

UNITED STATES DISTRICT COURT

for the

NOV 12 2025

Sayed Tawhed Sadat

NATHAN OCHSNER
CLERK OF COURT

Petitioner

v.

Francisco Venegas, Custodial Officer, El Valle Detention Facility

Respondent

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

Case No.

B-25-265

(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: Sayed Tawhed Sadat
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: El Valle Detention Facility, 1800 Industrial Drive, Raymondville TX 78580
(b) Address: 1800 Industrial Drive, Raymondville TX 78580
(c) Your identification number: A-
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): Being held on an immigration charge (asylum pending)

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): Prolonged detention and denial of release or bond despite pending asylum case and serious medical conditions.

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

(a) Name and location of the agency or court: U.S. Department of justice, Executive office for Immigration Review (EOIR) Port Isabel Immigration Court.

(b) Docket number, case number, or opinion number: A [REDACTED]

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

On February 7, 2025, Immigration Judge Hon. Francisco Prieto issued a negative credible fear determination and ordered continued detention pending removal.

2025, Petitioner, through counsel, filed a request for reconsideration, which was accepted by ICE and the USCIS Asylum Office the same day. The Asylum Office updated the case

to reflect "asylum pending," yet Petitioner continues to be detained without a bond hearing or release despite the pending asylum process.

(d) Date of the decision or action: February 7, 2025 (original decision); March 4-5, 2025 (reconsideration accepted and asylum case reopened)

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: U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE)
Harlingen Field Office / U.S. Citizenship and Immigration Services (USCIS) Asylum Office

(2) Date of filing: March 4, 2025

(3) Docket number, case number, or opinion number: A [REDACTED]

(4) Result: March 5, 2025-DHS/USCIS replied that reconsideration was not warranted, but asylum status remains pending

(5) Date of result: March 5, 2025

(6) Issues raised: Challenged negative credible fear determination issued on February 7, 2025; requested reconsideration, recognition of pending asylum status, and release from continued detention while asylum is pending.

(b) If you answered "No," explain why you did not appeal: N/A

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: _____

The reconsideration request remains pending with the Asylum Office; no higher administrative appeal available or decided.

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: _____

No further administrative review has occurred; the case is still active before the Asylum Office.

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: January 13, 2025
- (b) Date of the removal or reinstatement order: No final removal order issued — negative credible fear determination issued February 7, 2025.
- (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: The case involves a negative credible fear determination, handled by USCIS, not the BIA. A reconsideration request was filed on March 4, 2025 DHS/USCIS replied March 5, 2025 that reconsideration was not warranted, but my asylum case remains pending.

(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: No judicial appeal was filed because the reconsideration request remains pending with the Asylum Office.

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: _____

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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: Prolonged and Indefinite Detention Without Bond or Individualized Custody Review

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

I have been detained by U.S. Immigration and Customs Enforcement since January 13, 2025, at El Valle Detention Facility in Raymondville, Texas.

On February 7, 2025, Immigration Judge Hon. Francisco Prieto issued a negative credible fear determination and ordered continued detention pending removal.

Through counsel, I filed a request for reconsideration on March 4, 2025, DHS/USCIS replied March 5, 2025 that reconsideration wa not warranted, but my asylum case remains pending.

Despite this, I have now been held for more than 10 months without a final removal order, bond hearing, or review of whether my detention remains lawful.

My prolonged and indefinite detention violates the Due Process Clause of the Fifth Amendment and the statutory limits under 8 U.S.C. §§ 1228 and 1231, as interpreted by the Supreme Court in *Zadvydas v. Davis* and *Demore v. Kim*.

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

Yes

No

GROUND TWO: Denial of Due Process and Fair Hearing Before the Immigration Judge

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

My hearing on February 7, 2025, occurred the same day I received notice of the credible fear interview results.

I was not given a meaningful opportunity to present evidence or obtain legal counsel before the hearing.

Severe translation errors occurred during my testimony, and my attempts to correct them were ignored.

I did not have sufficient time or resources to prepare or submit supporting documentation related to my service to the United States or my fears of persecution in Afghanistan.

These procedural deficiencies violated my right to a fair hearing under the Due Process Clause of the Fifth Amendment.

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

Yes

No

GROUND THREE: Serious Medical and Humanitarian Concerns Rendering Continued Detention Unlawful

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

I suffer from chronic asthma, which has worsened significantly during my detention at El Valle Detention Facility. I have lost substantial weight and show visible signs

of malnutrition and poor health. I have also experienced repeated blackout episodes during my confinement. Despite notifying facility staff, I have not received consistent medical evaluation or treatment.

These conditions place my health and safety at serious risk and demonstrate deliberate indifference to my medical needs. This violates the Fifth Amendment's due-process protections and humane custody standards recognized under

federal law and ICE detention guidelines. My continued confinement under these circumstances is unsafe and unlawful.

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

Yes

No

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GROUND FOUR: Unjust Detention of a U.S. Military Ally Contrary to American Commitments

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

I am a loyal ally of the United States who risked my life assisting U.S. military forces in Afghanistan.
My cooperation with U.S. personnel places me at grave risk of persecution if returned to Afghanistan.
Despite my service and loyalty, I remain detained indefinitely without relief or meaningful review.
My detention under these circumstances is inconsistent with U.S. policy toward Afghan allies,
the Afghan Allies Protection Act, and due process principles.

(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: I respectfully request that this Court

Order my immediate release from ICE custody under appropriate conditions of supervision, parole, or bond, pending resolution of my asylum claim; or, in the alternative,

Order ICE or the Department of Homeland Security to provide me with an immediate individualized custody or bond hearing before an Immigration Judge, at which the Government must show by clear and convincing evidence that my continued detention is justified;

Order that I receive adequate medical care and evaluation for my worsening asthma and malnutrition; and

Grant any other relief this Court deems just and proper in light of my prolonged detention, medical condition, humanitarian service to the U.S., and pending asylum case.

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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:

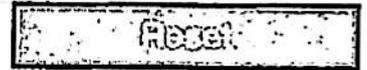
I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 10/22/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

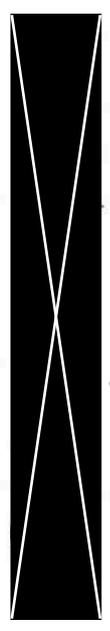


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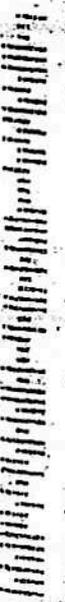
From:

Sayed Touched Sadat

R#



EL valle detention facility
1800 Industrial Drive
Raymondville, TX 78580



MAIL

United States District Court
Southern District of Texas

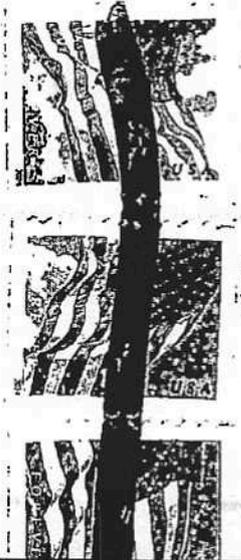
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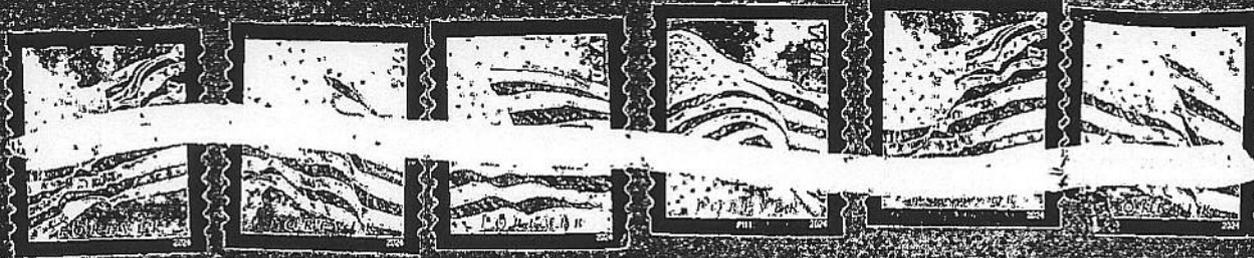
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Nathan Ochsner, Clerk of Court

To

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U.S. District Court
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Division



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To

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