UNITED STATES DISTRICT COURT
for the

AUG 04 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Danesh shamsi

Petitioner

Pam Bondi; Kristi Noem
Tood M. Lyons; Leticia Diaz

Respondent

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

SA 25 CA 0950 OG
(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: Danesh shamsi
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: South Texas Detention Center
 - (b) Address: 566 Veterans Drive
Pearshall, Texas 78061
 - (c) Your identification number: [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 crimeIf 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): Continued Detention after final order of withholding of Removal

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. Department of Homeland Security (DHS) and I.C.E. - South Texas Detention Center
- (b) Docket number, case number, or opinion number: A [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued Detention Beyond 90 days after final order of withholding of removal. No removal to country of origin or third country. Parol requests denied without clear justification. No response from CAT interview
- (d) Date of the decision or action: April 24, 2025

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 Enforcement and Removal Operations

(2) Date of filing: May 20, 2025

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

(4) Result: denied

(5) Date of result: May 23, 2025

(6) Issues raised: Unlawful Prolonged detention Despite final order; humanitarian need to reunite with family (U.S. citizen Daughter); fear of deportation to Nicaragua.

(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: _____

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: _____

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: October 13, 2024

(b) Date of the removal or reinstatement order: April 24, 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: _____

(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: _____

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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: Prolonged detention after final order Violation of due Process rights

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

I recieved final order of withholding of removal on April 24 2025, I.C.E has kept me in detention for over 90 days without removal, Transfer, Parole or explanation.

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

☒ Yes

☐ No

GROUND TWO: No response after CAT interview Violation of fair Process rights.

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

Complete CAT interview over 30 days ago, I.C.E has not provided any response or decision.

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

☒ Yes

☐ No

GROUND THREE: Denied Parole without reason Violation of due Process and Liberty right.

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

I applied for Parole Twice and was denied both Times no clear reason was given, even though I am not a danger or flight risk.

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

☒ Yes

☐ No

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GROUND FOUR: family separation and extreme humanitarian hardship
family liberty and unity disrupted.

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

I have a 14 month old U.S. citizen daughter, I have never met
and my wife with pending asylum case, my indefinite
detention has caused extreme emotional harm for all parties
involved.

(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 request that the court order my
immediate release from I.C.E custody under appropriate supervision,
as my continued indefinite detention violates my constitutional
right and no removal is foreseeable.

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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:

August 01, 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: August 01, 2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any