

**United States District Court**

for the

**Southern District of Georgia**

FILED 25 APR 8 PM 12:03 HDGA-COL

**Mariia Leonteva**

Petitioner

V.

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

Kristi Noem, Secretary of

the Department of Homeland Security;

Chief Counsel, U.S. Department of Homeland

Security;

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, Mariia Leonteva (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 12 months.

**PARTIES**

1. Petitioner: Mariia Leonteva (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;

Ashley Shade Waldrop, Assistant Chief Counsel, U.S. Department of Homeland Security;

U.S. Department of Homeland Security;

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

**FACTUAL BACKGROUND**

1. On March 13, 2024, Petitioner and her husband appeared at the Eagle Pass Port of Entry at the appointed time and date through the CBP One app. They had an appointment (Exhibit 1), and all documents confirming their identities and their right to meet with an ICE officer were provided.
2. Despite presenting the necessary documents, Petitioner and her husband, Vladimir Leontev (A-number 246799822), were detained. Vladimir Leontev was released in 17 April 2024, although he is the primary applicant in their case.
3. On April 21, 2024, the cases of the Petitioner and her husband, Vladimir Leontev, were consolidated into one, (Exhibit 2).
4. The petitioner received a positive outcome in the Credible Fear Interview. (Exhibit 3)
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. In early May 2024, an ICE immigration officer informed the Petitioner that she would be released from custody the following day. However, the next day, while her release documents were being processed, the Petitioner was denied release. No reason for the denial was provided.
7. The petitioner does not pose a flight risk or a security risk.
8. 02/13/2025, the immigration court granted asylum to Petitioner. However, the U.S. Department of Homeland Security filed an appeal, and Petitioner remains in detention. (Exhibit 4)
9. The continued detention of Petitioner may extend beyond 7 months.

**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. 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 its necessity, the immigrant should be released under supervision.

Application: Petitioner has been unlawfully detained for over 12 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: Petitioner 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: Petitioner has no criminal history, has a sponsor, family, 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 Petitioner 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: Petitioner 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: Petitioner 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 Petitioner's detention.

**9. Barrera-Echavarría v. Rison, 44 F.3d 1441 (9th Cir. 1995)**

Established that immigrants cannot be held indefinitely without proper judicial proceedings.

Application: Petitioner has been detained for over 12 months without lawful grounds.

**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: Petitioner 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: Petitioner'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: Petitioner 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: Petitioner 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: Petitioner's rights to a fair process have been violated.

**15. Eighth 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 Petitioner.

**CONCLUSION**

Petitioner respectfully requests that the Court consider the fact that asylum has already been granted, review the attached letters of support (Exhibit 5), 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.

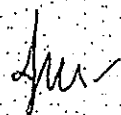
It should be noted that Petitioner's husband, Vladimir Leontev, is the primary applicant in their case and has been free for more than 11 months, complying with all ICE requirements. (Exhibit 6)

Petitioner respectfully requests that the Court:

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: 03.04.2025

Signature of Petitioner



**CERTIFICATE OF SERVICE**

I, Mariia Leonteva, hereby certify that on 03.04.2025, 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

Office of Chief Counsel

U.S. Department of Homeland Security

Immigration and Customs Enforcement

180 Ted Turner Drive SW, Suite 332

Atlanta, GA 30303

U.S. Department of Homeland Security

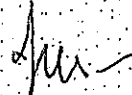
Washington, D.C. 20528

U.S. Immigration and Customs Enforcement

500 12th Street SW

Washington, D.C. 20536

Date: 03.04.2025



Signature of Petitioner