

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

FILED
DISTRICT COURT
SOUTHERN DIV.

2025 DEC 22 A 9 24

Idris Makhmudov

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-241
(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: Idris Makhmudov
- (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: 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):

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: _____
U.S. Immigration and Customs Enforcement (ICE), Atlanta Field Office
- (b) Docket number, case number, or opinion number: A- ~~XXXXXXXXXX~~
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Prolonged immigration detention without a bond hearing or individualized custody review while the asylum appeal is pending.
- (d) Date of the decision or action: 07.13.2024

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:

There is no formal or effective administrative remedy to challenge continued immigration detention, making any appeal impossible.

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: _____

Because no first appeal was available, a second appeal was not possible.

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 administrative remedies exist for prolonged detention, therefore no additional appeals were possible.

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: 07.13.2024
- (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: 07.03.2025

(2) Case number: A ~~XXXXXXXXXX~~

(3) Result: Pending

(4) Date of result:

(5) Issues raised:

The appeal challenges the Immigration Judge's denial of asylum, including errors in applying the law and in evaluating the presented fear of persecution.

(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 immigration detention

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 Do not cite cases or law.)*:

The detainee has been held in ICE custody since July 13, 2024, with no bond hearing and no individualized review of continued detention. The asylum appeal has been pending since July 2025, yet detention continues indefinitely without explanation. No criminal history or prior residence in the United States exists, making the "flight risk" designation unsupported.

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

Yes No

GROUND TWO: Medical neglect and complete lack of access to medical care

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 Do not cite cases or law.)*:

The detainee has not been taken to any medical doctor or dentist at any time during the entire period of custody, from July 13, 2024 to December 4, 2025. The detention facility does not provide dental treatment or general medical care, offers no referrals, and does not complete necessary procedures. The ongoing absence of medical attention worsens existing dental pain and creates severe daily discomfort.

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

Yes No

GROUND THREE: Lack of justification for continued detention

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

The detainee has no convictions, no criminal background, and no history in the United States. Despite this, ICE continues to classify the detainee as a "flight risk" without factual basis. Less restrictive alternatives, including supervised release, have not been considered.

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

Yes No

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GROUND FOUR: Arbitrary detention despite credible fear and pending appeal

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

The detainee passed the credible fear interview with a positive determination, later received a negative asylum ruling, and is currently awaiting a BIA decision. The continued detention during the appeal process, without bond review or custody assessment, results in arbitrary and prolonged confinement.

(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:

1. An immediate bond hearing;

2. Or release under supervision;

3. Or release on bond;

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:

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:

12/09/25



Signature of Petitioner



Signature of Attorney or other authorized person, if any