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

UNITED STATES DISTRICT COURT

for the

FILED

JAN 15 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UMUT ESKIN

Petitioner

v.

IMMIGRATION AND CUSTOMS ENFORCEMENT, KARNES COUNTRY IMMIGRATION PROCESSING CENTER

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

Case No. 5:26-CV-47-XR
(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: UMUT ESKIN
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: Karnes Country Immigration Processing Center
   (b) Address: 409 FM 1144, Karnes City, Texas 78118
   (c) Your identification number: [redacted]
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)

☐ 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: (ICE) Immigration and Customs Enforcement

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
my detention without a bond hearing and 8 U.S.C. §1225(b)(2) don't permit my detention

(d) Date of the decision or action: August 25, 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

(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

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

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:

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: I contends that detention without a bond hearing violates due process. I

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 Do not cite cases or law.)***:

(§ 1225(b) say) my detention is an Unlawful application of 8 U.S.C. § 1225(b)

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

☐ Yes ☐ No

GROUND TWO: 8 U.S.C. § 1225(b)(2) does not permit my detention. I entered of the U.S. without inspection in April 27, 2022.

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 Do not cite cases or law.)***:

Respondents ~~me~~ detention me authority under § 1225(b)(1) not (b)(2) § 1225 (b)(1) identifies aliens subject to expedited removal; certain arriving aliens who have not been present in the U.S. continuously for the 2 year period immediately prior to the date" that they were determined in admissible under § 1225(b)(1).

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

☐ Yes ☐ No

GROUND THREE: I'm not wrong to anticipate respondents assertion of § 1225(b)(2). Respondents have relied on this authority in several nearly identical cases before that Court, Urquiza-Orozco V Bondi et al., No. 5:25-CV-01428-XR (W.D. Tex. Nov. 20, 2025)

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

Vega V Thompson et al. No. 5:25-CV-01437XR (W.D. Tex. Nov. 21, 2025).

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

☐ Yes ☐ No

GROUND FOUR: I give positive Credible Fear interview at August 25, 2025 in Long Island Asylum office.

(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 want this court give orders respondents release me from custody, they not re-arrestas again under 1225(b)(2), without a bond hearing because I'm not wrong to any criminal things. And if I will do any combad things at the future, They give me to bound hearing.

(Respondents to emergency release me without a bound hearing)

I Send a request + #5 check for fee at December 31, 2025. But not came any receipt mail.

Declaration Under Penalty Of Perjury

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

January 10, 2026. (before request and check December 31, 2025

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: January 10, 2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any