


United States District Court
for the
Middle District of Georgia

Munira Bekmuratova

Petitioner

v.

Case No. 

Kristi Noem, Secretary of
the Department of Homeland Security;

DHS/ICE Office of Chief Counsel – SDC;


US Department of Homeland Security;

US Immigration and Customs Enforcement

Respondents

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

INTRODUCTION

Petitioner, Munira Bekmuratova (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 18 months.

PARTIES

1. Petitioner:

Munira Bekmuratova (A-number ) currently detained at Stewart Detention Center, 146 CCA Road, PO Box 248, Lumpkin, GA 31815

2. Defendants:

Kristi Noem, Secretary of the US Department of Homeland Security;

DHS/ICE Office of Chief Counsel – SDC;

US Department of Homeland Security;

US Immigration and Customs Enforcement (ICE).

FACTUAL BACKGROUND

1. On October 20, 2024, Petitioner Munira Bekmuratova (A-number [REDACTED]) cross the border, provided all documents confirming her identity and requested political asylum from a CBP officer at the border.
2. Petitioner presenting the necessary documents and passing an interview with the CBP officer at the border, the Petitioner was not released and was sent to detention.
3. On December 6, 2024, the Petitioner passed the credible fear interview and received a positive decision. The ICE officer confirmed her fear of persecution after the interview.
4. On December 12, 6 days after the interview, Petitioner was given signed release papers and asked to buy a plane ticket. Petitioner notified her sponsor and they bought her a ticket.
5. About 3 hours after receiving the release papers, the officer informed her that Petitioner could not be released because she is Uzbek and her documents required additional verification.
6. Several days later, in response to a request to the ICE officer for Petitioner's release, she received an answer that she would not be released because she is Uzbek.
7. On December 17, Petitioner was not brought to the courtroom for her first hearing. The judge informed the Petitioner's attorneys that she had already been released and the hearing was been moved to Philadelphia. The attorneys believed that their client had been released the night before the hearing. The hearing was canceled.
8. For a month Petitioner had not been scheduled for hearings because she had been assigned to Philadelphia court and was not in the detention court system.
9. On December 25, the prosecutor informed the Petitioner's attorney that by the prosecutor's decision, Petitioner would not be released and would be tried in detention. She was not given a reason for this decision.
10. Petitioner has had her court dates canceled several times, her court dates have been rescheduled several times because according to the court system she is not listed as a detainee. Her next court scheduled on March 20, 2025.
11. Thus, by March 20 Petitioner will have been held for almost 6 months, despite the fact that according to the system and documents she was released on December 12, 2024 and ICE has not provided her with a valid reason to overturn that decision.

GROUND FOR PETITIONER

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.

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 U.S. Supreme Court ruled that immigrants cannot be held in detention indefinitely. If detention is prolonged and the government cannot justify it is necessity, the immigrant should be released under supervision.

Application: Munira Bekmuratova has been unlawfully detained during 3 months after her formal release, 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: Munira Bekmuratova 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: Munira Bekmuratova has no criminal history, has a sponsor, and guarantees compliance with all release conditions.

4. *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.

5. *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: Munira Bekmuratova was detained without objective grounds.

6. *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 Munira Bekmuratova's detention.

D. Federal Legislation

7. 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: Munira Bekmuratova poses no threat, and her detention violates this law.

8. 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: Munira Bekmuratova's detention is not justified.

9. Eight 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.

10. 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 Munira Bekmuratova.

E. International Norms Relevant to the Case of Munira Bekmuratova

11. International Covenant on Civil and Political Rights (ICCPR), Article 9

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

Application: Munira Bekmuratova's detention is arbitrary and illegal, as there are no sufficient legal grounds to justify her prolonged detention under U.S. law. The indefinite nature of her detention violates international standards set out in this provision.

12. European Convention on Human Rights (ECHR), Article 5

Everyone has the right to liberty and security of person. No one shall be deprived of their liberty except in accordance with a procedure prescribed by law.

Application: The detention of Munira Bekmuratova violates her right to liberty. It is a disproportionate measure since her detention lacks legal justification and extends beyond reasonable limits.

13. UN Refugee Convention, Article 31

States shall not impose penalties on refugees for their illegal entry or presence if they come directly from a territory where their life or freedom was threatened and are seeking asylum.

Application: Munira Bekmuratova, as an asylum seeker, should not be penalized for irregular entry into the US, as her circumstances meet the criteria for refugee status. Her detention while seeking asylum is an unlawful punishment under international law.

14. International Covenant on Economic, Social and Cultural Rights, Article 10

Persons detained shall be protected from cruel, inhuman, or degrading treatment or punishment.

Application: The conditions at Stewart Detention Center, including poor hygiene, inadequate medical care, and prolonged confinement in inhumane conditions, violate the protections provided under this covenant. These conditions subject Munira Bekmuratova to cruel, inhuman, and degrading treatment.

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 been unlawfully detained during 3 months after her formal release, without sufficient justification for her detention. Petitioner has no criminal record, she have strong ties to the community and her sponsor. She is a responsible and decent person and does not pose a threat to society, and she guarantees that she will go through all legal proceedings according to the law.

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: 04/21/2025

A handwritten signature in cursive script, appearing to read 'Heidi B', is written over a horizontal line.

Signature of Petitioner

CERTIFICATE OF SERVICE

I, Munira Bekmuratova hereby certify that on 04/21/2025, I sent a copy of this RESPONDENTS MOTION to the following parties via U.S. Mail:

The Honorable Kristi Noem

Secretary of Homeland Security

U.S. Department of Homeland Security

Washington, D.C. 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: 04/21/2025



Signature of Petitioner