

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

UNITED STATES DISTRICT COURT

for the
Southern District of Georgia



Auib Umarov

Petitioner

v.

Warden, D. Ray James ICE Processing Center

Respondent

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

Case No. 5:25-cv-212
(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: Auib Umarov
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: D. Ray James ICE Processing Center
 - (b) Address: 3262 Highway 252, Folkston, GA 31537
- (c) Your identification number: ~~XXXXXXXXXX~~
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): _____

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: DHS / ICE / Atlanta Field 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):
Prolonged civil immigration detention for more than six months without a bondhearing or justification while asylum proceedings are pending.
- (d) Date of the decision or action: 07/15/2024

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: ICE does not provide an administrative remedy to challenge prolonged detention.

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: _____

ICE does not provide an administrative remedy to challenge prolonged detention. _____

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: _____

ICE does not provide an administrative remedy to challenge prolonged detention. _____

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: 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: 07/15/2024
- (b) Date of the removal or reinstatement order: _____
- (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: _____

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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 CIVIL IMMIGRATION DETENTION WITHOUT A BOND HEARING

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 Do not cite cases or law.)*:

I have been detained by ICE since July 15, 2024. I have never received a bond hearing or any determination that my detention is justified. This prolonged detention violates my Fifth Amendment due process rights and constitutes an unreasonable seizure under the Fourth Amendment.

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

Yes No

GROUND TWO: UNREASONABLE DELAY IN IMMIGRATION PROCEEDINGS

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 Do not cite cases or law.)*:

My hearings have been delayed for many months through no fault of my own. I am awaiting a decision on my asylum case. These delays have made my detention unreasonably prolonged, in violation of due process.

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

Yes No

GROUND THREE: NO LEGAL BASIS FOR CONTINUED DETENTION

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

There is no statutory requirement to detain asylum applicants for extended periods. ICE has provided no justification for holding me for more than six months without review. Continued detention is arbitrary.

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

Yes No

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GROUND FOUR: FAILURE TO PROVIDE ADEQUATE MEDICAL CARE

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

I have severe psoriasis and have received only minimal short-term treatment, such as basic ointments and pills that provide temporary relief. My condition repeatedly worsens due to the poor environment in detention, including stress, inadequate nutrition, and unclean water. ICE has not provided the complete or consistent medical care that my condition requires. My medical appointments are delayed or postponed for long periods, with no ongoing treatment plan. The lack of adequate care places my health at serious risk and shows deliberate indifference, making my civil detention punitive in violation of the Fourth and Fifth Amendments.

(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:

No administrative remedies or appeals exist in ICE detention to challenge prolonged detention or lack of medical care.

Request for Relief

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

1. An immediate bond hearing; OR

2. Release under supervision; OR

3. Release on bond; OR

4. Any other relief the Court finds just and proper to remedy unlawful prolonged detention and medical neglect.

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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:

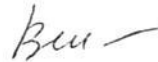
N/A

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: 02/13/2025

Signature of Petitioner



Signature of Attorney or other authorized person, if any

Print

Save As...

Reset

Angela Fersi

69 Cedarview ave

Staten Island, NY, 10306

Re: Aiub Umarov A# 


To Whom It May Concern:

I, Angela Fersi, am a citizen of the United States of America. Under the penalty of perjury, I swear and declare that the following is true to the best of my knowledge:

I am writing this affidavit in support of Aiub Umarov's request for parole or reasonable bond. I have known his mother, Rosa, for many years. I am a very close family friend. I assure you that Aiub is very honest, responsible man. This young man is suffering mentally and physically in Folkston ICE Processing Center. He even went twice on a 10 days hunger strike because of exacerbation of psoriasis. The food in detention worsens his condition.

I would like to support Aiub financially, emotionally, and provide him with transportation and shelter. I live in a 4-bedroom house. I have a guest room where he can live.

To the best of my knowledge, this man does not have any criminal records, and is not a danger to the country. He is pursuing an asylum case, and I will escort him to his ICE appointments and courts.

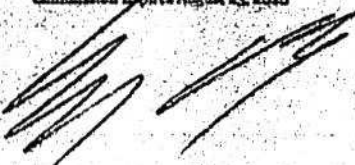
Please, call me, if you have any questions: 

Angela Fersi

December,16,2024

A. Fersi

SENGEY IZHOVSKIY
Notary Public State of New York
No. 01120114737
Qualified in Kings County
Commission Expires August 02, 2028



December 16th, 2024




Vasilina Sammatova



Date: 12/03, 2025

Clerk of Court
U.S. District Court
Southern District of Georgia
Savannah Division
124 Barnard Street
Savannah, GA 31401

Re: **Habeas Corpus Petition under 28 U.S.C. §2241**
Petitioner: **Aiub Umarov** (A )

To the Clerk of Court:

Enclosed please find the following documents for filing:

1. Petition for Writ of Habeas Corpus (AO-242), signed by the Petitioner.
2. \$5.00 filing fee (money order payable to "Clerk, U.S. District Court").
3. Exhibit A – Proof of lawful entry via CBP One.
4. Exhibit B – Sponsor support documentation.
5. Exhibit C – Medical documents related to Petitioner's psoriasis.

Please file these documents with the Court and assign a case number. If additional information is required, please contact me at the phone number or address above.

Respectfully,

A handwritten signature in cursive script, appearing to read "Vasilina".

Vasilina Sammatova
(On behalf of Petitioner Aiub Umarov)