

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

- 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: I am being held on immigration removal charges but my state of Colorado criminal conviction was reversed by the Colorado Court of Appeals on April 17, 2025
- (b) Docket number, case number, or opinion number: 24CA0705 People v. Mikaelyan
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I am challenging my continued immigration detention after the basis for my detention (my state of Colorado criminal conviction) was overturned by the Colorado Court of Appeals on April 17, 2025
- (d) Date of the decision or action: 04/17/2025

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: U.S. Immigration Court in Aurora, CO
Motion to Reopen and Rescind an in absentia order of removal
- (2) Date of filing: 07/18/2024
- (3) Docket number, case number, or opinion number: Alien Number [REDACTED]
- (4) Result: Motion was granted and my removal order was reopened by the Immigration Judge.
- (5) Date of result: 07/18/2024
- (6) Issues raised: I was not able to make my immigration court hearing on February 16, 2024 due to a winter storm. I was stuck between Steamboat Springs and Denver, and an in absentia removal order was issued in my absence. The Immigration Judge reopened my removal order on July 18, 2024. But I am still being held in immigration detention even after my state of Colorado criminal conviction was overturned by the Colorado Court of Appeals on April 17, 2025.

(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

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

(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

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

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: 05/03/2024
- (b) Date of the removal or reinstatement order: 07/18/2024
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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

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: _____
- _____

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

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: My continued immigration detention is illegal now that the Colorado Court of Appeals has overturned my State of Colorado criminal convictions as of April 17, 2025. I should be released from immigration detention, or at least given a new bond hearing.

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

See Exhibit B to this petition, which is a copy of the Colorado Court of Appeals decision overturning my State of Colorado criminal conviction. I was denied bond August 23, 2024 by an immigration judge, based on my Colorado conviction of an aggravated felony (an offense involving fraud or deceit in which the loss exceeded \$10,000). Now that my Colorado criminal conviction has been overturned, I should be eligible for bond.

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

Yes

No

GROUND TWO: _____

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

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

Yes

No

GROUND THREE: _____

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

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

Yes

No

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

GROUND FOUR: _____

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

(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 ask that this Court issue a stay of my removal from the U.S. and from my being transferred outside of the District of Colorado until my petition for a writ of habeas corpus is decided. I ask that this Court issue an Order to Show Cause or an Order for Service giving U.S. Immigration and Customs Enforcement a firm deadline to file a response or traverse explaining under what authority I am currently being detained under. I ask that this court Order ICE to either provide me with a new bond hearing within 5 or 7 days, or release me on supervision.

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

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: 01/26/2026

Brian Scott Green on behalf of Movses Mikaelyan under 28 USC 2241

Signature of Petitioner

/s/Brian Scott Green

Signature of Attorney or other authorized person, if any