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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION
KRISTI NOE

UNITED STATES MAGISTRATE JUDGE
AMELIA G. HELMICK

Petitioner, **Darejan Menteshashvili** (A-number ,
currently in detention at Stewart Detention Center, Lumpkin, Georgia.
146 CCA Road, P.O. Box 248, Lumpkin, GA 31815.

MOTION

On March 26, 2025, regarding Case No. 4:25-cv-105-CDL-AGH under 28 U.S.C. § 2241, I inform you that I hold the status of the defendant (respondent). By decision of the first-instance court in Lumpkin, Georgia, I am currently detained, and I have appealed this decision through the legally prescribed process before the appellate court on December 20, 2024, as I disagree with the ruling of the first-instance court. Before the first court hearing, I did not have the opportunity to gather all the necessary evidence that would prove my innocence and serve as the basis for obtaining asylum in the United States. The date of the next hearing is not yet known to me.

Since filing my appeal, I have obtained new evidence that legally strengthens my position and confirms significant factual circumstances. Specifically, it proves that I am unwelcome in my country—even by my own family—and that they pose the greatest threat to me. The sole reason for this is my difference (non-traditional sexual orientation). I must point out that one of my brothers is an Orthodox priest, who completely rejects my orientation.

The mentioned evidence consists of screenshots of phone conversations on WhatsApp with my brothers, Levan Menteshashvili and Besik Eriashvili. These conversations took place on December 9, 2024, and as soon as I became aware of their existence, I presented them. The evidence was obtained in full compliance with legal requirements. I consider these to be new substantive circumstances—new evidence—that confirms an important factual matter,

and presenting them in court would significantly improve my legal standing.

Since I was forced to leave my country, the situation for the LGBTQ community there has deteriorated further. Previously, we faced discrimination and oppression from family members and society, but now the government is actively implementing the same treatment. On September 17, 2024, the Georgian Parliament passed a law titled "On Family Values and Protection of Minors," which bans any activism by members of our community and encourages violence against us. (I provide copies of this law in Georgian and English.)

I left Georgia on April 22, 2024, and entered the United States on May 1, 2024, through San Diego, where I underwent an interview with the assistance of an interpreter. I presented all necessary documents proving my persecution by the Georgian state. The officer found my case credible and issued a positive conclusion, but I want to highlight one critical issue: when they asked me whether I had an address in the U.S., I told them I had a friend and a half-brother who could sponsor me. I provided a document listing their names, addresses, and ZIP codes. However, this information was not recorded in the interview file, and I recently discovered that I was falsely documented as having no sponsor or place to stay. This is incorrect.

In May, I was transferred from Otay Mesa to Georgia, where I remain detained. Throughout this time, I attempted to determine who my ICE officer was, but I could only communicate electronically. The officer was consistently inattentive and indifferent to detainees' requests. Both I and my sponsor repeatedly applied for early release, but each time, the officer invented a new excuse. In September 2024, when my ICE officer, Muhamaad Umar, went on leave, my sponsor again requested parole from ICE, which was approved. A supervisor contacted me, requesting my address and phone number for post-release arrangements. My brother and his husband purchased my flight ticket. However, when Muhammad Umar returned to work, he denied my release.

I requested a personal meeting with him, but he refused to come to the office. Therefore, my sponsor and brother called the inspection office to report Muhammad Umar's negligence, which prompted an immediate response, leading to his dismissal. Before he left, he met with me. I asked him questions that had accumulated during my detention. He called me "Russian" and told me that "Russians have no future in this country," which was the reason for his refusal to release me.

I would like to make clear that I am a Georgian citizen, an ethnic Georgian, and have no connection to Russia besides geographic proximity.

I am providing a transcript of my conversation with Muhammad Umar via tablet so you can see how improperly he treated me.

I request that you take my story into consideration and intervene with all relevant authorities to prevent my deportation and allow me the opportunity to leave detention. Upon release, I will be able to gather additional evidence to strengthen my claim, proving my credibility in court. Despite multiple requests to officers for access to my passport and mobile phone to issue a general power of attorney to my brother—so that he could send me critical documents—I was denied even this request. As a result, I was unable to convince the first-instance court.

Considering that judicial proceedings are adversarial, both parties have the right to present evidence that supports their position, undermines the opposing party's case, and proves the truth. Therefore, I request that my WhatsApp conversations be admitted into evidence.

Since no evidence holds predefined weight (except for prejudicial facts and official court rulings), all materials presented by the parties must be examined in court, in compliance with the adversarial principle, and assessed for relevance, credibility, and reliability in relation to other evidence.

Given all the above considerations, I hereby move the court to admit as evidence the WhatsApp conversations reflecting my correspondence.

Attachments:

1. Passport
2. Screenshots of WhatsApp conversations (6 images)
3. The law "On Family Values and Protection of Minors" (Georgian and English versions) (7 pages)
4. Interview transcript (19 pages)
5. Correspondence between myself and Muhammad Umar (3 pages)
6. Changes in LGBTQ law in Georgia's media (7 pages)

7. United National Movement (opposite political party) (1 page)
8. Sponsor Letter and ID (2 page)
9. Besik Eriashvili's (Besik Figueroa) statement and ID (3 pages)
10. Pictures (4)

Darejan Menteshashvili

A handwritten signature in black ink, appearing to read 'D. Menteshashvili', written over a horizontal line.

04/15/2025