

FILED MAY 27 2025 AM 8:31  
MCGA-COL

**United States District Court**  
for the  
**Middle District of Georgia**

Munira Bekmuratova

Petitioner

v.

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

Case No. 4:25-CV-134-CDL-AGH  
28 U.S.C. §2241

**PETITIONER BRIEF**  
**IN SUPPORT OF WRIT OF HABEAS CORPUS**

## TABLE OF CONTAINS

I. INTRODUCTION	3
II. PARTIES	3
III. JURISDICTION & VENUE	3
IV. FACTS OF THE CASE	4
1. Introduction to the Case	
2. Main Facts of the Case	
3. Discrimination Policy of ICE	
4. In the Final Analysis	
V. GROUNDS FOR PETITIONER	9
A. Violation of 28 U.S.C. § 2241	
B. Violation of the Fifth Amendment to the U.S. Constitution	
C. Relevant Precedents	
D. Federal Legislation	
E. International Norms Relevant to the Case of Munira Bekmuratova	
VI. CONCLUSION	14
VII. CERTIFICATE OF SERVICE	
VIII. ATTACHMENTS	

## I. INTRODUCTION

Petitioner, Munira Bekmuratova (A-number [REDACTED]), is currently in detention at Stewart Detention Center, Lumpkin Georgia. She respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241, challenging the legality of her continued detention by ICE, for over 7 months without sufficient grounds, solely because she holds a Uzbekistan passport. Petitioner requests that this Court order her immediate release on reasonable terms from ICE custody because her continued detention violates of the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

## II. PARTIES

### 1. Petitioner:

Munira Bekmuratova (A# [REDACTED]), 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).

## III. JURISDICTION & VENUE

This court has jurisdiction under 28 U.S.C. §2241, the Suspension Clause, U.S. Constitution Art. 1, § 9, cl. 2 of the U.S. Constitution.


Federal courts also have federal question jurisdiction, through the APA 5 U.S.C. §702 (establishing the right of review for a person suffering a legal wrong due to agency action).

Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas, 533 U.S. At 687.*

Venue lies in the United States District Court for Middle District of Georgia, the judicial District where Petitioner is detained – Stewart Detention Center, 146 CCA Road, Lumpkin, GA, 31815.

#### **IV. FACTS OF THE CASE**

##### **Introduction to the Case**

1. Petitioner Munira Bekmuratova (A-number ) , 32 years old, born in Uzbekistan, DJizzakh where she had lived till 2024. Ms. Bekmuratova was married with two children, divorced in 2022, and in 2024 was forced to flee her country due to persecution by her ex husband and police.

##### **Main Facts of the Case**

2. Ms. Bekmuratova crossed the US-Mexico border on October 20, 2024. Since September 22 she had been trying to get CBP-one appointment in order to enter USA in a more legal manner however while waiting she was captured by cartel twice. She was threatened to be killed and forced to surrender all of her money and send money electronically to her captors. Her jewelry was taken as well. She was also threatened with labor and sex slavery if she didn't fulfill the demands.

3. Left with no money fearing for her safety Petitioner crossed US border on October 20, 2024 at Mexicali port of entry.

4. At the interview with CBP officer at the border Ms. Bekmuratova requested an asylum and provided identification documents. She answered all the questions of the officer regarding the reasons for asylum in the USA and crossing the border.

5. Petitioner spent several days at the border facility and wasn't released after but was transferred to ELOY detention center.

This raises legitimate questions about the observance of the principles of equal treatment and non-discrimination enshrined in both international and national acts (*See* Article 31 of the

Refugee Convention (1951)). Article 31 of the Refugee Convention (1951) states: "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". The Petitioner complied with all these requirements by immediately presenting herself to the authorities upon crossing the border and proving in an Credible Fear Interview of her return in home country.

And also violates fundamental human rights, in particular the right to liberty and security of person guaranteed by Article 9 of the International Covenant Civil and Political Rights: "Everyone has the right to liberty and security of person. No one shall be arbitrarily arrested or detained... Anyone arrested shall be promptly informed of the reasons for his arrest and of any charge against him".

6. Petitioner was detained at ELOY for 18 days and ultimately moved to Stewart Detention Center where she had credible fear interview with ICE officer on December 6 and received a positive decision on December 10.

7. On December 12 ICE officer delivered to Petitioner documents for her release and told her to buy a plane ticket to her sponsor's city. Petitioner bought a ticket for the next day flight.

8. On that same day December 12 Petitioner was invited to the office once again where officer required to return the release paperwork back. Petitioner was notified as well that her being a citizen of Uzbekistan is deemed by the management a valid reason for an additional evaluation and she will be given another release date at a later time. Petitioner responded by informing about her ticket purchase but was told that she will be later notified of a date to which to change the flight date.

On December 12 Petitioner sent a message to ICE via Talton and inquired about her situation. On December 16 she received a response stating that she won't be released and she will go through court proceedings while detained. Both at that moment and when her release documents were taken

Petitioner wasn't provided with any reason besides the fact that she is an Uzbekistan national. She was never provided with any documents stating any official reason for her prolonged detention either.

This raises legitimate questions about the observance of the principles of equal treatment and non-discrimination enshrined in both international and national acts (*See* Article 31 of the Refugee Convention (1951)). Article 31 of the Refugee Convention (1951) states: "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". The Petitioner complied with all these requirements by immediately presenting herself to the authorities upon crossing the border and proving in an Credible Fear Interview of her return in home country.

And also violates fundamental human rights, in particular the right to liberty and security of person guaranteed by Article 9 of the International Covenant Civil and Political Rights: "Everyone has the right to liberty and security of person. No one shall be arbitrarily arrested or detained... Anyone arrested shall be promptly informed of the reasons for his arrest and of any charge against him".

9. On December 17 Petitioner had a court at the detention. Petitioner was not called for the court in a timely manner. The judge informed Petitioner's two lawyers that Petitioner had already been released and will not be detained for the time of her court proceedings. After the court the lawyers found out that Petitioner was still in detention.

10. The address for the next court reminded at Philadelphia for another month.

11. On January 30 Ms. Bekmuradova went before a new immigration judge Jerrica Harness. The next hearing was scheduled for February 20, but was postponed till March 20.

12. On February 26 Petitioner had a bond hearing where the prosecutor stated that the bond will not be granted to Petitioner due to "Matter of MS".

13. On March 20 Petitioner had a hearing when her lawyer submitted Form I-589.

14. The entire time of detention period ICE continued releasing detainees of other nationalities following their credible fear interviews. In cases of prolonged detentions or declining of bond of the nationals of other countries there were good reasons provided.

Other than being an Uzbek no reason was provided to Ms. Bekmuradova.

Ms. Bekmuradova has a sponsor in USA, she is not a flight risk, she has no criminal history in any country. Petitioner never committed a felony thus there is no bars of such a prolonged detention for her.

15. The fact that the petitioner was issued a release document and then taken away on the basis that she is Uzbek shows that she passed all security checks in Washington but but continues to be held by an administrative decision by ICE management in Georgia that has adopted a discriminatory policy. The management decides whether to release the detainee or not solely on the basis of nationality.

There were other cases in SDC when Uzbek were given release documents, the detainee bought tickets, after which the release document was taken back. Such cases in SDC have only occurred with detainees of Uzbek nationality.

#### **Discrimination Policy of ICE**

16. One of the reasons of such a groundless long detention of Petitioner could be the policy of ICE/DHS towards the citizens from several countries including Russia, Georgia, Uzbekistan. Petitioner is of such an opinion due to the information provided to Petitioner by ICE officers and other detainees who were in same situation. The situation with the constantly prolonged of people from the above-mentioned countries lasted 7 months from June 2024 till December 2024. After mid December citizens of these countries started to be released in different states on bond or parole.

However the detainees at SDC continue being detained. The detained from these countries are still being refused release on parole or bond (referring either on "Matter of MS" or on the grounds of detainee is arriving alien). If they lose final court their deportation takes a very long time (6-9 months after Final order of deportation) if they win a court decision is appealed and detention continues. Thus the ICE officers utilize any possible measure to prevent the citizens of these countries to be released.

The three court proceedings takes 6-9 months and appeal another 6+ months and it can be appealed again.

Sometimes ICE officers directly answering Petitioner's questions by saying that they were not releasing her because she is Uzbek; when Petitioner asked that she is not dangerous or flight risk so why they were keeping her in detention for so long, they said that they could do nothing about it). If ICE management were indeed operating with safety concerns in mind they would have granted supervised release to at least some refugees from aforementioned countries after some additional checks. While in most cases ICE does release refugees of other nationalities on supervision immediately after passing the Credible Fear Interview (if they meet all other conditions). Petitioner is not aware of any Uzbek national in the same situation who was let go on supervised release from SDC starting June 2024. When asked about supervised release ICE responded that the nationals of mentioned countries were to undergo additional checks but the by so called "check" by the upper management means that if a detainee is Uzbek, Georgian or Russian then he or she is not to be released. Petitioner can not be considered dangerous and be isolated from society and family, be detained solely based on them being Uzbek.

17. The petitioner has not committed any serious crimes, her detention in prison conditions for 7 months without being convicted without the right to release on bond or parole is contrary of the Constitution.



Even if the ICE doer not technically violate the law by continually extending the detention of the petitioner and not giving her a valid reason for such a long detention, based only on her nationality, in totality such a decision is unethical, contrary to the values of Liberty and Equality stated in the Constitution and, when taken in detail, is a violation of the Constitution.

### **In the Final Analysis**

18. Since crossing the border, for 7 months already, the Petitioner has been in detention under the control of ICE/DHS, where they are holding the Petitioner by administrative decision, without providing documents or compelling grounds for such a long detention, violating the Fifth Amendment to the U.S. Constitution, international agreements, human rights, violating the principle of equality on the basis of nationality, pursuing a policy of discrimination against citizen of Uzbekistan, Russia, Georgia.

## **V. GROUNDS 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. The Petitioner's continued detention, despite the lack of objective reasons and grounds, 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 reasonable 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 7 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: 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. Lora v. Shanahan, 804 F.3d 601 (2d Cir. 2015)

Determined that detained immigrants have the right to a hearing for release within 7 months of detention.

Application: Munira Bekmuratova has been unlawfully detained for longer than this period.

13. Fifth Amendment to the U.S. Constitution (Due Process Clause)

Protects against arbitrary detention and requires fair judicial proceedings.

Application: Munira Bekmuratova's rights to a fair process have been violated.

14. 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.

15. 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**

16. 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.

17. 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.

18. 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.

19. 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.

## VI. CONCLUSION

Petitioner respectfully requests to take account of that Petitioner has no criminal record and poses no threat to the 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 ready to present all necessary documents to confirm these facts.

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of Habeas corpus for Petitioner's immediate release under reasonable supervision;
3. Grant such other relief as the court deems necessary.

Dated: *05/23/2025*

Respectfully submitted,



Munira Bekmuratova

A-number



Stewart Detention Center

146 CCA Road, P.O. BOX 248

Lumpkin, GA 31815

### VIII. ATTACHMENTS

ATTACHMENT A - Notice to Appear

ATTACHMENT B - Record of Determination/SB Fear Worksheet

ATTACHMENT C - Sponsorship package

ATTACHMENT D - Request for parole determination review

ATTACHMENT E - Credible Fear Worksheet

ATTACHMENT F - Petitioner's Correspondence History with the ICE Office

ATTACHMENT G - Notice to EOIR: Alien address (ICE form I-830E (9109))

ATTACHMENT H - Certificate of no criminal record

ATTACHMENT I - Notice of Filing

ATTACHMENT J - Ticket for the release day

**VII. CERTIFICATE OF SERVICE**

I, Munira Bekmuratova hereby certify that on 05/23/2025, 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: 05/23/2025



Signature of Petitioner