

**United States District Court**  
for the  
**Middle District of Georgia**

FILED '25 MAR 25 AM 8:28 HDGA-COL

Evgeniia Strelnikova

Petitioner

v.

Case No. \_\_\_\_\_

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, Evgeniia Strelnikova (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 10 months.

**PARTIES**

**1. Petitioner:**

Evgeniia Strelnikova (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 10, 2024, the Petitioner Evgeniia Strelnikova (A-number [REDACTED]) appeared at the San Ysidro Port of Entry together with her husband. They had an appointment for CBP-1. They had all the documents confirming their identities and their right to meet with an ICE officer were provided and requested political asylum.
2. Despite presenting the necessary documents, the main Petitioner Aleksandr Chistiakov (A-number [REDACTED]) was also detained.
3. Despite presenting the necessary documents and passing the interview with a CBP officer at the border, the Petitioner was not released from the border and was sent to detention center.
4. Despite presenting the necessary documents confirming the legality of the marriage the Petitioner and her husband were separated and sent to detention centers in different states.
5. On June 3, 2024, the Petitioner passed the credible fear interview and received a positive result. Despite this, the Petitioner was not released from detention center.
6. Since the Petitioner passed by CBP-1 and received positive for the credible fear interview according to the information from an ICE, the Petitioner does not have access to release on bail. Also, in accordance with the precedents in the judicial practice of the Stewart Detention Center in relation to Russia citizens, the Petitioner is not entitled to bail due to the additional fact - Petitioner is an "arriving alien".
7. The Petitioner requested that her and her husband's cases be joined in court but this request was denied.
8. Despite the fact that the Petitioner submitting the necessary documents for her release on parole under the care of a sponsor, an ICE has repeatedly denied the request without explanation during 10 months, with the exception of last case when a decision from 02/24/2025 was provided. The reason for the refusal was - "You did not establish, to ICE's satisfaction, substantial ties to the community".
9. The Petitioner personally handed over the sponsorship package to the ICE officer, including assurances that she would comply with all immigration rules. However, all of this has been ignored.
10. The transcript of the of the decision of the Immigration Judge Jerrika Harness was lost. Taking into account the new Individual Hearing, at which the same decision will be read again, the period for her appeal could be up to 9 months instead of 6 months.
11. The Petitioner was not provided with an official document stating the reason why she must undergo all court proceedings in detention.
12. 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.
13. The Petitioner does not pose a threat to society, is not a flight risk, is not a criminal, and has no criminal record in her home country of Russia or any country.
14. The continued detention of Petitioner may extend more than 14 months.

## **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 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 objective and valid reasons 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: Evgeniia Strelnikova has been unlawfully detained more than 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: Evgeniia Strelnikova 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: Evgeniia Strelnikova 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 Evgeniia Strelnikova 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: Evgeniia Strelnikova 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: Evgeniia Strelnikova 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 Evgeniia Strelnikova'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: Evgeniia Strelnikova has been detained 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: Evgeniia Strelnikova 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: Evgeniia Strelnikova'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: Evgeniia Strelnikova 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: Evgeniia Strelnikova 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: Evgeniia Strelnikova's rights to a fair process have been violated.

15. Eight 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 Evgeniia Strelnikova.

E. International Norms Relevant to the Case of Evgeniia Strelnikova

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: Evgeniia Strelnikova'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 Evgeniia Strelnikova 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: Evgeniia Strelnikova, 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 Evgeniia Strelnikova 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.

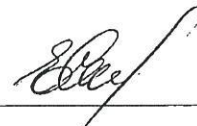
### CONCLUSION

Petitioner respectfully requests that the Court consider the fact 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:

1. 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, Evgeniia Strelnikova 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