

United States District Court
for the
Middle District of Georgia

Ekaterina Bumboshkina

Petitioner

v.

Case No. 4:25-cv-103

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

FILED 25 MAR 21 PM 8:08 MAR 21

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

INTRODUCTION

Petitioner, Ekaterina Bumboshkina (A-number [REDACTED]), 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 9 months.

PARTIES

1. Petitioner:

Ekaterina Bumboshkina (A-number [REDACTED]), 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).

FACTUAL BACKGROUND

1. On May 27, 2024, Petitioner Ekaterina Bumboshkina (A-number [REDACTED]) appeared at the San-Diego, CA border. 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 the interview with the CBP officer at the border, the Petitioner was not released and was sent to detention.
3. On June 15, 2024, the Petitioner passed credible fear interview and received positive decision. Despite this, the Petitioner was not released from detention.
4. Despite Petitioner submitting the necessary documents for her release under the care of sponsor, ICE denied the request without explanation.
5. The Petitioner was not provided with an official document stating the reason 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. Her detention may therefore be significantly extended.
7. The deportation decision was made on July 25, 2024. However, to date more than 7 months later, the Petitioner is in detention and has not been deported, although she assisted the ICE officers in all processes with her removal – she did not interfere with the government efforts to remove her.
8. After 8 months, the Petitioner's case was formally reviewed and a negative decision was made, due to the deportation scheduled for February 2025.
9. The Petitioner's deportation date was repeatedly postponed without adequate reasons being given. According to the latest information from the ICE, the deportation is tentatively scheduled for May 2025, but these dates are not final.
10. The Petitioner does not pose a threat to society, is not a criminal and has no criminal record in all country.
11. The Petitioner's further detention may continue for more than 1 year.

GROUND 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 government has held her in detention for more than 7,5 months after an Immigration Judge's final order to deport her.

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

Petitioner's continued detention violates the Fifth Amendment's guarantee of due process.

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: Ekaterina Bumboshkina has been unlawfully detained for over 9 months.

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: Ekaterina Bumboshkina 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: Ekaterina Bumboshkina 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 Ekaterina Bumboshkina 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: Ekaterina Bumboshkina 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: Ekaterina Bumboshkina 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 Ekaterina Bumboshkina'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: Ekaterina Bumboshkina has been detained for over 9 months, she was not granted a Hearing on her release.

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: Ekaterina Bumboshkina poses no threat, and her detention violates this law.

11. Title 8 of the Code, Chapter 12, Immigration and Nationality, Section 1231

Detention and removal of aliens who are subject to removal orders. (a)(1)(A) provides that removal must occur within 90 days. (A)(2)(3) provides for supervision after 90 days.

Application: Ekaterina Bumboshkina was not provided for supervision after 90 days.

12. 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: Ekaterina Bumboshkina's detention is not justified.

13. 8 C.F.R. § 241.4

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

Application: Ekaterina Bumboshkina meets all the criteria for release.

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

Protects against arbitrary detention and requires fair judicial proceedings.

Application: Ekaterina Bumboshkina'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 Ekaterina Bumboshkina.

E. International Norms Relevant to the Case of Ekaterina Bumboshkina

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: Ekaterina Bumboshkina'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 Ekaterina Bumboshkina violates her right to liberty. It is a disproportionate measure since her detention lacks legal justification and extends beyond reasonable limits.

19. 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 Ekaterina Bumboshkina 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 that the Court to take account of the attached letters of support. 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 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: 03/15/2025



Signature of Petitioner

CERTIFICATE OF SERVICE

I, Ekaterina Bumboshkina hereby certify that on 03/15/2025, 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

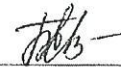
Washington, D.C. 20528

U.S. Immigration and Customs Enforcement

500 12th Street SW

Washington, D.C. 20536

Date: 03/15/2025



Signature of Petitioner