

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

SERGEY SHABUROV

Petitioner,

CASE No: 4:25-cv-45-CDL-AGH

v.

PAM BONDI

Attorney General;

KRISTI NOEM

Secretary of Department of

Homeland Security;

HOMER BRYSON

U.S. ICE Field Office Director For

The Middle District of Georgia

Field Office, and Warden JASON STREEVAL

of Stewart Detention Facility,

Respondent(s)

EMERGENCY MOTION TO RULE ON HABEAS CORPUS PETITION

Petitioner, SERGEY SHABUROV, hereby petitions this Court with an Emergency Motion to Rule on his Habeas Corpus Petition and states as follows:

Petitioner filed a Habeas Corpus with this court on February 5, 2024 and Respondent have delayed to provide any documentation or secure travel documents for the petitioner to facilitate his removal and it is going on 18- months that he has been detained.

Petitioner submitted documentation from the Embassy of the Russian Federation which states that they will not provide travel documents as they do not recognize the petitioner as a citizen of Russia. **This has even been stated by Respondent "That Russia did not accept Petitioner"**

Respondent only argument is that they are attempting to secure removal through a third county, not that they have secured a third country that is willing to accept the petitioner. Respondents have had amply amount of time to facilitate this endeavor, which the supreme Court states shall happen with in a reasonable 6-months.

Like Zavvar v. Scott, 2025 U.S. Dist LEXIS 175897 Respondents have not been able to obtain any travel documents or find a country to accept him, not to mention that he has never been given notice of which Country they have tried to get to accept him. He is entitled to **"Seek Fear based relief from that Country"**, which would require additional proceedings as well. **CF. Guzman Chavez**, 594

FILED
CLERK OF DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS, GEORGIA

U.S. At 537, nor will a country agree to protect the petitioner if he is removed to a country that is not his country of Birth.

Respondents speculate that if the Courts allow them more time they will succeed in his removal, but this now becomes cruel and unusual punishment just for the sake of detention!

LEGAL FRAMEWORK FOR RELIEF SOUGHT

In Zadvydas v. Davis, 533 U.S. 678(2001), the U.S. Supreme Court held that 8.U.S.C. §1231(a) (6), when **“read in light of the Constitution's demands, limits an alien's post-order removal period detention to a period reasonably necessary to bring about the alien's removal from the United States.”** 533 U.S. At 689. a **“Habeas Court must[first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.”** Id. at 699 if the individual's removal **“is not reasonably foreseeable, the Court should hold continued detention unreasonable and no longer authorized by the statute.”** Id. at 699-700. In Clark v. Martinez, 543 U.S. 371(2005), the U.S. Supreme Court held that Zadvydas applies to aliens found inadmissible as well as removable.

In determining the length of a reasonable removal period, the Court adopted a “preemptively reasonable period of detention.” **After 90 days**, DHS has the discretion to release the detainee under reasonable conditions of supervision. The Government bears the Burden of disproving an alien's **“good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”** See Zhou v. Farquharson, 2001 U.S. Dist. LEXIS 18239, 2-3 (D. Mass. Oct. 19, 2001) (quoting and summarizing Zadvydas). Moreover, “for detention to remain reasonable, as the period of prior post-order removal grows, what counts as the reasonably foreseeable future' conversely have to shrink.” Zadvydas, 533 U.S. At 701. ICE's administration regulations also recognize that the HQPDU has a maximum six-month period for determining whether there is a significant likelihood of a alien's removal in the reasonable foreseeable future. See 8 C.F.R. §241.4(k)(2)(ii).

An alien who has been detained beyond the presumptive period should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See Agbada v. Hohn Ashcroft, 2002 U.S. Dist. LEXIS 15797(D. Mass. August 22, 2002) (court **“will likely grant”** after ICE is **“unable to present document confirmation that the government has agreed to [petitioner's] repatriation.”** ; Zhou, 2001 U.S. Dist. LEXIS 19050 at *7(W.D. Wash February 28, 2002) (government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there is no significant likelihood of petitioner's removal in the reasonably foreseeable future).

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“Detention is now not driven by legitimate interest of removal at all, but rather detention for the sake of detention, motivated by animus towards, or ill will against the individual, or even a desire to inflict suffering.” C.F. Riverside, 500 U.S. At 56

If the non-citizen satisfies the initial burden **“which he clearly has,”** then the Government **“must respond with evidence sufficient to rebut that showing.”** Id. If the Government fails to meet its burden, then the non-citizen must be released from detention. See Jennings v. Rodriguez, 583 U.S. 281, 299 (2018) In Petitioners case at hand the respondents have failed to provide any documentation that a foreign government has agreed to accept the petitioner.

Petitioner is entitled to be released on supervision as respondents know where he will reside with his daughter, where he will also be on parole with the Georgia Department of Corrections. Shall respondents secure a country or travel documents at some point in the future that petitioner will be on supervision which will have constant contact and monitoring with him so that he complies with the removal proceeding.

Petitioner is a 63-year old man that does not pose a danger to society and has been acknowledged by G.D.C. when they issued an order to lower his sentence from 30-years to 14-years, and the parole board has already verified petitioners address for his release. Petitioner has already been detained for over 15-years and he requires medical attention when he is released as he needs surgery in his right shoulder that has constant acute pain that DHS refuses to address while he is detained.

Petitioner fled from a Communist country given asylum as a refugee comparable to that sought in D.V.D. See D.V.D., 2025 WL 1142968, at *24 (enjoining the Government from removing non-citizens to third-party countries without providing various procedural safeguards, including a “meaningful opportunity for the alien to raise a fear of return for eligibility for [Convention Against Torture (“CAT”)] protections”). If granted the Habeas relief petitioner asks that it be ordered just as the case of Alic v. Dept of Homeland Security, 2025 U.S. Dist. LEXIS 193793 that Respondents and all their officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an immigration Judge.

PRAYER FOR RELIEF

THEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over the matter;
2. Grant the Petitioner a Habeas Corpus directing the respondent to immediately release petitioner from custody, under reasonable conditions of supervision;
3. Order respondent to refrain from transferring the petitioner out of the jurisdiction of ICE Director's Jurisdiction for the Middle District of Georgia while the petitioner remains in the Respondent's custody; and
4. Order Respondents and all their officers, agents, employees, attorneys, and persons acting on their behalf or in concert with them be prohibited from removing Petitioner to a third country without a meaningful opportunity to be heard in reopened removal proceedings with hearing before an immigration Judge especially once released on supervision.
5. Award Petitioner's Attorney fees and cost under the Equal Access to Justice Act("EAJA"), as amended, 5 U.S.C. §2412, and on other basis justified under law; and
6. Grant any other form of relief this court deems proper.

X. S. Shaburov

December- 17 -2025

SERGEY SHABUROV

A. 

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

CERTIFICATE OF OATH

I **Swear** under Penalty of Perjury from the United States of America if this Motion is found to be false, frivolous, or made in bad faith. I also swear that this motion is true to the best of my knowledge.

I **further state** that this motion is not a copy of a motion that has been ruled on nor has it been deposited of by this Court.

I **Swear** that this motion has been prepared by **me/or** read to me in my native tongue or a language that I understand **and everything that is said in the following motion is true.**

Person who assisted in preparing motion for Petitioner:

x *[Signature]* Jid'er Saavedra of Immigration Connection December-17-2025

x *S. Shaburov*

December-17-2025

SERGEY SHABUROV

A# 

Stewart Detention Center
146 CCA Rd.
Lumpkin, GA 31815

CERTIFICATE OF SERVICE

I Swear, that a true and correct copy of the following Motion has been placed in the hands of an institution official to be furnished and forwarded by first class mail to the following parties listed below on December: 17, 2025

1. U.S. DISTRICT COURT

For the Middle District of Georgia

Columbus Division

P.O. BOX 124

Columbus, GA 31902

2. Office Of Chief Counsel DHS/ICE

Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

x *S. Shaburov*

December- 17 -2025

SERGEY SHABUROV

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