

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
Columbus Division**

ALEKSANDR ZHILIUK

*Petitioner,*

v.

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

TERRENCE DICKERSON, Warden, Stewart  
Detention Center, U.S. Immigration and  
Customs Enforcement, *in his official capacity*;

*Respondent.*

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

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## **PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner Aleksandr Zhiliuk (“Mr. Zhiliuk” or “Petitioner”) petitions this Court for a writ of habeas corpus to remedy his prolonged, indefinite detention by civil immigration authorities for over six months after the entry of his final order of removal with no foreseeable removal in sight. In support of this Petition, Mr. Zhiliuk shows the Court as follows:

### **INTRODUCTION**

1. Petitioner, Mr. Zhiliuk, is a citizen of Russia. He came to the U.S. in May 2024 to seek asylum on account of his political opinion.
2. Mr. Zhiliuk entered the United States at or near San Luis, Arizona, on or about May 23, 2024, where he was immediately detained by the Department of Homeland Security (“DHS”).
3. Mr. Zhiliuk was first detained at the Yuma Sector temporary processing facility in Yuma, Arizona, for several days. In about late May or early June 2024, he was transferred to the Folkston ICE Processing Center in Folkston, Georgia. In September 2024, he was transferred to Stewart Detention Center in Lumpkin, Georgia. On or about February 7, 2025, he was transferred to Federal Correctional Institution, Atlanta (“FCI Atlanta”). On or about February 26, 2025, Mr. Zhiliuk was transferred back to Stewart Detention Center, where he remains to date.

4. On August 5, 2024, an Immigration Judge ordered Mr. Zhiliuk removed, designating both Russia and Ukraine as countries of removal.
5. Mr. Zhiliuk is currently detained at the Stewart Detention Center in Lumpkin, Georgia. He has now been in Immigration and Customs Enforcement's ("ICE") custody for eight months since receiving a final order of removal, and ten months in total.
6. Despite his prolonged detention and requests for custody review, Mr. Zhiliuk has never had a bond hearing before a neutral decisionmaker. On or about March 1, 2025, ICE issued a Decision to Continue Detention, dictating that Mr. Zhiliuk's removal was imminent because ICE possesses a valid travel document from the Russian Federation. ICE has possessed Mr. Zhiliuk's travel document for the duration of his detention yet has nonetheless failed to effectuate his removal.
7. For the last eight months, ICE has been unable to effectuate Mr. Zhiliuk's removal. On at least three occasions, ICE told Mr. Zhiliuk that he would be physically removed on a particular date. Yet, he remains in ICE custody, where he may remain indefinitely.
8. Mr. Zhiliuk's continued detention under these circumstances violates both the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act ("INA").

9. To remedy Mr. Zhiliuk's unlawful detention, this Court should issue a writ of habeas corpus ordering Respondent to release Mr. Zhiliuk, or, in the alternative, provide him with a procedurally adequate individualized custody redetermination hearing before an Immigration Judge within 14 days, in which DHS bears the burden of showing that Mr. Zhiliuk is either a danger to the community or flight risk.

### **PARTIES**

10. Petitioner, Aleksandr Zhiliuk, is a noncitizen with a final order of removal to Russia, or, in the alternative, Ukraine. He is currently detained at Stewart Detention Center in Lumpkin, Georgia.
11. Respondent Terrence Dickerson is sued in his official capacity as the Warden of Stewart Detention Center, where Mr. Zhiliuk is currently detained, as the legal and physical custodian of Petitioner.

### **JURISDICTION AND VENUE**

12. Mr. Zhiliuk is currently detained in the custody of Respondent at Stewart Detention Center, which is located in the Middle District of Georgia.
13. This case arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et. seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has subject



matter jurisdiction and may grant relief pursuant to 28 U.S.C. § 2241; U.S. Constitution, art. I, § 9, cl. 2; 28 U.S.C. § 1331; 28 U.S.C. § 2201; and 28 U.S.C. § 1651.

14. Venue is proper in the Middle District of Georgia under 28 U.S.C. § 1391(b)(2), (e)(1) because Mr. Zhiliuk is currently detained in this district, where a substantial part of the events or omissions giving rise to this action occurred and continue to occur, and Respondent is an officer or employee of the United States.

### **FACTS**

15. Mr. Zhiliuk is a 44-year-old man who was born in Ukraine in 1980. In 1990, Mr. Zhiliuk moved to Russia with his family, where he worked as a taxi driver until he left for the United States.
16. In May 2024, Mr. Zhiliuk left Russia to seek asylum in the United States. He arrived in the United States on May 23, 2024.
17. After crossing the border, Mr. Zhiliuk was immediately apprehended and detained by the DHS. He had a brief interview with border officials, where he expressed a fear of returning to Russia.
18. On June 24, 2024, DHS served Mr. Zhiliuk with a Notice to Appear (“NTA”), charging him as removable pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) for being a noncitizen present without having been

admitted or paroled. The Immigration Judge (“IJ”) sustained the allegations and determined that Mr. Zhiliuk is removable.

19. On August 5, 2024, while detained at Folkston ICE Processing Center, Mr. Zhiliuk had a hearing before an IJ. At that hearing, the IJ issued Mr. Zhiliuk a final order of removal, finding him removable as charged in his NTA under 8 U.S.C. § 1182(a)(6)(A)(i) and designating his country of removal as Russia, or in the alternative, Ukraine.

**ICE Keeps Petitioner in Detention Far Longer Than  
the Average Russian Citizen**

20. On an unknown date, ICE served Mr. Zhiliuk with a “Notice to [Noncitizen] of File Custody Review,” stating that his custody status would be reviewed on or about November 2, 2024.
21. In or around September 2024—after receiving his final order of removal—Mr. Zhiliuk spoke to consular officers from the Russian Consulate, who told him that Russian nationals are, on average, deported within 45 to 60 days of being ordered removed.
22. Despite the Russian Consulate’s estimation that Mr. Zhiliuk should have been removed within those 45 to 60 days, Mr. Zhiliuk has now languished in detention for eight months post-removal order.
23. Since Mr. Zhiliuk was ordered removed, ICE officers have told him on at least three occasions—in approximately September, December, and

January—that he would be deported on a particular date. ICE has not, however, effectuated his removal.

24. In or around December 2024, an ICE officer told Mr. Zhiliuk that he could not be deported for over 180 days because the Russian government refused to accept him.
25. On January 31, 2025, ICE served Mr. Zhiliuk with an instruction sheet regarding the requirement to assist in removal, requesting Mr. Zhiliuk's response within 30 days of receiving that form.
26. Mr. Zhiliuk responded to that request via letter on February 5, 2025, documenting that he provided ICE with a valid Russian passport verifying his Russian citizenship. Mr. Zhiliuk also indicated in that letter that he had asked both his mother and a friend residing in the United States to contact the Russian Embassy to assist in facilitating his deportation. Mr. Zhiliuk's mother never received any response to her queries from the Russian Embassy.
27. At no point since being detained has Mr. Zhiliuk received a bond hearing. He has only received the March 1, 2025, letter proffering ICE's Decision to Continue Detention.
28. The number of noncitizens removed to Russia in 2025, if any, is unknown. Although more than 28,000 noncitizens have been removed

from the U.S. since January 20, 2025, the official statistics, including countries, are not publicly listed.<sup>1</sup>

29. In March 2022, then-President Biden suspended removals to Russia soon after Russia invaded Ukraine.<sup>2</sup> The suspension has since been lifted; nevertheless, the number of removals to Russia remains relatively low, compared with the amount of detained Russian nationals with a final order of removal. According to ICE's 2024 Annual Report, dated December 19, 2024, there were 1,319 Russian nationals in ICE detention with an administratively final order of removal, the tenth highest in terms of countries of citizenship.<sup>3</sup> In FY2024, ICE removed 464 Russian nationals.<sup>4</sup>

30. Mr. Zhiliuk's removal is not reasonably foreseeable for two reasons. *First*, the fact that ICE has been able to remove some Russian nationals does not mean Mr. Zhiliuk's removal is imminent, as demonstrated by his attempted communications with the Russian embassy and ICE.

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<sup>1</sup> See Dan Gooding, *ICE Reveals How Many Deportations Have Been Carried Out Under Trump*, Newsweek (Mar. 19, 2025, 4:50PM), <https://www.newsweek.com/trump-mass-deportation-numbers-data-ice-2047311>.

<sup>2</sup> See Camilo Montoya-Galvez, *U.S. suspends deportations to Ukraine, Russia, and 7 other European countries, citing "humanitarian crisis,"* CBS News (Mar. 3, 2022, 6:04PM), <https://www.cbsnews.com/news/ukraine-russia-ice-deportations-suspended/>.

<sup>3</sup> See U.S. Immigr. & Customs Enf't, Fiscal Year 2024 Annual Report 23-34 (2024), *available at* <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf>.

<sup>4</sup> *Id.* at 100.



*Second*, the fact that so many Russian nationals were detained with a final order of removal suggests that it is, at a minimum, a time-consuming process to effectuate a removal, resulting in Mr. Zhiliuk being detained for 8 months post-removal order with no end in sight, as ICE has not managed to deport him despite initiating several apparent attempts. This violates Mr. Zhiliuk's rights.

31. Further, the U.S. has designated Russia as a "Recalcitrant/uncooperative" country, with respect to accepting its own citizens.<sup>5</sup> As of early 2025, Russia was still considered a recalcitrant country, as the list has not been updated.<sup>6</sup> However, the current administration has recognized through its threat of visa sanctions that some countries, without naming them, are still recalcitrant.<sup>7</sup> To be sure, the fact that Russia has accepted some of its own citizens does not mean the country is no longer recalcitrant or uncooperative.

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<sup>5</sup> See Congressional Rsch. Serv., Immigration: "Recalcitrant" Countries and the Use of Visa Sanctions to Encourage Cooperation with Alien Removals (2020), *available at* <https://www.congress.gov/crs-product/IF11025>.

<sup>6</sup> See Dan Gooding, *Map Shows Which Countries Refuse to Take Back Deported Migrants*, Newsweek (Jan. 6, 2025, 1:51PM), <https://www.newsweek.com/map-shows-which-countries-refuse-take-back-deported-migrants-2010464>; see also Nicole Narea, *How Trump could try to deport immigrants to countries other than their own*, Vox (Dec. 10, 2024, 4:00PM), <https://www.vox.com/politics/390533/trump-third-country-deportation-bahamas-panama-grenada-turks-caicos>.

<sup>7</sup> *Visa Sanctions Against Multiple Countries Pursuant to Section 243(d) of the Immigration and Nationality Act*, U.S. Immigr. & Customs Enft., <https://www.ice.gov/remove/visa-sanctions> (last updated Jan. 22, 2025).

**Petitioner's Attempts to Communicate with  
ICE and the Russian Consulate**

32. Mr. Zhiliuk has requested a formal custody review from ICE officials on at least two occasions.
33. On January 16, 2025, Mr. Zhiliuk sent a letter to a Deportation Officer requesting reconsideration of his custody status because he had been detained for more than 90 days following his order of removal. In the letter, Mr. Zhiliuk asserted that he presents neither a flight risk nor a risk of danger to others. He requested release and indicated his willingness to comply with any and all imposed conditions of supervision. Mr. Zhiliuk concurrently mailed a letter to Supervisor Tartenger Stephens, enclosing a copy of that letter requesting review.
34. Mr. Zhiliuk never received a formal response from any ICE officials regarding his January 16 request.
35. On February 4, 2025, Mr. Zhiliuk again requested custody review and release from ICE via written letter. In that letter, Mr. Zhiliuk noted his eligibility for release given his continued detention despite 180 days elapsing since his final order of removal. Again, Mr. Zhiliuk reiterated his willingness to comply with any conditions of ICE supervision.
36. ICE never responded to the February 4, 2025 letter.

37. On February 5, 2025, Mr. Zhiliuk penned a letter responding to ICE's January 31, 2025, "Instruction Sheet to Detainee Regarding Requirement to Assist in Removal." In that letter, Mr. Zhiliuk addressed each of ICE's requirements to assist in facilitating his removal. Mr. Zhiliuk was never able to mail this letter responding to ICE because ICE transferred him to FCI Atlanta.
38. On February 7, 2025, Mr. Zhiliuk was transferred to FCI Atlanta. Although not an ICE facility, DHS has detained noncitizens at this Bureau of Prisons facility.<sup>8</sup> Mr. Zhiliuk was not provided notice of ICE's unilateral decision to transfer him there or the transfer back to Stewart less than three weeks later.
39. On or about February 26, 2025, Mr. Zhiliuk was transferred back to Stewart Detention Center, where he remains to date.
40. On March 1, 2025, ICE issued a Decision to Continue Detention, notifying Mr. Zhiliuk that he would remain detained. That letter indicated that ICE's Enforcement and Removal Operations ("ERO") possessed a travel document from Russia and that Mr. Zhiliuk had a "significant

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<sup>8</sup> See Matt Scott, *ICE transfers detainees to Atlanta's federal prison, hindering access to legal aid*, Atlanta Cmty. Press Collective (Feb. 15, 2025), <https://atlpresscollective.com/2025/02/15/ice-transfers-detainees-to-atlantas-federal-prison-cutting-off-access-to-legal-aid/>.



likelihood” of removal in the “near future.” *See* Ex. A. However, ERO did not provide a copy of the travel document, provide an itinerary, or explain why he would be removed now as opposed to previous dates that officers indicated he would be deported. Further, Mr. Zhiliuk remains detained at Stewart and has not been provided any more information from ICE to suggest that he will be removed.

41. While detained, Mr. Zhiliuk has attempted to contact the Russian Consulate numerous times. He successfully contacted the Consulate in about September 2024, at which point he was told that most Russian nationals are deported within 45 to 60 days. Since that initial contact, Mr. Zhiliuk has tried to follow up with the Consulate to no avail. To date, Mr. Zhiliuk has not had any additional contact with the Russian Consulate despite his numerous attempts.
42. Mr. Zhiliuk has also maintained consistent contact with ICE officers, regularly seeking information about his removal. Despite ICE stating that it possesses Mr. Zhiliuk’s Russian passport, ICE has not provided any specific information or timeframe regarding his deportation.
43. Despite being detained in two different ICE detention centers and a BOP facility, the Atlanta ICE Field Office has had control over Mr. Zhiliuk since he was transferred from Yuma, Arizona, to Georgia in June 2024.



ICE ERO in Atlanta has had control over his case for more than nine months but has not effectuated his removal.

44. According to a Headquarters Post Order Custody Review Checklist, Mr. Zhiliuk's case is not one that involves national security concerns or is of special interest. DHS reached out to the U.S. State Department on February 5, 2025, exactly six months from the date of the removal order, for assistance in effectuating removal. DHS has not provided a reason for its delay in reaching out to the U.S. State Department. DHS Headquarters then determined on March 1, 2025, that Mr. Zhiliuk's removal is "imminent." However, since that decision was made more than a month ago, Mr. Zhiliuk remains detained.

### **LEGAL FRAMEWORK**

45. 28 U.S.C. § 2243 requires courts to either grant a habeas petition or issue an order to show cause to respondents, unless the petitioner is not entitled to relief. If ordered to show cause, Respondents must file a return within three days absent good cause for needing additional time, not to exceed twenty days. 28 U.S.C. § 2243.
46. "[T]he Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Id.* at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

47. Indefinite detention of a noncitizen following a final order of removal violates the Due Process Clause absent a “special justification” that outweighs an individual’s “constitutionally protected interest in avoiding physical restraint.” *Id.* at 689–90. In the civil immigration context, the only permissible justifications for a noncitizen’s civil detention are preventing flight and protecting the community from danger, yet these justifications are not constitutionally boundless. *Id.* at 690–91.
48. 8 U.S.C. § 1231 governs detention of noncitizens after they have been issued a final removal order and are awaiting removal. *Id.* § 1231(a)(1)(A).
49. Under Section 1231, “the Attorney General *shall* remove the [noncitizen] from the United States within a period of 90 days.” *Id.* (emphasis added). The removal period begins at the latest of (i) the date a removal order becomes “administratively final;” (ii) the date of a court’s final order if the removal order is judicially reviewed and if the court orders a stay of removal; and (iii) the date the noncitizen is released from detention if

detained or confined (except under an immigration process). *Id.* § 1231(a)(1)(B). During that 90-day removal period, detention is mandatory. *Id.*

50. If the noncitizen is not removed within the statutory removal period, however, detention under § 1231 is no longer mandatory, and the noncitizen must be released. *Id.* § 1231(a)(3). The government “may” detain certain “[i]nadmissible or criminal [noncitizens]” or individuals determined “to be a risk to the community or unlikely to comply with the order of removal” beyond the removal period. *Id.* § 1231(a)(6); *see also* 8 C.F.R. § 241.4 (providing procedures for release of individuals detained beyond the 90-day removal period).
51. While ICE “may” continue detention of certain noncitizens deemed a flight risk or otherwise unlikely to comply with removal, that discretionary authority is necessarily limited. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). The justification of preventing a noncitizen’s flight is “weak or nonexistent” where removal is not foreseeable, and detention based on dangerousness is only permissible “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* at 690.

52. Accordingly, continued detention pursuant to § 1231(a)(6) is not permissible if it is not reasonably related to the statutory purpose of ensuring the individual's prompt removal or protecting against dangerousness in certain narrow circumstances. *Id.* at 690.
53. To avoid the “serious constitutional problem” of indefinite civil detention under § 1231(a)(6), the Supreme Court construes § 1231 to contain a presumptively reasonable time limit of six months of detention post-removal order. *Id.* at 701; *see also Singh v. U.S. Att’y Gen.*, 945 F.3d 1310, 1313 (11th Cir. 2019). Once six months have elapsed, the government must release noncitizens whose removal is not significantly likely in the reasonably foreseeable future. *Id.*
54. Under *Zadvydas*, a detained noncitizen need not show that their removal is “impossible,” but rather that it is unlikely within the reasonably foreseeable future. A claim by the government that “good faith efforts to effectuate... deportation continue” is insufficient to justify an individual's continued detention after the presumptively reasonable six-month period. *Id.* at 702.
55. In this Circuit, a noncitizen subject to post-removal period detention can assert a claim under *Zadvydas* by showing: (1) detention beyond six months, and (2) “good reason to believe that there is no likelihood of



removal in the reasonably foreseeable future.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

56. Even where removal may be reasonably foreseeable, detention violates the Due Process Clause unless it is “reasonably related” to the government’s purpose of preventing danger or flight risk. *See Zadvydas*, 533 U.S. at 700 (“[I]f removal is reasonably foreseeable, the habeas court should consider the risk of the [non-citizen]’s committing further crimes as a factor potentially justifying confinement within that reasonable removal period”), 690-91 (discussing relevant factors for continued detention being preventing flight and mitigating danger to the community). ICE’s own implementing regulations dictate that in the post-removal order period, the government must determine whether continued detention is justifiable based on flight risk or danger, and otherwise provide for release. *See* 8 C.F.R. § 241.13(g)(2); 8 C.F.R. § 241.4.

57. Because Mr. Zhiliuk received a removal order on August 5, 2024, waived the right to appeal, and did not appeal to the Board of Immigration Appeals (“BIA”) or otherwise seek judicial review, his 90-day removal period began on that same day. 8 U.S.C. § 1231. That 90-day period expired on November 3, 2024. The six-month presumptively reasonable

period under *Zadvydas* expired on February 1, 2025. *See Zadvydas*, 533 U.S. at 680.

58. Mr. Zhiliuk has cooperated with ICE and acted in good faith to facilitate his removal by submitting all documents and information requested by ICE and contacting the Russian Consulate to inquire about deportation flights to Russia. Yet, he remains detained.
59. Mr. Zhiliuk's removal is also not foreseeable. ICE has indicated their intention to remove Mr. Zhiliuk on at least three separate occasions, none of which culminated in his removal from the United States. Despite possessing Mr. Zhiliuk's valid, unexpired travel documents, ICE has seemingly made few efforts to effectuate his removal.
60. To the extent ICE has worked with the Russian government to obtain a travel document and coordinate a flight, ICE's efforts have not been successful. ICE has not provided any specific, concrete information to suggest that Mr. Zhiluk's removal is in the reasonably foreseeable future. If anything, ICE's decision to transfer Mr. Zhiliuk from Folkston to Stewart, then to FCI Atlanta, but returning to Stewart less than three weeks later, suggests that ICE does not have a plan or coordinated effort to effectuate his removal.

## CLAIMS FOR RELIEF

### COUNT ONE

#### **Violation of the Due Process Clause of the Fifth Amendment**

61. All of the foregoing allegations are repeated and realleged as though fully set forth herein.
62. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall... be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).
63. Mr. Zhiliuk’s continued detention violates the Due Process Clause in the absence of “a special justification” that outweighs his “constitutionally protected interest in avoiding physical restraint.” *Id.* at 689-90.
64. The only legitimate purposes of continued immigration detention are to prevent flight and danger to the community. *See Zadvydas* at 690-91. “But by definition the first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility at best.” *Id.* at 690. And “where detention’s goal is no longer practically attainable, detention

no longer ‘bear[s] [a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

65. Mr. Zhiliuk’s civil confinement “is not limited, but potentially permanent,” as ICE continues to fail to remove him. *Id.* at 691. Mr. Zhiliuk’s post-order detention exceeds six months and may go on indefinitely while ICE continues to attempt Mr. Zhiliuk’s removal. *See id.* at 701.
66. ICE cannot justify Mr. Zhiliuk’s continued and indefinite detention because ICE is unlikely to effectuate Mr. Zhiliuk’s prompt removal.
67. The Due Process Clause thus demands Mr. Zhiliuk’s immediate release on an order of supervision, or in the alternative, a bond hearing where the government bears the burden of proof of Mr. Zhiliuk’s dangerousness or flight risk by clear and convincing evidence within 14 days of the Court’s order.

## **COUNT TWO**

### **Violation of the Immigration and Nationality Act, 8 U.S.C. § 1231**

68. All of the foregoing allegations are repeated and realleged as though fully set forth herein.



69. As a person with a final order of removal, Mr. Zhiliuk is detained pursuant to 8 U.S.C. § 1231.
70. 8 U.S.C. § 1231 governs detention of noncitizens after they have been issued a final order of removal and are awaiting removal. *See* 8 U.S.C. § 1231(a)(1)(A).
71. If removal is not effectuated during the 90-day removal period, detention is no longer mandatory. 8 U.S.C. § 1231(a)(3).
72. Mr. Zhiliuk has been detained for over 230 days since his removal order became final—well in excess of the 90-day removal period prescribed by the INA. 8 U.S.C. § 1231(a)(1)(A).
73. Mr. Zhiliuk’s detention exceeds the presumptively reasonable period of post-order detention as interpreted by the Supreme Court in *Zadvydas*. 533 U.S. at 701.
74. Mr. Zhiliuk’s removal is unlikely in the reasonably foreseeable future. To date, ICE has provided three different dates for Mr. Zhiliuk’s deportation to Russia, none of which have come to fruition. Russia has not issued a travel document for Mr. Zhiliuk, nor has Mr. Zhiliuk received any concrete indication that he might be deported. ICE continues to detain him.

75. Therefore, the Court should order Mr. Zhiliuk's immediate release on an order of supervision, or in the alternative, a bond hearing where the government bears the burden of proof of Mr. Zhiliuk's dangerousness or flight risk by clear and convincing evidence within 14 days of the Court's order.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that the Court:

1. Assume jurisdiction over this matter;
2. Grant this writ of habeas corpus and order Mr. Zhiliuk's immediate release from custody, or, in the alternative, a bond hearing where the government bears the burden of proof by clear and convincing evidence;
3. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Mr. Zhiliuk;
4. Declare that Mr. Zhiliuk's continued detention violates the Due Process Clause of the Fifth Amendment;
5. Declare that Mr. Zhiliuk's continued detention violates the Immigration and Nationality Act;
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
7. Grant any further relief that this Court may deem fit and proper.

Respectfully submitted,

Dated: April 7, 2025

/s/ Alexandra M. Smolyar

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of April, 2025, I electronically submitted the foregoing document with the clerk of court for the United States District Court, Middle District of Georgia, using the electronic filing system of the court. I hereby certify that I have served all parties electronically or by another means authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: April 7, 2025

Respectfully submitted,

/s/ Alexandra M. Smolyar

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