

JUDGE KATHLEEN CARDONE

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

January 12, 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: D. Trujillo
DEPUTY

ILIA KARTVELISHVILI ()
PRO PER

Petitioner

v.

ERO EL PASO CAMP EAST MONTANA
6920 Digital Road; El Paso, TX 79936

Respondent

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

Case No. _____
(Supplied by Clerk of Court)

EP26CV0038

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: ILIA KARTVELISHVILI
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: ERO EL PASO CAMP EAST MONTANA
 - (b) Address: 6920 Digital Road, EL PASO, TX 79936
- (c) Your identification number: 
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: Department of Homeland Security /

/ ICE El Paso Field Office, 11541 Montana Ave Suite E, El Paso, TX 79936

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

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

The decision being challenged is ICE's continued detention of the petitioner without statutory authority, without a statutory authority, without an individualized custody or bond determination, and in violation of the Fifth Amendment's Due Process Clause.

(d) Date of the decision or action: 10/23/2025

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: _____

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: _____

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: _____

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: _____

(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: Unlawful Detention Lacking Statutory Authority (INA §§ 235, 236, 241)

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 Do not cite cases or law.*):

ICE lacks statutory authority to detain the petitioner because none of the detention provisions under INA apply. The petitioner has no criminal convictions, is not subject to mandatory detention under INA § 236(c), and is not under a final order of removal triggering INA § 241 detention. Absent a valid statutory basis, continued detention is ultra vires and unlawful.

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

☒ Yes

☐ No

GROUND TWO: Violation of Due Process Under the Fifth Amendment

(No Individualized Custody Determination)

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 Do not cite cases or law.*):

The petitioner's detention violates substantive and procedural due process because ICE failed to provide an individualized custody determination assessing flight risk or danger to the community. Detention without such findings—particularly where the individual has no criminal history—is arbitrary and constitutionally impermissible. Civil immigration detention must be reasonably related to its regulatory purpose, not punitive.

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

☒ Yes

☐ No

GROUND THREE: Prolonged and Indefinite Detention Without a Bond Hearing

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

Even if initial detention were lawful, continued detention without a prompt and meaningful bond hearing violates due process. Where detention becomes prolonged, the government bears the burden to justify continued custody by clear and convincing evidence. ICE's failure to provide a bond hearing renders the detention unconstitutional under established habeas jurisprudence.

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

☒ Yes

☐ No

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GROUND FOUR: Arbitrary and Capricious Enforcement in Violation of the Administrative Procedure Act and
and Due Process

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

ICE's apprehension and continued detention of the petitioner—despite the absence of criminal convictions or
qualifying violations—constitutes arbitrary and capricious agency action. The detention reflects an abuse of
discretion unsupported by law or facts, violating both the APA and the Fifth Amendment's guarantee against
arbitrary deprivation of liberty.

(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: Petitioner respectfully requests that this Court reverse the denial of the
writ of habeas corpus, declare Petitioner's immigration detention unlawful and unconstitutional, and order Petitioner's
immediate release from ICE custody. In the alternative, Petitioner seeks an order requiring the Government to provide a
prompt, individualized bond hearing before an Immigration Judge, at which the Government bears the burden of justifying
continued detention by clear and convincing evidence, and any other relief the Court deems just and proper.

12/22/2025

Date: 12/22/2025

ღონა ქახიშვილი
Signature of Petitioner

Signature of Attorney or other authorized person, if any