

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

Darejan Menteshashvili.

Petitioner

V.

Case No. _____

Kristi Noem, Secretary of

the Department of Homeland Security;

DHS/ICE Office of Chief Counsel - SDC,

U.S. Department of Homeland Security;

U.S. IMMIGRATION AND CUSTOMS

ENFORCEMENT

Respondents

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

INTRODUCTION

Petitioner, Darejan Menteshashvili (A-number ) 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: Darejan Menteshashvili (A-number ) currently detained at Stewart Detention Center,

146 CCA Road, P.O. Box 248, Lumpkin, GA 31815

2. Defendants:

Kristi Noem, Secretary of the U.S. Department of Homeland Security;

DHS/ICE Office of Chief Counsel - SDC,

U.S. Department of Homeland Security;

U.S. Immigration and Customs Enforcement (ICE).

FACTUAL BACKGROUND

1. On May 1, 2024, 09:13 AM Petitioner appeared at the San Ysidro Port of Entry at the appointed time and date.

2. Despite presenting the necessary documents, Petitioner was detained.

3. On September 13, 2024 Darejan Menteshashvili received te Parole.

4. Her release is still active.

5. Despite Petitioner's lawyer submitting the necessary documents for her release under the care of a sponsor, ICE has repeatedly denied the request without explanation.

6. Petitioner's sponsor has personally delivered documents to ICE officers multiple times, including proof of Petitioner's lack of a criminal record, letters of support from individuals vouching for her good character, and guarantees that she will comply with all immigration regulations. All of this has been ignored.

7. The continued detention of Petitioner may extend beyond 15 months.

GROUND FOR PETITION

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. Petitioner's continued detention, despite a favorable decision from the immigration court, 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 Supreme Court ruled that detention for more than six months is unreasonable if the government cannot demonstrate that deportation is likely in the near future.
2. *Demore v. Kim*, 538 U.S. 510 (2003): The Court emphasized that mandatory detention is permissible only for a limited period and that extended detention requires justification.
3. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018): The Court reaffirmed that individuals in detention have the right to a bond hearing if their detention is prolonged without individualized review.
4. Violation of INA § 236(a) (8 U.S.C. § 1226(a))

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 asylum has already been granted, review the attached letters of support, and the documents confirming that Petitioner has no criminal record and poses no threat to 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:

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;
2. Alternatively, order an individual bond hearing before an immigration judge.

Date: 02.11.2025



Signature of Petitioner

CERTIFICATE OF SERVICE

I, Darejan Menteshashvili, hereby certify that on 02.11.25, I sent a copy of this RESPONDENT'S MOTION to the following parties via U.S. Mail:

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 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
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Husband Dmitrii Dubina
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Dlyarabotikras@gmail.com

Date: 02.11.2025



Signature of Petitioner