

UNITED STATES DISTRICT COURT

for the

Omid Kamali
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

DHS and I.C.E.
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: Omid Kamali
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: Stewart Detention Center, Lumpkin, GA 31816
P.O. Box 248
(c) Your identification number: A# [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 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): I was detained on May 22, 2020, on June 30, 2020 I was ordered to be removed, I filed my Habeas six months after and I was released under supervision on May 25, 2021

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)

- ☐ 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: _____

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

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

(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: _____

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 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

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: May 22, 2020 and July 2, 2025
- (b) Date of the removal or reinstatement order: Removal order: June 30, 2020
- (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: Habeas Corpus
- (b) Name of the authority, agency, or court: United States District Court For the middle District of Georgia, Valdosta Division
- (c) Date of filing: 01/07/2021
- (d) Docket number, case number, or opinion number: Case No. 7:21-cv-00002-HL-MSH
- (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: I applied for asylum in Turkey and given certificates for the fear of prosecution because of religious practices. See Exhibit A.

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 Do not cite cases or law.):

UNHCR clearly states that "I should be protected from forcible return to a country where I would face threats for my life or freedom" in these documents.

See Exhibit A.

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

☐ Yes

☐ No

GROUND TWO: on 06/30/2020 I ordered removed and I was released under supervision on May 25, 2021

See Exhibit B.

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 Do not cite cases or law.):

ICE had almost a year to obtain a travel document
IRAN has refused to give me a travel document multiple times.

See Exhibit C.

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

☐ Yes

☐ No

GROUND THREE: on July 28, 2021 Judge Stephen Hyles a respectful United States Magistrate Judge recommended that my previous Habeas should be dismissed because I was released from ICE's custody under the order of supervision.

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

on that same ruling the judge stated and I quote "petitioner's application for habeas corpus relief be dismissed without prejudice to his right to file a new §2241 petition in the future if a change in his circumstances occurs."

a change has occurred and court should see this as a continuation of detention

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

☐ Yes

☐ No

GROUND FOUR: Respondent argued and will argue that I pose a risk to society.

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

In past four years that I was released under supervision I was also under special conditions of probation. In past four years I attended all of my appointments with ICE and with the Fulton County Probation Office. In addition to not failing to comply with 2 supervisions, I have succeeded to acquire a dry cleaning business and therefor paying tens of thousands of dollars in taxes.

(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: In this petition I brought all the reasons necessary to prove that 1. I can't be deported to Iran. 2- my detention is unlawful. 3. ICE has failed and will continue to fail to obtain a travel document.

I simply request to be released and I have shown in the past four years that I am worthy of this relief.

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: 07/29/2025


Signature of Petitioner

Signature of Attorney or other authorized person, if any

Print

Save As...

Reset

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. A false statement may lead to prosecution.
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Exhibit

A

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiésBMMYK Birleşmiş Milletler Mülteciler Yüksek Komiserliği Sancak Mah. Tiflis Cad. 552. Sokak No3 06550 Ankara
Tel: (312) 409 7000Â Fax (312) 441 2173Â Email asamturan@unhcr.org

S/N:

Date of Issue (Veriliş Tarihi): 03/09/2013

Name of Applicant (Başvuru sahibinin Adı):

OMID KAMALI

Date of Birth (Doğum Tarihi):



Place of Birth (Doğum Yeri):

Mashhad

Nationality (Uyruğu):

Iran, Islamic Republic of

Governorate of (Vâililik):

NIGDE

We hereby confirm that **Iran, Islamic Republic of** national, Mr./Ms. **OMID KAMALI** would like to lodge an asylum claim in Turkey.

UNHCR has established contact with the Foreigners, Border and Asylum Department of the General Directorate of Security in Ankara, and thereupon, has advised the applicant – and his/her dependants – to approach the Foreigners Branch of the Governorate of (**NIGDE**) to register the asylum claim with the Turkish authorities.

In line with the Regulation No. 94/6169 and the Implementation Directive No. 57, the asylum application of the applicant shall be received, without delay, by the Foreigners Branch of the relevant province. UNHCR Office in Ankara will complete the registration process of the applicant and assign him/her a regular UNHCR file number on (**11.03.2014**).

İşbu belge ile, **Iran, Islamic Republic of** uyruklu, Bay/ Bayan **OMID KAMALI** 'ın, Türkiye'de iltica talebinde bulunmak istediğini teyit ederiz.

BMMYK, Ankara'da Emniyet Genel Müdürlüğü bünyesindeki Yabancılar, Hudüt ve İltica Dairesi ile temasa geçmiş, bunun üzerine başvuru sahibi – ve bakmakla yükümlü olduğu kişiler – Türk makamlarına kaydolmaları için (**NIGDE**) Vâililiği Yabancılar Şubesine yönlendirilmiştir.

94/6169 sayılı Yönetmelik ve 57 Sayılı Uygulama Talimatına göre, kişinin iltica başvurusunun ilgili şehirdeki Yabancılar Şubesi tarafından geciktirilmeden kayıt altına alınması gerekmektedir. Ankara'daki BMMYK Ofisi (**11.03.2014**) tarihinde, başvuru sahibinin kayıt sürecini tamamlayacak ve kendisine bir BMMYK dosya numarası tahsis edecektir.

The UN

Refugee Agency



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

BMMYK Birleşmiş Milletler Mülteciler Yüksek Komisierliği Sarıcağ Mah. Tıfllı Cad. 552. Sokak No:3 06550 Ankara
Tel: (312) 409 7000 Fax: (312) 441 2173 Email: turan@unhcr.org

Reference Number: 2014 / LG / AC508681

Date of Issue (Veriliş Tarihi): 30/07/2014

**UNHCR REFUGEE CERTIFICATE
BMMYK MÜLTECİ BELGESİ**

Name of Applicant (Başvuru sahibinin Adı):

OMID KAMALI

UNHCR Registration No. (BMMYK-Kayıt No.):



Date of Birth (Doğum Tarihi):



Place of Birth (Doğum Yeri):

Mashhad

Nationality (Uyruğu):

Iran, Islamic Republic of

To Whom It May Concern

This is to certify that the above-named person, has been recognized as a refugee by the United Nations High Commissioner for Refugees, pursuant to its mandate. As a refugee, (he/she) is a person of concern to the Office of the United Nations High Commissioner for Refugees, and should, in particular, be protected from forcible return to a country where (he/she) would face threats to his or her life or freedom. Any assistance accorded to the above-named individual would be most appreciated.

Questions regarding the information contained in this document may be directed to the United Nations High Commissioner for Refugees at the address above.

İlgili Makama

Bu yazı yukarıda adı verilen kişinin; Birleşmiş Milletler Mülteciler Yüksek Komisierliği'nin yetki alanı dahilinde, mülteci olarak tanındığını belgelemek üzere düzenlenmiştir. Bir mülteci olarak, söz konusu kişi Birleşmiş Milletler Mülteciler Yüksek Komisierliği Ofisinin ilgi alanındadır ve kendisi, özellikle, yaşamına veya özgürlüğüne yönelik bir tehdit ile karşı karşıya kalacağı bir ülkeye zorla geri gönderilmeye karşı korunmalıdır. Yukarıda adı verilen kişiye gösterilecek her türlü yardım memnuniyetle karşılanacaktır.

Bu belgede verilen bilgilere ilişkin sorularınızı, adresi yukarıda verilmiş olan, Birleşmiş Milletler Mülteciler Yüksek Komisierliğine yöneltebilirsiniz.

Yours sincerely / Saygılarımla,

Representative / Temsilci

This document is only valid in the original when bearing official UNHCR stamp.
Bu belge, yalnızca üzerinde resmi BMMYK kağıdı bulunduğunda geçerlidir.



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

BMMYK Birleşmiş Milletler Mülteciler Yüksek Komiserliği Sancak Mah. Tiflis Cad. 552. Sokak No3 06550 Ankara
Tel: (312) 409 7000 Fax (312) 441 2173 Email turan@unhcr.org

Reference Number :

Date of Issue (Veriliş Tarihi): 08/05/2014

ASYLUM SEEKER CERTIFICATE SİĞINMACI BELGESİ

Name of Applicant (Başvuru sahibinin Adı):

OMİD KAMALI

UNHCR Registration No. (BMMYK Kayıt No.):



Date of Birth (Doğum Tarihi):

Place of Birth (Doğum Yeri):

Mashhad

Nationality (Uyruğu):

Iran, Islamic Republic of

Date of Entry (Ülkeye giriş tarihi):

30/08/2013

Place of Entry (Ülkeye giriş yaptığı yer):

Van



This is to certify that the above-named person, national of Iran, Islamic Republic of, is an asylum seeker whose claim for refugee status is being examined by the Office of the United Nations High Commissioner for Refugees. As an asylum seeker, he/she is a person of concern to the Office of the United Nations High Commissioner for Refugees, and should, in particular, be protected from forcible return to a country where he/she claims to face threats to his/her life or freedom, pending a final decision on his/her refugee status.

The applicant has been advised to comply with the requirement under the Turkish asylum procedure to register with the competent authorities. Accordingly and following instructions received from the Department for Foreigners, Borders and Asylum of the General Directorate for Security, Ministry of Interior, the applicant has been referred to NIGDE to fulfill the registration requirement. Any assistance accorded to the above-named individual would be most appreciated.

Questions regarding the information contained in this document may be directed to the Office of the United Nations High Commissioner for Refugees at the address above.

Bu belge ile yukarıda adı geçen Iran, Islamic Republic of uyruklu kişinin, sığınma başvurusu Birleşmiş Milletler Mülteciler Yüksek Komiserliği Ofisi tarafından incelenmekte olan bir sığınmacı olduğu tasdik olunur. Bir sığınmacı olarak, söz konusu kişi Birleşmiş Milletler Mülteciler Yüksek Komiserliği Ofisinin ilgi alanı altındadır, ve özellikle, sığınma başvurusu hakkında verilecek nihai karar beklediği süre içerisinde, yaşamına veya özgürlüğüne yönelik bir tehditle karşılaşacağını iddia ettiği ülkesine isteği dışında geri gönderilmeye karşı korunmalıdır.

Başvuru sahibine, Sığınma Yönetmeliği'nde öngörülen koşulu yerine getirerek yetkili makamlara kayıt olması tavsiye edilmiştir. Bu nedenle ve İçişleri Bakanlığı, Emniyet Genel Müdürlüğü, Yabancılar, Hudut ve İltica Dairesi'nden alınan talimat uyarınca, başvuru sahibi kaydını yaptırmak için NIGDE'ye yönlendirilmiştir. Yukarıda adı verilen kişiye göstereceğiniz her tür kolaylık için teşekkür ederiz.

Bu belgede verilen bilgiler hakkındaki sorularınızı yukarıda adresi verilen Birleşmiş Milletler Mülteciler Yüksek Komiserliği Ofisi'ne yöneltebilirsiniz.

This Document is valid until: 08/05/2015

Bu belge 08/05/2015 tarihine kadar geçerlidir

Yours sincerely / Saygılarımla,



Important Note:

This is not a residence permit. Such document can only be obtained from the Turkish Authorities. Temporary asylum applications are always to be decided by the Turkish Government.

Açıklama:

Bu bir oturma izni değildir. Bu gibi belgeler sadece Türk Makamları'na düzenlenir. Geçici sığınma başvuruları hakkında daima Türk Hükümeti'nce karar verilir.