

United States District Court
for the
Middle District of Georgia

Elena Mukhanova

Petitioner

v.

Case No. 4:25-cv-102

Kristi Noem, Secretary of
the Department of Homeland Security;

DHS/ICE Office of Chief Counsel – SDC;

US Department of Homeland Security;

US Immigration and Customs Enforcement

Respondents

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241

INTRODUCTION

Petitioner, Elena Mukhanova (A-number XXXXXXXXXX), is currently in detention at Stewart Detention Center, Lumpkin, Georgia. She respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241, challenging the legality of her continued detention. Petitioner has been in detention for more than 10 months.

PARTIES

1. Petitioner:

Elena Mukhanova (A-number XXXXXXXXXX), currently detained at Stewart Detention Center, 146 CCA Road, PO Box 248, Lumpkin, GA 31815

2. Defendants:

Kristi Noem, Secretary of the US Department of Homeland Security;

DHS/ICE Office of Chief Counsel – SDC;

US Department of Homeland Security;

US Immigration and Customs Enforcement (ICE).

FILED
MAR 23 2025
CLERK OF COURT
MIDDLE DISTRICT OF GEORGIA
ATLANTA, GA

FACTUAL BACKGROUND

1. On May 9, 2024, Petitioner Elena Mukhanova (A-number XXXXXXXXXX) appeared at the Otay Mesa, CA port of entry. The Petitioner provided all documents confirming her identity and requested political asylum from a CBP officer at the border.
2. Despite presenting the necessary documents and passing an interview with the CBP officer at the border, the Petitioner was not released and was sent to detention.
3. On June 3, 2024, the Petitioner passed the credible fear interview and received a positive decision. Despite this, the Petitioner was not released from detention.
4. Despite the fact that the Petitioner provided all necessary information for her release under the care of sponsor, ICE repeatedly denied requests without explanation during 10 months. In none of numerous cases of Petitioner's request for release on parole the ICE office did not issue official documents with the reasons for the refusals.
5. The Petitioner was not provided with an official document with the reason that would explain why she must go through all the courts in detention.
6. The Petitioner was entitled to a Hearing on the issue of release within 6 months of her detention. However, the Petitioner was not granted a Hearing on her release.
7. The Petitioner was told by the prosecutor at her bail hearing that her release was not possible due to, literally "case MN", the meaning of which was not explained.
8. The Petitioner does not pose a threat to society, is not a criminal and has no criminal record in any country.
9. The Petitioner's further detention may continue for more than 14 months.

GROUND'S FOR PETITIONER

A. Violation of 28 U.S.C. § 2241

Under 28 U.S.C. § 2241, federal courts have the authority to review the legality of detention. The Petitioner's continued detention, despite the lack of objective reasons and grounds, is unlawful.

B. Violation of the Fifth Amendment to the U.S. Constitution

Petitioner's continued detention violates the Fifth Amendment's guarantee of due process. The government has failed to provide any justification for her ongoing detention.

C. Relevant Precedents

1. Zadvydas v. Davis 533 U.S. 678 (2001)

The U.S. Supreme Court ruled that immigrants cannot be held in detention indefinitely. If detention is prolonged and the government cannot justify it is necessity, the immigrant should be released under supervision.

Application: Elena Mukhanova has been unlawfully detained during 10 months without sufficient justification for her detention.

2. *Rodriguez v. Robbins*, 715 F. 3d 1127 (9th Cir. 2013)

The Ninth Circuit Court of Appeals ruled that prolonged detention of immigrants without the right to release violates the U.S. Constitution.

Application: Elena Mukhanova poses no threat and has every reason to be released.

3. *Demore v. Kim*, 538 U.S. 510 (2003)

The U.S. Supreme Court confirmed that immigration authorities may detain immigrants, but only if there is a proven threat to society.

Application: Elena Mukhanova has no criminal history, has a sponsor, and guarantees compliance with all release conditions.

4. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)

The U.S. Supreme Court ruled that detained immigrants have the right to a hearing on their detention.

Application: The refusal to release Elena Mukhanova violates this precedent.

5. *Flores v. Reno*, 507 U.S. 292 (1993)

Established minimum standards for the detention of immigrants in the U.S.

Application: The conditions at Stewart Detention Center do not meet these standards.

6. *Nielsen v. Preap*, 139 S. Ct. 954 (2019)

The U.S. Supreme Court ruled that the detention of immigrants must meet clear criteria and not be arbitrary.

Application: Elena Mukhanova was detained without objective grounds.

7. *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015)

Determined that detained immigrants have the right to a hearing for release within 6 months of detention.

Application: Elena Mukhanova has been unlawfully detained for longer than this period.

8. *Guerra v. Shanahan*, 831 F.3d 59 (2d Cir. 2016)

Confirmed that detention must be justified by substantial facts, not just an administrative decision.

Application: There are no justified reasons for Elena Mukhanova's detention.

9. *Barrera-Echavarria v. Rison*, 44 F. 3d 1441 (9th Cir. 1995)

Established that immigrants cannot be held indefinitely without proper judicial proceedings.

Application: Elena Mukhanova has been detained for more than 10 months without lawful grounds.

D. Federal Legislation

10. Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a)

This law gives DHS the authority to detain immigrants but also provides the possibility of release on bond or Parole.

Application: Elena Mukhanova poses no threat, and her detention violates this law.

11. INA § 241(a)(6) (8 U.S.C. § 1231(a)(6))

Defines the grounds for prolonged detention of immigrants but requires that it be justified by necessity.

Application: Elena Mukhanova's detention is not justified.

12. 8 C.F.R. § 241.4

Regulates the process for reviewing decisions on detention and establishes criteria for release.

Application: Elena Mukhanova meets all the criteria for release.

13. United Nations Convention Against Torture (CAT), Article 3

The U.S. is obligated not to return immigrants to countries where they face persecution.

Application: Elena Mukhanova has demonstrated a threat of persecution in Russia.

14. Fifth Amendment to the U.S. Constitution (Due Process Clause)

Protects against arbitrary detention and requires fair judicial proceedings.

Application: Elena Mukhanova's rights to a fair process have been violated.

15. Eighth Amendment to the U.S. Constitution

Prohibits cruel and unusual punishment, including inhumane detention conditions.

Application: The conditions at Stewart Detention Center can be classified as cruel.

16. Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706

Limits arbitrariness in the actions of government agencies.

Application: ICE and DHS have acted with clear procedural violations in relation to Elena Mukhanova.

E. International Norms Relevant to the Case of Elena Mukhanova

17. International Covenant on Civil and Political Rights (ICCPR), Article 9

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

Application: Elena Mukhanova's detention is arbitrary and illegal, as there are no sufficient legal grounds to

justify her prolonged detention under U.S. law. The indefinite nature of her detention violates international standards set out in this provision.

18. European Convention on Human Rights (ECHR), Article 5

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except in accordance with a procedure prescribed by law.

Application: The detention of Elena Mukhanova violates her right to liberty. It is a disproportionate measure since her detention lacks legal justification and extends beyond reasonable limits.

19. UN Refugee Convention, Article 31

States shall not impose penalties on refugees for their illegal entry or presence if they come directly from a territory where their life or freedom was threatened and are seeking asylum.

Application: Elena Mukhanova, as an asylum seeker, should not be penalized for irregular entry into the US, as her circumstances meet the criteria for refugee status. Her detention while seeking asylum is an unlawful punishment under international law.

20. International Covenant on Economic, Social and Cultural Rights, Article 10

Persons detained shall be protected from cruel, inhuman, or degrading treatment or punishment.

Application: The conditions at Stewart Detention Center, including poor hygiene, inadequate medical care, and prolonged confinement in inhumane conditions, violate the protections provided under this covenant. These conditions subject Elena Mukhanova to cruel, inhuman, and degrading treatment.

The Immigration and Nationality Act allows for discretionary detention but requires periodic review of the detention status. Petitioner's continued detention without such review violates federal law.

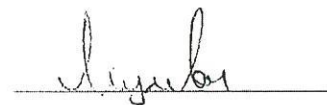
CONCLUSION

Petitioner respectfully requests to take account of that Petitioner has no criminal record and poses no threat to the U.S. Security. Petitioner also has strong community ties, and individuals are willing to vouch for her good character and guarantee that she will continue to comply with all immigration requirements. Petitioner ready to present all necessary documents to confirm these facts.

Petitioner respectfully requests that the Court:

Issue a writ of Habeas Corpus requiring the immediate release of Petitioner from detention due to the unlawful and unjustified continuation of her detention;

Date: March 15, 2025



Signature of Petitioner

CERTIFICATE OF SERVICE

I, Elena Mukhanova hereby certify that on March 15, 2025, I sent a copy of this RESPONDENTS MOTION to the following parties via U.S. Mail:

The Honorable Kristi Noem

Secretary of Homeland Security

U.S. Department of Homeland Security

Washington, D.C. 20528

DHS/ICE Office of Chief Counsel - SDC

146 CCA Road, P.O. BOX 248

Lumpkin, GA 31815

U.S. Department of Homeland Security

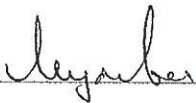
Washington, D.C. 20528

U.S. Immigration and Customs Enforcement

500 12th Street SW

Washington, D.C. 20536

Date: March 15, 2025

A handwritten signature in cursive script, appearing to read 'Elena Mukhanova', is written over a horizontal line.

Signature of Petitioner