
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.

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

UNITED STATES DISTRICT COURT
for the

ENDELADZE KAKHABER



Petitioner

v.

WARDEN, FEDEERAL DETENTION CENTER, PHILADELPHIA

Respondent

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

Case No. (Supplied by Clerk of Court)

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Personal Information

1. (a) Your full name: ENDELADZE KAKHABER

(b) Other names you have used: N-A

2. Place of confinement:

(a) Name of institution: FEDERAL DETENTION CENTER, PHILADELPHIA

(b) Address: 700 Arch Street, Philadelphia, PA 19106

(c) Your identification number: A (ALIEN REGISTRATION NUMBER)

3. Are you currently being held on orders by:

[X] 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:

N/A

(b) Docket number of criminal case: N/A

(c) Date of sentencing: N/A

[X] 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): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

Agents from ICE arrested me based apparently on a new ICE policy that all persons who did not have documents to allow them to enter the US are now being subject to mandatory detention until their cases are resolved by the courts, even if it takes years for that to occur.

(b) Docket number, case number, or opinion number: Alien Registration No. A220 228 239

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

My arrest is based exclusively on a new administrative opinion of settled law espoused by the current administration that places all similarly situated persons under mandatory detention. See Title 8 U.S.C., Section 1225(b), when in fact petitioner (a) was already ordered released from ICE custody by an immigration judge (IJ) whom determined that petitioner was in the custody of ICE under 8 U.S.C. Section 1226(a), not instead 1225(b).

(d) Date of the decision or action: My arrest took place today, October 23, 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:

There has been no final order from an immigration judge in my case because proceedings are still on going. I am married to a USC whom has filed an application for an immigrant visa on my behalf. Such petitions however take considerable time to adjudicate and when the marriage takes place while the beneficiary (me) is in removal proceedings as I am, then the scrutiny is much more intense to determine that the marriage is valid. Typically, I am informed that it may take 18 months or longer just to get that first application approved. I

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: _____

~~This questions do not pertain to my issues because I have not been charged with any criminal conduct and have never been in criminal proceedings.~~

(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: _____

~~This questions do not pertain to my issues because I have not been charged with any criminal conduct and have never been in criminal proceedings.~~

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

~~This questions do not pertain to my issues because I have not been charged with any criminal conduct and have never been in criminal proceedings.~~

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 N/A

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: _____

~~This questions do not pertain to my issues because I have not been charged with any criminal conduct and have never been in criminal proceedings.~~

- (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: _____

~~This questions do not pertain to my issues because I have not been charged with any criminal conduct and have never been in criminal proceedings.~~

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

~~This questions do not pertain to my issues because I have not been charged with any criminal conduct and have never been in criminal proceedings.~~

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/23/2025
- (b) Date of the removal or reinstatement order: There has been no final order of removal in my case. Case is pending before the Immigration Judge
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No There has been no decisions made in my case yet. Hence nothing to appeal to the BIA

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If "Yes," provide:

- (1) Date of filing: Case was filed in the Immigration Court on January 2, 2022. Case remains pending.
- (2) Case number: ~~XXXXXXXXXX~~
- (3) Result: Pending final decision on applications for relief.
- (4) Date of result: Not applicable
- (5) Issues raised: Not applicable

Although I am in removal proceedings before an immigration court, because i am married to a USCitizen and i have applied for an immigrant visa that, once granted would allow me to obtain lawful permanent residence based on the marriage, the removal proceedings are halted until such time when another agency, not the EOIR, i.e., the USCIS approves (or denies) the petition. However, my claim is against the unlawfulness of my being taken into custody based exclusively on a new policy that has been determined to be unlawful in many jurisdictions. The Immigration Court has lost the authority to hear a bond redetermination request from me, based on the new unlawful policy. My only due process course is this petition for a writ of habeas corpus under 28 USC 2241.

(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: _____

The US Court of Appeals does not have jurisdiction over a claim such as here based purely on a claim of unlawful custody. Only the district court has authority and the duty to adjudicate the present habeas petition under 28 USC Section 2241(c)(3)

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: _____

The US Court of Appeals does not have jurisdiction over a claim such as here based purely on a claim of unlawful custody. Only the district court has authority and the duty to adjudicate the present habeas petition under 28 USC Section 2241(c)(3)

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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:

Unlawful Scheme of ICE Decision to Reinterpret Applicable Custody Statutes Converting Discretionary Detention into Mandatory Detention..On July 8, 2025 ICE announced a new policy guidance entitled Interim Guidance Regarding Detention Authority for Applications for Admission effective immediately, attached and marked as Exh. A. As a result, thousands of persons similarly situated are being taken into ICE custody where they will remain therein for vast periods of time depending on how many years it will take to resolve their cases. The intention behind this scheme is to please a large group of voters at the expense of millions of others.

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

I respectfully intend to file a supplemental update to this petition as soon as I am able to retain counsel to be represented in these proceedings or in the alternative as soon as a few days from today when I can complete the task with more adequate time.

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

Yes No

GROUND TWO:

Petitioner is being unlawfully detained despite the fact that there has been no factual or lawful statutory changes warranting his rearrest since his initial parole release from ICE detention in 2022.

(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:

Unlawful Detainee Transfers Out of Corresponding Area of Responsibility (AOR) to Distant Locations Places Violations Within the Reach of the Accardi Doctrine as Arbitrary, Capricious and Abuse of Discretion Detainee Transfers.

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

In 2009, John T. Morton, Assistant Secretary of ICE issued a memorandum in response to concerns from nongovernmental organizations asserting that detainee transfers by ICE were being made noncompliant with ICE National Detention Standards (ICE NDS) creating a series of hardships for detainees and their families. The memorandum made several recommendations after finding numerous issues with unintended adverse consequences. Letter Report: Immigration and Customs Enforcement Policies and Procedures Related to Detainee Transfers (OIG-10-13); see also ICE Response to Office of Inspector General Draft Report: "Immigration and Customs Enforcement Policies and Procedures to Detainee Transfer" essentially concurring with Mr. Morton's recommendations.

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

Yes No

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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:

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: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

Print

Save As...

Reset

[Clerks Office Only]

Name:

ENDELADZE KAKHABER

Email Address:

thewestlakeoffice@gmail.com

Phone Number

888 450 2501

Are you filing a new case?

Yes, I'm filing a new case.

Case Caption

ENDELADZE KAKHABER v. WARDEN, FEDERAL DETENTION CENTER, PHILADELPHIA

Case Number

NONE YET ASSIGNED

Description of Document(s)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 USC 2241

Do you have a mailing address?

Yes

Select 'Yes' if you do not have a mailing address.

Mailing Address Line 1

P. O. Box 3664

Mailing Address Line 2

City:

Westlake Village,

State:

California

Zip Code:

91359-0664

Other

Terms of Submission

Yes

Hide empty values