

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

# UNITED STATES DISTRICT COURT

for the  
District of \_\_\_\_\_

**RECEIVED**  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

**OCT 31 2025**

Irina lagudina

\_\_\_\_\_  
*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  
*KW*

Case No. 6:25-cv-1659 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 lagudina
- (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 AVENUE, BASILE, LA 70515
  - (c) Your identification number: 
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**

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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 1 YEAR 4 month despite winning my immigration case. Asylum was granted to me on 04/09/2025

The prosecutor field an appeal on 05/07/2025. I don't have my next court date. My ICE Officer denied Sponsorship package for many times.

We were not able to file for a bail bond because it does not qualify under CBP1

(d) Date of the decision or action: Asylum granted on 04/09/2025

**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: \_\_\_\_\_

I won my case before immigration court

8. **Second appeal**

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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: \_\_\_\_\_

I won my case before immigration court

\_\_\_\_\_

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: \_\_\_\_\_

I won my case before immigration court

\_\_\_\_\_

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: Because I won my case before immigration court on 04/09/2025

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 06/09/2024
- (b) Date of the removal or reinstatement order: N/A

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(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: \_\_\_\_\_

**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. § 2241 Under 28 U.S.C. § 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. § 1241.14

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 Do not cite cases or law.):*

1) According petitioner's I-870 form (page 5) Applicant does not appear to be subject to a bar(s) to asylum

2) Petitioner won the Immigration Court

3) Petitioner proved his reliability and public relations during his immigration case and provided for Judge and Ice Officer supporting evidence

4) Petitioner does not pose any danger to society. He has never committed any crimes and he does not have any mental disorders that could make him a danger to others

(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 U.S. Constitution

Petitioner's continued detention violates the Fifth Amendment's guarantee of due process.

DHS, ICE has failed to provide any justification for his ongoing detention.

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

Petitioner send the Sponsorship Package for many times but ICE Officer denied it with no reasons

We were not able to file for a bail bond because it does not qualify under CBP1.

(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 request justification

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

Petitioner already has an Asylum and Credible Fear. Also she attached letters of support. Petitioner has strong community

ties and individuals are willings to vouch for her good character and guarantee that she will continue to comply with all immigration requirements.

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That is why I review that there are no reasons to continue hold petitioner in prison

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

Yes                       No

**GROUND FOUR:** Violation of INA § 236(a) (8 U.S.C. § 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 regular writes requests to his officer asking to review his immigration status.
2. Petitioner provides the documents that may be useful for this.
3. The petitioner was denied release under parole without explanation. Although there is no reason to keep her in prison
4. The applicant is seriously ill. She has documented medical diagnoses and is experiencing severe blood loss while in detention, but this is being deliberately ignored, and she is not receiving medical assistance. She is suffering from heavy bleeding, which may result in fatal consequences.

(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 didn't file this grounds in appeals because I didn't file any appeal because I won my case before the Immigration court

**Request for Relief**

15. State exactly what you want the court to do:

1. Issue writ of Habeas Corpus requiring the immediate release of Petitioner from Detention due to the unlawful and unjust continuation of his detention
2. Alternatively, order an individual bond hearing before an immigration judge
3. To recognise such a long detention without grounds illegal

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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: 10/06/2025

*M. S. [Signature]*  
Signature of Petitioner

*Signature of Attorney or other authorized person, if any*