

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 California

TATIANA MIAGKIKH

Petitioner

v.

WARDEN OF OTAY MESA DETENTION CENTER

Respondent

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

Case No. '26CV0806 CAB BLM

(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: TATIANA MIAGKIKH
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: 7488 CALZADA DE LA FUENTE
SAN DIEGO, CA 92154
(c) Your identification number: [Redacted]
3. Are you currently being held on orders by:
[Checked] Federal authorities [] State authorities [] Other - explain:
See Exhibit "A" notices of master and Individual hearings.
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:
[Checked] 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: OTAY MESA DETENTION CENTER
7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Detention without bond hearing. On September 12, 2025, the Judge denied the request, stating that the court
lacks authority to redetermine the bond pursuant to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).
See Exhibit "B" Judge order.
- (d) Date of the decision or action: _____

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: 04/21/2025
- (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: Due process clause of the Fifth Amendment of the US Constitution.

Detention exceeds ten month without bond hearing.

As a remedy, this Court should conduct its own review of Petitioners custody, or at least, order ICE to review Petitioner's custody under the standard articulated in ICE custody.

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 Do not cite cases or law.):

Petitioner's master calendar hearings were continued multiple times at no fault by Petitioner, causing unreasonable delays. Although all available evidence was submitted on that date and a merits hearing was set for 02/05/26, the case was again re calendared on 11/19/25 and, before a new judge on 12/23/25, continued to 03/19/26. These repeated delays have prolonged her detention as her health continues to decline.

Petitioner's due process rights were violated due to unreasonable delays.

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

Yes No

GROUND TWO: VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1231(a)(6)

8 U.S.C. SECTION 1231(a)(6), as interpreted by the Supreme Court in Zadvydas, authorizes detention only for "a period reasonably necessary to bring about the alien's removal from the United States." 533 U.S. at 689, 701. Petitioner's continued detention has become unreasonable because her removal is not foreseeable.

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

Despite entering the United States on April 21, 2025, and passing her CFI, she was not issued an NTA or given an opportunity to be seen by a judge until July 15, 2025. Despite Petitioner's numerous attempts to have ICE issue her an NTA, Petitioner was told by the officers that "per their new policy they would not be serving an NTA for at least 45 days because they will be trying to have her removed to alternative countries"

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

Yes No

GROUND THREE: ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE

PROCEDURE ACT 5 U.S.C. SECTION 706(2)(A). Courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise in accordance with law." 5 U.S.C. SECTION 706(2)(A).

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

Despite entering the United States on April 21, 2025, and passing her CFI, she was not issued an NTA or given an opportunity to be seen by a judge until July 15, 2025. Despite Petitioner's numerous attempts to have ICE issue her an NTA, Petitioner was told by the officers that "per their new policy they would not be serving an NTA for at least 45 days because they will be trying to have her removed to alternative countries"

There has been excessive and unnecessary delay, and all the while her health is aggressively deteriorating

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

Yes No

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GROUND FOUR: There has been excessive and unjustified delay in the adjudication of Ms. Miagkikh's case, during which her health has sharply deteriorated.

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

There has been excessive and unjustified delay in the adjudication of Petitioner's case, during which her health has sharply deteriorated. Since her arrival in the United States, she has suffered a miscarriage, endured multiple hospitalizations, and is currently considered to be in critical condition. She continues to experience severe, bleeding hives and significant physical, emotional, and psychological distress. She has been diagnosed with herpes, which continues to adversely affect her health while in detention and compounded by prolonged prolonged detention and repeated procedural delays. See Exhibit "C" Photos

(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: Assume jurisdiction over this matter; issue an order to show why this petition should not be granted within (3) days; declare that Petitioner's detention/challenged action violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. section 1231 (a)(96) and violates Administrative Procedure Act; Issue a Writ of Habeas Corpus ordering Respondent to be released; award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; grant any further relief as Court deems just and proper.

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Declaration Under Penalty Of Perjury

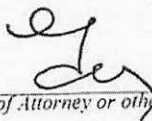
If you are incarcerated, on what date did you place this petition in the prison mail system:

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: 02/09/2026

A large black rectangular redaction box covering the signature area of the petitioner.

Signature of Petitioner

A handwritten signature in black ink, appearing to be "J. De..." written over a horizontal line.

Signature of Attorney or other authorized person, if any

EXHIBIT A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Oct 15, 2025

TO: Law Office of Ani Petrosyan
Petrosyan, Ani A
PO BOX 590
GLENDALE, CA 91209

RE: [REDACTED] MIAGKIKH, TATIANA

Notice of In-Person Hearing

Your case has been scheduled for a **INDIVIDUAL** hearing before the immigration court on:

Date: Feb 5, 2026
Time: 10:00 A.M.-12:00 P.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 504-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: 10-15-2025 BY: COURT STAFF VA
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

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ਨੋਟਿਸ ਨੂੰ ਅਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੇਜ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পৃষ্ঠার কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

LEAD FILE: 221-350-863
IN REMOVAL PROCEEDINGS
DATE: Sep 11, 2025

TO: Law Office of Ani Petrosyan
Petrosyan, Ani A
PO BOX 590
GLENDALE, CA 91209

RE: 221-350-863 MIAGKIKH, TATIANA

Notice of In-Person Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Date: Oct 15, 2025
Time: 1:00 P.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

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For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

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[E] Noncitizen ATT/REP | [E] DHS
DATE: 09-11-2025 BY: COURT STAFF VA
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

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অনলাইনে নাটিশ পড়ার জন্য এই পজের কোডটি স্ক্যান করলে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

LEAD FILE: 
IN REMOVAL PROCEEDINGS
DATE: Aug 19, 2025

TO: Law Office of Ani Petrosyan
Petrosyan, Ani A
PO BOX 590
GLENDALE, CA 91209

RE: 221-350-863 MIAGKIKH, TATIANA

Notice of In-Person Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Date: Sep 11, 2025
Time: 1:00 P.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

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DATE: 08-19-2025 BY: COURT STAFF VA
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

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অনলাইন নাটশি পড়ার জন্য এই পজের কোডটি স্ক্যান করলে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Jul 28, 2025

TO: Law Office of Ani Petrosyan
Petrosyan, Ani A
PO BOX 590
GLENDALE, CA 91209

RE: [REDACTED] MIAGKIKH, TATIANA

Notice of In-Person Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Date: Aug 19, 2025
Time: 1:00 P.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [M/E] DHS
DATE: 07/28/2025 BY: COURT STAFF C.G.
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

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Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਅਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੇਜ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইন নাটশি পড়ার জন্য এই পৃষ্ঠার কোডটি স্ক্যান করলে স্মার্টফোনের ক্যামেরা ব্যবহার করুন



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EXHIBIT B



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:
MIAGKIKH, TATIANA

To:
Petrosyan, Ani A
PO BOX 590
GLENDALE, CA 91209

A-Number:



Riders:
In Custody Redetermination Proceedings

Date:
09/12/2025

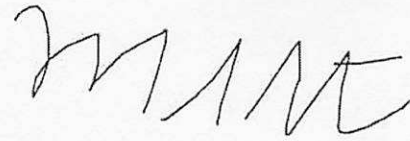
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because
The court lacks authority to redetermine the bond pursuant to Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

Granted. It is ordered that Respondent be:
 released from custody on his own recognizance.
 released from custody under bond of \$
 other:

Other:



Immigration Judge: SAMEIT, MARK 09/12/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved


Appeal Due: 10/14/2025

Certificate of Service

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Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : MIAGKIKH, TATIANA | A-Number : 

Riders:

Date: 09/12/2025 By: Rosa Rodriguez, Court Staff