

# United States District Court

for the

## Middle District of Georgia

FILED '25 MAR 25 AM 8:27 MDGA-COL

LUSINE AKOPIAN.

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, Lusine Akolian (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 8 months.

#### PARTIES

1. Petitioner: Lusine Akolian (A-number [REDACTED]), 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 11 th, 2024, Petitioner appeared at the San Ysidro Port of Entry at the appointed time and date through the CBP One app. They had an appointment, and all documents confirming their identities and their right to meet with an ICE officer were provided.
2. Despite presenting the necessary documents, Petitioner was detained.
3. After staying at the border for 3 days, Petitioner was sent to Otay Mesa Detention, after that on May 19 Petitioner was sent to Lumpkin, GA, Stewart Detention Center. In the same detention, Petitioner was interviewed for fear and received a positive response, however, the ICE officer said that Petitioner was not supposed to have a Parole or bond and Petitioner should stay in the detention until the final trial due to the fact that Petitioner have a Russian passport.
4. After 9 months, Petitioner asked for a Parole, but the answer was negative because Petitioner doesn't have any strong relative connections in the USA, although they knew that her son has been living here for a long time. The date of Petitioner's final trial was postponed 2 times through no fault of her or her lawyer's, and as a result, on February 21, 2025, my final trial took place, which I lost due to insufficient evidence of persecution.
5. Petitioner's case is currently in the appeal process.

#### **GROUND'S 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 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: 03.18.25.

  
\_\_\_\_\_  
Signature of Petitioner

#### **CERTIFICATE OF SERVICE**

I, Lusine Akopian, hereby certify that on 03.18.25, 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

Washington, D.C. 20536

Date: 03/18/2025.

  
\_\_\_\_\_

Signature of Petitioner