

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

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# UNITED STATES DISTRICT COURT

for the  
Northern District of Texas

SHAHEN KARAPETYAN

*Petitioner*

v.

WARDEN OF EDEN DETENTION CENTER  
702 E BROADWAY EDEN, TX 76837

*Respondent*

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

Case No. 6:26-cv-00052

*(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: SHAHEN KARAPETYAN  
(b) Other names you have used: N/A
2. Place of confinement:  
(a) Name of institution: WARDEN OF EDEN DETENTION CENTER  
(b) Address: 702 E BROADWAY  
EDEN, TX 76837  
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:  
SEE EXHIBIT "A"-ORDER ON GRANTING WITHHOLDING under INA § 241(b)(3)
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: EL PASO, TX IMMIGRATION COURT  
8915 MONTANA AVENUE, EL PASO, TX 79925
  - (b) Docket number, case number, or opinion number: \_\_\_\_\_
  - (c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:  
The petitioner remains detained without a bond hearing because the Immigration Judge has stated that the court lacks jurisdiction, even though the detention has become prolonged. The petitioner applied for bond on December but no hearing has been scheduled to date.
  - (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: 09/19/2024

(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:** Due process clause of the Fifth Amendment of the US Constitution.

ICE has violated Petitioner's due process rights by denying him an individualized custody review to which he is entitled under ICE policy. As a remedy, this Court should conduct its own review of Petitioner's 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.):*

On October 8, 2025, Immigration Judge Herbert, Nathan granted Petitioner's Withholding under INA § 241(b)(3) DHS did not appeal this decision. Petitioner has been in custody as of today. Petitioner was granted withholding DHS did not appeal this decision. Petitioner has been in custody as of today. Petitioner was granted withholding Petitioner was unreasonably detained since September 19, 2024 and there is no flight or security risk.

(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 his removal is not foreseeable.

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 Do not cite cases or law.):*

On October 8, 2025, Immigration Judge Herbert, Nathan granted Petitioner's Withholding under INA § 241(b)(3) DHS did not appeal this decision. Petitioner has been in custody as of today. Petitioner was granted withholding DHS did not appeal this decision. Petitioner has been in custody as of today. Petitioner was granted withholding Petitioner was unreasonably detained since September 19, 2024, and there is no flight or security risk.

(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). ICE derived from its own policy by detaining Petitioner after withholding was granted.

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

On October 8, 2025, Immigration Judge Renae M. Hansell granted Petitioner's Withholding under INA § 241(b)(3) DHS did not appeal this decision. Petitioner has been in custody as of today. Petitioner was granted withholding since October 8, 2025, past 90 days period, and there is no issue of 90 days waiting period. As such, Petitioner was unreasonably detained since November 19, 2024 and there is no flight or security risk.

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

Yes  No

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**GROUND FOUR:** Delayed and prolonged detention exacerbated Petitioner's preexisting condition  
Continued detention causes more severe problems.

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

Delayed and prolonged detention exacerbated Petitioner's preexisting condition  
Continued detention causes more severe problems.

(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:

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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: X 02 9 2026

X 

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*