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

UNITED STATES DISTRICT COURT

for the
District of Colorado

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR -5 2026
JEFFREY P. COLWELL
CLERK

ABDOLAH FEZHWAINEZHAD
Petitioner

v.

WARDEN, DENVER CONTRACT DETENTION FACILITY;
DIRECTOR, ICE DENVER FIELD OFFICE;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(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: ABDOLAH FEZHWAINEZHAD
   (b) Other names you have used: ABBIE
2. Place of confinement:
   (a) Name of institution: DENVER CONTRACT DETENTION FACILITY
   (b) Address: 3130 N. OAKLAND ST.
   AURORA, CO 80010
   (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: U.S. Immigration and Customs Enforcement (ICE)

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

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

PLEASE SEE ATTACHED SHEET FOR ANSWER.

(d) Date of the decision or action: 10/21/2025

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: I did not file a formal appeal or grievance because I was not given any administrative appeal process to challenge continued post-order immigration detention. The only process available to me was ICE's post-order custody review, including a custody interview.

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: I did not file a second appeal because there was no additional administrative appeal process available to me after the custody review. ICE did not provide any further review mechanism, written appeal option, or grievance process to challenge the decision to continue my detention.

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: I did not file a third appeal because ICE did not offer or identify any further administrative remedies or appeal procedures beyond the post-order custody review and interview. I have participated in all review processes that were made available to me.

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:

This petition is about my immigration detention, not a criminal 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: 06/22/2025

(b) Date of the removal or reinstatement order: 01/02/1981

(c) Did you file an appeal with the Board of Immigration Appeals?

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: UNKNOWN - APPEAL WAS FILED PRIOR TO DECEMBER 11, 1990

(2) Case number: [redacted]

(3) Result: Upheld Immigration Court's decision.

(4) Date of result: 12/11/1990

(5) Issues raised:

I do not remember the specific issues that were raised in the appeal. The appeal was filed more than thirty years ago, and I do not have personal copies of the appeal documents. My understanding is based solely on the government's records, which reflect that the appeal was decided on December 11, 1990, when the Board of Immigration Appeals upheld the Immigration Court's decision.

(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: Prolonged and Indefinite Immigration Detention

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

I have been detained by U.S. Immigration and Customs Enforcement for an extended period of time following a final order of removal that was issued decades ago. Despite this order, the government has been unable to remove me for many years in the past and has again failed to show that my removal will occur in the reasonably foreseeable future. I previously lived in the United States for many years under immigration supervision without incident. My continued detention now is indefinite and serves no legitimate civil purpose.

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

☐ Yes ☑ No

GROUND TWO: No Reasonably Foreseeable Removal

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

ICE has stated that my detention is based on an expectation that removal will occur. However, ICE has not shown that travel documents have been obtained or that removal will happen within any definite or reasonable time. I have cooperated with ICE and participated in all required interviews, but removal remains uncertain. Detaining me without a clear timeline for removal makes my continued custody unreasonable.

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

☐ Yes ☑ No

GROUND THREE: Continued Detention Despite Cooperation and Low Risk

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

I have cooperated with ICE since being taken into custody. I participated in a custody review interview and answered all questions truthfully. I have no history of escape, failure to appear, or violations of supervision. I do not pose a danger to the community and I am not a flight risk. Despite this, ICE continues to detain me without individualized justification.

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

☐ Yes ☑ No

GROUND FOUR:

Failure to Consider Less Restrictive Alternatives to Detention

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

ICE has failed to meaningfully consider alternatives to detention, such as release under an order of supervision. I have a confirmed sponsor who is a U.S. citizen and has offered stable housing and assistance to ensure my compliance with any conditions of release. ICE previously allowed me to live in the community for many years under supervision and authorized me to work. Continued detention is unnecessary when less restrictive options are available.

(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:

These grounds arise from my current prolonged detention and ICE's recent custody review decisions. These circumstances did not exist and could not have been raised in earlier immigration proceedings or appeals.

Request for Relief

15. State exactly what you want the court to do: I ask the Court to order Respondents to file a written response within three (3) days explaining why I should not be released. I ask the Court to order my immediate release from immigration detention. If the Court does not order immediate release, I ask the Court to order my release under supervision or other non-custodial conditions the Court believes are appropriate. I ask the Court to require Respondents to provide proof of any concrete steps showing that removal is likely to happen soon, and if they cannot, to order my release. I also ask the Court to prevent my transfer while this case is pending. I request any other relief the Court finds just and proper.

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: 03-03-2026 _____
Signature of Petitioner

_____
Signature of Attorney or other authorized person, if any

ANSWER

DECISION OR ACTION YOU ARE CHALLENGING
Question 6 (c)

I am challenging my **continued civil immigration detention** by U.S. Immigration and Customs Enforcement following a final order of removal entered decades ago, where my detention has become **prolonged and indefinite**, and where ICE continues to detain me **without a realistic or reasonably foreseeable likelihood of removal**. I am also challenging ICE's continued detention decision following post-order custody reviews conducted in or around **October and December 2025**, in which ICE declined to release me despite evidence of my long-term residence, compliance history, cooperation with removal efforts, lack of danger to the community, and availability of a stable release plan.

DECLARATION OF ABDOLAH FEZHWAINEZHAD

I, **Abdolah Fezhwainezhad**, declare as follows:

1. I am the Respondent in this matter. I make this declaration based on my personal knowledge. If called to testify, I could and would testify truthfully to the facts stated here.
2. I first entered the United States in **1978**. I have lived in this country for most of my life. The United States has been my home for decades.
3. Many years ago, I was placed in immigration proceedings and received a final order of removal. Despite that order, the government was unable to remove me. Instead, I was released and allowed to live in the community under supervision.
4. For many years, I complied fully with all immigration requirements. I reported when instructed. I followed the rules. I lived openly and honestly. I was not hiding from the government. I built a life here.
5. During those years, the government allowed me to work legally. I supported myself. I paid taxes. I stayed out of trouble. I did everything asked of me.
6. I was never told that I was a danger to anyone. I was never told that I was a flight risk. I was trusted to live in the community, and I honored that trust.
7. In **June 2025**, after decades of compliance and peaceful living, I was suddenly taken into immigration custody. This arrest came without warning and without any change in my behavior or circumstances.
8. Since that time, I have been held in detention for many months. I have cooperated fully with immigration authorities. I participated in custody reviews and interviews. I answered every question honestly.
9. I was told that my detention would continue, even though no clear plan or timeline for my removal was provided to me. I have not been shown that removal will happen soon or at all.
10. This is not the first time the government has been unable to remove me. In the past, when removal was not possible, I was released and allowed to live under supervision. Nothing has changed that would justify treating me differently now.
11. I have strong ties to the community in the United States. I have long-standing relationships, friends, and people who know me well and are willing to support me. I have a confirmed sponsor who has offered me stable housing and assistance if I am released.
12. I am not a danger to the community. I am not a flight risk. I have no history of escape, failure to appear, or violating supervision. My history shows compliance, not defiance.
13. Detention has been extremely difficult for me. Being held for months without knowing when or if I will be released has caused me deep emotional distress. I am separated from my support system and from the life I built over decades.
14. I respectfully believe that continued detention under these circumstances is unnecessary and unfair. I am willing to comply with any reasonable conditions the Court may impose if I am released.

15. I am not asking the Court to decide my immigration case or to overturn any past order. I am asking only for my freedom from prolonged detention when removal has not been shown to be realistically possible.
16. I respectfully ask the Court to consider my history, my cooperation, my compliance, and my humanity, and to order my release from detention.

I declare under penalty of perjury that the foregoing is true and correct.

Abdolah Fezhwainezhad
Date: 03-03-2026

DECLARATION OF SPONSOR IN SUPPORT OF HABEAS PETITION

I, Khalil Laleh, declare as follows:

1. **Identity and Relationship**
   I am over the age of eighteen and competent to make this declaration. I reside at 5200 S University Blvd. Greenwood Village, CO 80121. I am a U.S. citizen. I make this declaration in support of Abdolah Fezhwainezhad, [redacted] whom I have known for 43 years as a close friend and former employee.

2. **Knowledge of Respondent's Immigration Detention**
   I am aware that Abdolah Fezhwainezhad has been in ICE custody for approximately 8 months and is currently detained pending removal. I understand that he is seeking release from detention through a petition for writ of habeas corpus.

3. **Offer of Housing and Residence**
   If released from custody, I am willing and able to provide stable housing for Abdolah Fezhwainezhad at my residence located at 5200 S University Blvd. Greenwood Village, CO 80121. This housing is available immediately upon his release, and he may reside there for as long as necessary to comply with any conditions imposed by ICE or the Court.

4. **Financial and Logistical Support**
   I am prepared to assist Abdolah Fezhwainezhad with basic financial and logistical needs, including transportation to ICE check-ins, court hearings, attorney appointments, and medical appointments if required. I understand the importance of ensuring compliance with all conditions of release.

5. **Assurance of Compliance with ICE Conditions**
   I am willing to ensure that Abdolah Fezhwainezhad complies with all reporting requirements, conditions of supervision, or other obligations imposed by ICE or the Court. I understand that release from detention is conditioned on strict compliance, and I am committed to supporting that compliance.

6. **Community Ties and Stability**
   I am familiar with Abdolah Fezhwainezhad's long-term residence in the United States, his family ties, and his recent efforts to live a stable and law-abiding life. To my knowledge, for the past several years prior to his detention, he has maintained steady work and has not had any new criminal involvement.

7. **Risk of Flight and Public Safety**
   Based on my knowledge of Abdolah Fezhwainezhad, I do not believe he poses a danger to the community or a risk of flight. He has strong ties to family and community in the United States, and he has a clear incentive to comply with all legal requirements while his case is pending.

8. **Purpose of This Declaration**
   I submit this declaration to demonstrate that Abdolah Fezhwainezhad has a reliable sponsor, a stable release plan, and meaningful community support if released from detention. I respectfully ask that this declaration be considered in evaluating the lawfulness and necessity of his continued detention.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on Feb 11, 2026 at Greenwood Village, CO.

Khalil Laleh

K - Laleh.

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