

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

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COUNSEL/PARTIES OF RECORD	
SEP 22 2025	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>RTMG</u>	DEPUTY

MOHAMED HASSAN BARKA
Petitioner

v.

CHIEF COUNSEL D.H.S.
FOR DISTRICT OF NEVADA
Respondent

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

2:25-cv-01781-GMN-MDC

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

Personal Information

- (a) Your full name: MOHAMED HASSAN BARKA

(b) Other names you have used: _____
- Place of confinement:

(a) Name of institution: SOUTHERN NEVADA DETENTION CENTER

(b) Address: 2190 E MESQUITE AVE
Pahrump NV 89060

(c) Your identification number: AH
- Are you currently being held on orders by:

☐ Federal authorities ☐ State authorities ☒ Other - explain:

ICE DETENTION
- 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: N/A

(b) Docket number of criminal case: _____

(c) Date of sentencing: _____

☒ Being held on an immigration charge

☐ Other (explain): _____

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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 HEADQUARTERS (ERO Removal Division)
POTOMAC Center North 500 12TH ST SW WASHINGTON DC 20536
- (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: 01/15/2025**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: _____

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(b) If you answered "No," explain why you did not appeal: There is no Authority to
File a Grievance or 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: There is no Authority
to file a Grievance or Appeal to

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: _____

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(b) If you answered "No," explain why you did not file a third appeal:

There is NO Authority
TO File a Grievance or Appeal to

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: _____

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 9/5/2024
- (b) Date of the removal or reinstatement order: 1/15/2025
- (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: _____

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- (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.

GROUND ONE: My Prolonged and Indefinite Detention Violates my 5th Amendment Rights and 8 USC § 1231(a)(1)(A) According to ZANDUYAS V DAVIS 533 U.S. 678, 702 (2001) Holding that AFTER 6 months of Detention The Government must show Evidence that Removal is significantly Likely to OCCURE IN THE NEAR FUTURE.

They Have not since 01/15/2025

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

Withholding of Removal was Granted UNDER INA § 241(b)(3)

I was ordered Removed to Egypt.

IN The ALTERNATIVE Respondent was Ordered Removed to ITALY
By Immigration Judge BAKER Glen 01/15/2025

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

☐ Yes

☒ No

GROUND TWO: N/A

(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.):

N/A

(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: ORDER The US Attorney General, DHS and ICE To immediately Release me from Custody in Violation with my Fifth Amendment Rights and 8 U.S.C. § 1231(a)(1)(A) According to ZANDYAS V. DAVIS 533 U.S. 678, 702 (2001) Holding that After 6 month of Detention The Government must show Evidence That Removal is Significantly Likely to occur in the Near Future.

(I have been in custody For over a year. This is cruel and Unusual punishment and a Violation of my Human Rights.

Thank you.

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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:

9/17/2025

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:

9/17/2025

X BARKA

Signature of Petitioner

Signature of Attorney or other authorized person, if any



Hassan Baraka Mohamed A#



S. N.D.C

2190 E. Mesquite Ave. Pahrump, NV 891060

Las Vegas F8MDC 89199
FRI 19 SEP 2025 12:00 PM

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SEP 22 2025	
CLERK U.S. DIST. COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

This correspondence originated from a detention facility. The facility is not responsible for the contents herein.

U.S District Court for Nevada
Las Vegas
333 S. Las Vegas Blvd.
Las Vegas Nevada 89101