UNITED STATES DISTRICT COURT
for the MIDDLE District of FLORIDA, JACKSONVILLE DIVISION
Arthur Grebenuk, as Next Friend of Anna Maksimenko
Petitioner
v. Case No. (Supplied by Clerk of Court)
(1) Sheriff, Baker County Sheriff's Office; (2) Field Office Director, Immigration and Customs Enforcement, Miami Field Office; (3) Secretary, U.S. Department of Homeland Security
Respondent (name of warden or authorized person having custody of petitioner)
EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
Personal Information
<ol> <li>(a) Your full name: Anna Maksimenko (Petition filed by Arthur Grebenuk as Next Friend)</li> <li>(b) Other names you have used: None</li> </ol>
2. Place of confinement:  (a) Name of institution: Baker County Detention Center  (b) Address: 1 Sheriff's Office Drive, Macclenny, FL 32063  (c) Your identification number: A#
<ul><li>3. Are you currently being held on orders by:</li><li>✓ Federal authorities □ State authorities □ Other - explain:</li></ul>
<ul> <li>4. Are you currently:</li> <li>□ A pretrial detainee (waiting for trial on criminal charges)</li> <li>□ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime</li> <li>If you are currently serving a sentence, provide: <ul> <li>(a) Name and location of court that sentenced you:</li> <li>(b) Docket number of criminal case:</li> </ul> </li> </ul>
(c) Date of sentencing:

<ul> <li>☑ Being held on an immigration charge</li> <li>□ Other (explain):</li> </ul>
Decision or Action You Are Challenging
5. What are you challenging in this petition:  ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)  ☐ Pretrial detention  ☑ Immigration detention
□ Detainer
<ul> <li>□ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)</li> <li>□ Disciplinary proceedings</li> <li>□ Other (explain):</li> </ul>
6. Provide more information about the decision or action you are challenging: (a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement (ICE), Miami Field Office
(b) Docket number, case number, or opinion number: A#  (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Immigration detention despite having no criminal convictions, an approved I-130 petition from U.S. citizen spouse, and eligibility to adjust status under INA § 245(a). Also challenging ICE's refusal to exercise discretion to release petitioner despite her lack of flight risk, absence of danger to the community, and mental health vulnerabilities exacerbated by detention.
(d) Date of the decision or action: Initial detention on April 18, 2025, with continued detention to present date.
Your Earlier Challenges of the Decision or Action
7. First appeal Did you appeal the decision, file a grievance, or seek an administrative remedy?  ■ Yes □ No
(a) If "Yes," provide:
(1) Name of the authority, agency, or court: Request to Lift or Stay Detainer, hand- delivered to Deportation Officer Lores at ICE Field Office in Ft. Myers (2) Date of filing: April 15, 2025
(3) Docket number, case number, or opinion number: N/A
(4) Result: Request denied verbally - "Nothing Precludes Action" (5) Date of result: April 16, 2025
(6) Issues raised:
Requested detainer lift or stay based on: 1) non-mandatory detention status as petitioner has no criminal convictions; 2) strong ties to U.S. citizen spouse; 3) approved
I-130 petition; 4) eligibility for adjustment of status; 5) lack of flight risk; 6) no danger to
community; 7) mental health conditions that would be exacerbated by detention.  (b) If you answered "No," explain why you did not appeal:

8. Second appeal After the first appeal, did you file a second appeal to a higher authority, agency, or court?

<ul> <li>Yes ⋈ No</li> <li>(a) If "Yes," provide:</li> <li>(1) Name of the authority, agency, or court:</li> <li>(2) Date of filing:</li> <li>(3) Docket number, case number, or opinion number:</li> <li>(4) Result:</li> <li>(5) Date of result:</li> <li>(6) Issues raised:</li> </ul>
(b) If you answered "No," explain why you did not file a second appeal:  Only a few days have passed since the detainer lift request was denied. There has not been sufficient time to pursue additional administrative remedies, and habeas corpus relief is urgently needed due to Petitioner's psychiatric vulnerability and detention conditions. Additionally this was a verbal decision with no appeal remedies available.
9. Third appeal  After the second appeal, did you file a third appeal to a higher authority, agency, or court?
<ul> <li>Yes No</li> <li>(a) If "Yes," provide: <ul> <li>(1) Name of the authority, agency, or court:</li> <li>(2) Date of filing:</li> <li>(3) Docket number, case number, or opinion number:</li> <li>(4) Result:</li> <li>(5) Date of result:</li> <li>(6) Issues raised:</li> </ul> </li> </ul>
(b) If you answered "No," explain why you did not file a third appeal: No second appeal was filed.
In this petition, are you challenging the validity of your conviction or sentence as imposed?  ☐ Yes ☒ No  If "Yes," answer the following:  (a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction of sentence?  ☐ Yes ☐ No  If "Yes," provide:  (1) Name of court:  (2) Case number:  (3) Date of filing:  (4) Result:  (5) Date of result:  (6) Issues raised:
(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?  ☐ Yes ☐ No  If "Yes," provide:  (1) Name of court:

(2) Case nur (3) Date of fi (4) Result: (5) Date of re (6) Issues ra	ling: esult:		
(c) Explain why your conviction o	the remedy under <u>28 U.S.C.</u> r sentence:	<u>§ 2255</u> is inadequate or ine	effective to challenge
Does this case  ✓ Yes □ No  If "Yes," provid  (a) Date you w  (b) Date of the	vere taken into immigration e removal or reinstatement of an appeal with the Board of I vide: ling: nber: esult:	custody: April 18, 2025 order: No final removal ord	der has been issued
(d) Did you app  ☐ Yes ☒ No  If "Yes," prov (1) Name of (2) Date of fil (3) Case nun (4) Result: (5) Date of re (6) Issues rai	court: ling: nber: esult:	d States Court of Appeals?	
motion about the raised in this pour yes ⋈ No If "Yes," provid (a) Kind of petit (b) Name of the (c) Date of filing	appeals you listed above, hat issues etition? e: tion, motion, or application: e authority, agency, or court: g: hber, case number, or opinion lt:		on, application, or

## **Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Detention Ultra Vires - ICE's detention exceeds statutory authority under INA § 236 and is not authorized by law.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Ms. Maksimenko entered the U.S. legally on a student visa. She is not subject to mandatory detention under <a href="INA § 236(c)">INA § 236(c)</a> as she has no criminal convictions. The criminal charges against her were dropped (nolle prosequi) by the State Attorney's Office on April 17, 2025. Both alleged victims (her husband and mother-in-law) filed non-prosecution affidavits. Despite this, ICE has detained Ms. Maksimenko since April 18, 2025, refusing to recognize that her detention is discretionary, not mandatory. She has an approved I-130 petition from her U.S. citizen husband (Receipt No. IOI) and is eligible for adjustment of status. Given these circumstances, her detention without individualized assessment serves no legitimate statutory purpose and exceeds ICE's lawful authority.

(b) Did you	present Ground	One in all	appeals t	that were	available	to you?
⊠ Yes □	No					

GROUND TWO: Fifth Amendment Due Process Violation - Detention without individualized determination of flight risk or danger, with no reasonable relation to government purpose.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Ms. Maksimenko is a civil immigration detainee who is being held without adequate procedural safeguards. She has documented psychiatric vulnerabilities (previously hospitalized under Baker Act in Sarasota in 2024), and detention is causing panic attacks, insomnia, and worsening depression. She has a U.S. citizen spouse, approved I-130 petition, and no criminal convictions. The government has no legitimate interest in her detention that outweighs this fundamental liberty interest. Her request to lift the detainer was denied on April 16, 2025, with OPLA merely stating that "Nothing Precludes Action," without proper individualized assessment of whether she poses a flight risk or danger to the community, in violation of her due process rights.

(b) Did you	present	Ground	Two in all	appeals	that were	available	to you?
⊠ Yes □	No						

GROUND THREE: Interference with Statutory Right to Pursue Relief - Detention impedes my ability to pursue adjustment of status under <u>INA § 245(a)</u> for which I am eligible.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Ms. Maksimenko is statutorily eligible to adjust status under INA § 245(a) as the spouse of a U.S. citizen with an approved I-130 petition who initially entered the U.S. lawfully. Her detention is impeding her ability to effectively pursue this relief. Congress intended for immediate relatives like her to have a path to permanent residence, and her detention defeats this statutory purpose. Her detention also prevents her from gathering necessary evidence and working with her husband to prepare a comprehensive adjustment application. Her initial I-485 was denied only due to insufficient financial documentation (Form I-864 issues), not for any substantive reason. Her husband is actively preparing to refile with co-sponsors, but her detention makes it difficult to coordinate these efforts. Detaining her while she has a clear path to lawful status frustrates the immigration system's statutory design.

(b) Did you present Ground Three in all appeals that were available to you?⋈ Yes □ No

GROUND FOUR: Medical Vulnerability - Detention under conditions that exacerbate my psychiatric condition violates constitutional standards for civil detention.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Ms. Maksimenko has documented psychiatric conditions requiring consistent treatment. Prior to detention, she experienced a mental health crisis requiring hospitalization under the Baker Act in Sarasota in 2024. The detention center environment, with limited mental health resources, is worsening her condition. She experiences panic attacks, insomnia, and deepening depression. For civil immigration detainees like Ms. Maksimenko, detention cannot be punitive and must maintain reasonably safe and humane conditions. When detention itself causes severe medical deterioration and no strong flight risk or public safety concerns exist, continued confinement becomes excessive in relation to its purpose. Her detention has crossed this line, becoming harmful to her health without serving any legitimate government purpose.

(b) Did you	present	Ground	Four in	ı all	appeals	that	were	available	to	you?
⊠ Yes □	No									

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

All grounds were presented in the Request to Lift or Stay Detainer that was available.

## Request for Relief

15. State exactly what you want the court to do:

I respectfully request that this Court:

- 1. Issue a writ of habeas corpus ordering Respondents to immediately release me from custody;
- 2. In the alternative, order Respondents to provide me with a bond hearing before an Immigration Judge where the government bears the burden of proving by clear and convincing evidence that I am a flight risk or danger to the community;
- 3. Issue a stay of removal prohibiting Respondents from removing me from the United States while this petition is pending and until I have had a reasonable opportunity to pursue my application for adjustment of status;
- 4. Declare that my detention without individualized determination of flight risk or danger violates federal law and the Constitution;
  - 5. Award any other relief that the Court deems just and proper.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the

information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis

for prosecution for perjury.

Date: 04/21/2025	
Signature of Petitioner [cannot sign-incarcerated]	

Signature of Attorney or other authorized person, if any

I, Arthur Grebenuk, declare under penalty of perjury that I am the spouse of Anna Maksimenko and am acting as her Next Friend because she is detained at Baker County Detention Center, approximately 5 hours from our home, making it extremely difficult for her to prepare and file this petition herself. I am acting in her best interest and have no interests adverse to hers. I have conferred with her about the contents of this petition, and she has authorized me to file it on her behalf.

Date: 4/21/2025

Freeze

Signature of Next Friend (Arthur Grebenuk)