

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

UNITED STATES DISTRICT COURT

for the
WESTERN DISTRICT OF LOUISIANA

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

AUG 22 2025

Irina Tsogoeva

Petitioner

v.

Kristi Noem, Secretary of the DHS;
Chief Counsel, U.S. DHS;
U.S. DHS; U.S. ICE

Respondent

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


BY: DANIEL J. MCCOY, CLERK

Case No. 25-cv-1121 Sec P

(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: Irina Tsogoeva
- (b) Other names you have used: n/a
2. Place of confinement:
 - (a) Name of institution: South Louisiana ICE Processing Center
 - (b) Address: 3843 Stagg Ave, Basile LA 70515
- (c) Your identification number: A 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
U.S. Immigration and Customs Enforcement (ICE)
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)

- ☐ 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: DHS, ICE office

(b) Docket number, case number, or opinion number: n/a

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

I have been detained for more than 13 months despite my husband being granted asylum, and the judge linking our cases and terminating my removal proceedings on 3/27/2025. The prosecutor filed an appeal, and there is no scheduled date for the next court date. My ICE officer has denied sponsorship package many times.

(d) Date of the decision or action: 3/27/2025

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: _____

(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

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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: _____
- (b) Date of the removal or reinstatement order: _____
- (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: _____
- (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: Violation of 28 U.S.C. section 2241, Under 28 U.S.C. section 2241. Federal courts have the

authority to review the legality of detention. Petitioner's continued detention, despite a favorable decision from the

immigration court is unlawful. See 8 C.F.R. section 1241.14

Respondent has valid derivative asylum claim based on her husband's asylum.

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 Do not cite cases or law.*):

1) According to petitioner's I-870 form (page 5), Applicant does not appear to be subject to any bars to asylum.

2) Petitioner won the Immigration Court. 3) Petitioner proved her reliability and public relations during her case and provided for the judge and ICE officer supporting evidence. 4) Petitioner does not pose any danger to society.

She has never committed any crimes and she does not have any mental disorders that could make her a danger to others. Please see attached court order terminating Respondent's removal proceedings.

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

☐ Yes

☒ No

GROUND TWO: Violation of the Fifth Amendment to the US Constitution. Petitioner's continued detention

violates the Fifth Amendment's guarantee of due process. DHS, ICE have failed to provide any justification

for her ongoing detention.

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

Petitioner sent Sponsorship Package many times, ICE officer denied it with no reason given.

Petitioner has valid derivative asylum claim through spouse Konstantin Shmoilov, A [REDACTED] DOB [REDACTED] 1997.

His asylum petition was granted 1/24/25. He filed form I-730 on 3/21/25 with Respondent as beneficiary.

There is no reason, and no basis to deprive Petitioner of her liberty without any given reason, and without a hearing date.

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

☐ Yes

☒ No

GROUND THREE: Demore v. Kim, 538 U.S. 510 (2003):

The Court emphasized that mandatory detention is permissible only for a limited period and that extended

detention requires justification.

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

Petitioner has already had asylum hearing and established credible fear.

She also attached letters of support. Petitioner has strong community ties and individuals willing to attest to her good character and guarantee that she will continue to comply with all immigration requirements.

Her husband has been living in the U.S. for months and has been waiting for the petitioner.

These are legitimate reasons why there is no reason to continue to hold the petitioner in detention.

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

☐ Yes

☒ No

GROUND FOUR: Violation of INA section 236 (a) (8 U.S.C. section 1226 (a))

The Immigration and Nationality Act allows for discretionary detention but requires periodic review of the detention status. Petitioner's continued detention without such review violates federal law.

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

- 1) Petitioner regularly writes requests to her officer asking to review her immigration status.
- 2) Petitioner provides the documents that may be useful for this.
- 3) Petitioner was denied release under parole without explanation, although there is no reason to keep her in detention.
- 4) Petitioner does not seem to be inadmissible or deportable. Court order terminating removal attached. She has derivative asylum based on her husband's asylum - supporting documents attached.

(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: I, the petitioner, did not file an appeal because there was no need to appeal the decision. The decision of the judge was favorable, that I should be granted asylum just as my husband was granted asylum. Removal proceedings against me were terminated by the judge on 3/27/2025. My husband's asylum was granted on 1/24/2025. Supporting documents are attached.

Request for Relief

15. State exactly what you want the court to do: 1) Issue a writ of Habeas Corpus requiring the immediate release of petitioner from detention due to the unlawful and unjust continuation of her detention.
- 2) Alternatively, order an individual bond hearing before an immigration judge.
- 3) To recognize such a long detention without grounds illegal.

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:

08.19.2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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