

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 Texas

FILED

2025 NOV 12 AM 10:59

CLERK OF COURT WESTERN DISTRICT OF TEXAS

BY: [Signature]

Homayoun Mohammed Shafiee

Petitioner

v.

Immigration and Customs Enforcement Field Office San Antonio, Department of Homeland Security, Charlotte Collins, warden, T. Don Hutto Detention Facility

Respondent

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

Case No. 1:25CV01820 ADA (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: Homayoun Mohammed Shafiee
(b) Other names you have used: Troy Shafiee, Troy Shafie
2. Place of confinement:
(a) Name of institution: T. Don Hutto Residential Detention Center
(b) Address: 1001 Welch Street Taylor, Texas 76574
(c) Your identification number: A [Redacted]
3. Are you currently being held on orders by:
[X] 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:
[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: Immigration Customs Enforcement
3523 Crosspoint San Antonio, Texas 78217

(b) Docket number, case number, or opinion number: A 

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

(d) Date of the decision or action: 03/09/1989

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 was not aware I could 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: I was not aware I could 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: I was not aware I could 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: 06/26/2025
- (b) Date of the removal or reinstatement order: 03/09/1989
- (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: Fear of persecution

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 Do not cite cases or law.):*

Since I have been in the United States for 47 years, I have extensive ties within the country. In 2005, I converted officially into Christianity. As a Christian man, I have been actively involved in volunteer work, attending church, and being a productive member of society. As a Christian who supports democracy, I'll be persecuted for my beliefs if I am sent back to Iran. As of today, I have yet to receive my RFI hearing.

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

Yes No

GROUND TWO: The 5th Amendment (Due Process Clause- United States Constitution) prevents withholding of life, liberty, and property without due process of the law. This includes all non-citizens due process of the law in removal cases. The Suspension Clause(Article I, Section 9 constitution) allows the right to challenge unlawful detention. Law does not permit indefinite detention of non-citizen under removal (Zadvydas, 533 U.S. at 689.).

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

I have been denied the right to court hearings, bond, and release without due process as well as presence before a judge. As of today, I still have not been given the opportunity to defend myself in court. I am married to a U.S. citizen wife with citizen children, and grandchildren. I am not a threat and would benefit from less restrictive monitoring methods. The prolonged and indefinite nature of my detention has caused severe hardship, psychological distress, loss of liberty, and separation of family.

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

Yes No

GROUND THREE: ICE improperly denied my humanitarian parole request under INA § 212(d)(5). In addition to this, mandatory detention provisions (§ 1226(c)) can become unconstitutional when applied for prolonged periods without a bond hearing.

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

Since I was detained on June 26, 2025, ICE has denied my request for a bond hearing. Also, they have not provided a date/time of a RFI interview. They have been aware of my severe medical challenges chronic spinal pain from injuries, arthritis, left knee meniscus tears, severe hearing impairment, and other medical conditions that cannot be adequately addressed in detention. Furthermore, my wife has had recent surgeries and chronic health issues that require my assistance with daily tasks. I need her assistance as well.

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

Yes No

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GROUND FOUR: The immigration law, 8 U.S.C. § 123, limits how long someone can be detained if they can not be deported soon.

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

I have been under an INS order of supervision for over 30 years. Every year I have reported to ICE headquarters on time every year and was told I was clear to leave as they had no interest in me. Since the removal order was issued, ICE has not been able to obtain travel documents to remove me, due to the limited cooperation with Iran. My continued detention is not required to ensure that I will be present for any future court dates and removal. I have over 47 years of significant ties to the U.S; including a stable home, employment, family (US citizen wife, children, and grandchildren), volunteer, attend a Christian church, and continuous presence in the United States.

(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 did not have the opportunity for appeals.

Request for Relief

15. State exactly what you want the court to do: Your Honor, please release me from ICE custody by December 23, 2025 (180 days) which would reach the 6 month threshold of ICE detention. Upon my release, my wife and I would liquidate all assets and do our best to find a country that would accept us. We will gladly provide evidence if needed upon request to show our progress.

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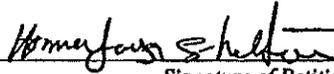
Declaration Under Penalty Of Perjury

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:

11/10/25



Signature of Petitioner

Signature of Attorney or other authorized person, if any