

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

BESIK BUJIASHVILI

Petitioner

v.

ICE FIELD OFFICE DIRECTOR, EL PASO FIELD
OFFICE, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, IN HIS OFFICIAL CAPACITY

Respondent

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

FILED
JAN 08 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

Case No.

(Supplied by Clerk of Court)

EP 26 CV 0022

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

Personal Information

1. (a) Your full name: BESIK BUJIASHVILI
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: EL PASO PROCESSING CENTER
(b) Address: 8915 MONTANA AVENUE
EL PASO, TEXAS, 79925
(c) Your identification number: ALIEN 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: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
EL PASO FIELD OFFICE, EL PASO, TEXAS

(b) Docket number, case number, or opinion number: [REDACTED]

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

CONTINUED CIVIL IMMIGRATION DETENTION UNDER INA 236(a) FOLLOWING DENIAL OF BOND, ARISING
FROM AN ALLEGED MISSED IMMIGRATION CHECK IN THAT PETITIONER WAS UNAWARE OF AND DID
NOT INTENTIONALLY FAIL TO ATTEND

(d) Date of the decision or action: 09/19/2025

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 DEPARTMENT OF JUSTICE- EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW (EOIR) IMMIGRATION COURT, EL PASO, TEXAS

(2) Date of filing: 12/16/2025

(3) Docket number, case number, or opinion number: ALIEN NUMBER: [REDACTED]

(4) Result: BOND DENIED

(5) Date of result: _____

(6) Issues raised: REQUEST FOR RELEASE ON BOND UNDER INA 236 (a), INCLUDING
INDIVIDUALIZED BOND DETERMINATION AND FINDINGS REGARDING DANGER TO THE
COMMUNITY AND RISK OF FLIGHT.

(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: NO SECOND APPEAL WAS AVAILABLE BECAUSE THE CHALLENGED ACTION IS A BOND DENIAL IN ONGOING IMMIGRATION PROCEEDINGS, AND NO HIGHER ADMINISTRATIVE APPEAL EXISTS FOR THAT DETERMINATION.

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 THIRD APPEAL WAS AVAILABLE OR APPLICABLE, AS NO SECOND APPEAL EXISTS AND THE MATTER REMAINS WITHIN ONGOING IMMIGRATION PROCEEDINGS.

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: 09/19/2025

(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: UNLAWFUL AND PROLONGED CIVIL IMMIGRATION DETENTION WITHOUT ADEQUATE JUSTIFICATION OR INDIVIDUALIZED NECESSITY.

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

PETITIONER HAS BEEN CONTINUOUSLY DETAINED SINCE SEPTEMBER 19, 2025, DESPITE HAVING NO CRIMINAL HISTORY, NO HISTORY OF VIOLENCE, AND NO PRIOR FAILURES TO APPEAR. PRIOR TO DETENTION, PETITIONER LIVED OPENLY IN THE USA FOR NEARLY THREE YEARS WITH LAWFUL EMPLOYMENT AUTHORIZATION. CONTINUED DETENTION HAS BECOME EXCESSIVE AND NO LONGER SERVES A CIVIL ADMINISTRATIVE PURPOSE.

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

☒ Yes

☐ No

GROUND TWO: CONTINUED DETENTION VIOLATES DUE PROCESS BEAUSE IT IS BASED ON AN ALLEGED TECHNICAL VIOLATION THAT WAS NOT KNOWING OR WILLFUL.

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

PETITIONER WAS DETAINED BASED ON AN ALLEGED MISSED IMMIGRATION CHECK IN THAT WAS NOT KNOWING OR INTENTIONAL. PETITIONER VOLUNTARILY APPEARED AT AN ICE OFFICE TO OBTAIN DOCUMENTATION AND WAS DETAINED AT THAT TIME. THERE IS NO EVIDENCE OF WILLFUL NONCOMPLIANCE OR INTENT TO EVADE IMMIGRATION AUTHORITIES.

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

☒ Yes

☐ No

GROUND THREE: DETENTION IS UNLAWFUL BECAUSE PETITIONER DOES NOT POSE A DANGER TO THE COMMUNITY OR A RISK OF FLIGHT.

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

PETITIONER HAS NO CRIMINAL RECORD AND HAS DEMONSTRATED GOOD MORAL CHARACTER. A U.S. CITIZEN SPONSOR HAS PROVIDED SWORN DOCUMENTATION CONFIRMING STABLE HOUSING, FINANCIAL SUPPORT, AND IMMEDIATE LAWFUL EMPLOYMENT UPON RELEASE. PETITIONER LIVED OPENLY IN THE UNITED STATES AND DID NOT ABSCOND OR EVADE AUTHORITIES.

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

☒ Yes

☐ No

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GROUND FOUR: CONTINUED DETENTION IS UNREASONABLE BECAUSE LESS RESTRICTIVE ALTERNATIVES ARE AVAILABLE AND SUFFICIENT TO ENSURE COMPLIANCE.

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

PETITIONER HAS STRONG COMMUNITY TIES AND A U.S CITIZEN SPONSOR WHO HAS COMMITTED TO HOUSING, EMPLOYMENT, AND FINANCIAL SUPPORT. LESS RESTRICTIVE ALTERNATIVES TO DETENTION ARE AVAILABLE AND SUFFICIENT TO ENSURE COMPLIANCE AND APPEARANCE. CONTINUED DETENTION IS UNNECESSARY UNDER THESE CIRCUMSTANCES.

(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 ORDER HIS IMMEDIATE RELEASE FROM ICE CUSTODY. IN THE ALTERNATIVE, PETITIONER REQUESTS A PROMPT AND CONSTITUTIONALLY ADEQUATE BOND HEARING AT WHICH THE GOVERNMENT BEARS THE BURDEN OF JUSTIFYING CONTINUED DETENTION.

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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: 01/07/2026

BESIK BUJIASHVILI

Signature of Petitioner

Signature of Attorney or other authorized person, if any