



Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

Absent an order from this Court, Petitioner will likely remain in ICE detention indefinitely.

### **JURISDICTION**

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

4. Venue is proper because Petitioner is detained at Moshannon Valley Processing Center at 555 Geo Drive, Phillipsburg, PA 16866, which is within the jurisdiction of this District.
5. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to petitioner's claims occurred in this District.

### **REQUIREMENTS OF 28 U.S.C. § 2243**

6. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to

relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

7. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

#### PARTIES

8. Petitioner is an asylum seeker with a pending I-589 with USCIS. Petitioner is currently detained at Moshannon Valley Processing Center at 555 Geo Drive, Phillipsburg, PA 16866. *See Exhibit A.*
9. Respondent Leonard Oddo is the Warden of Moshannon Valley Processing Center, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Leonard Oddo is a legal custodian of Petitioner.
10. Respondent Brian McShane is sued in his official capacity as the Acting Director of the Philadelphia Field Office of U.S. Immigration and Customs Enforcement. Respondent Brian McShane is a legal custodian of Petitioner and has authority to release him.
11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is

responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention / custody. Respondent Noem is a legal custodian of Petitioner.

12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

#### **STATEMENT OF FACTS**

13. Petitioner is a 33-year-old citizen of Russia who is seeking asylum in the United States to escape state suppression and persecution of him due to his political opinion. Petitioner has lived in the United States for over three years and has paid taxes. Petitioner has lived at the same address in Philadelphia, PA and has no criminal history in the United States or in Russia. Petitioner has recently married a United States citizen.
14. On or about March 29, 2025, while petitioner was checking his mail, petitioner was approached by ICE agents who seized his person and shackled him without any formal charges being read to him.
15. Upon undersigned counsel being retained, Undersigned counsel submitted to ICE ERO and Moshannon Valley Processing Center a parole request for petitioner. *See Exhibit B.* Undersigned counsel has followed up on the submitted parole request multiple times and has not received any response. *See Exhibit B.*

16. Petitioner has been in ICE custody for nearly a month and his matter has not been referred to EOIR. *See Exhibit C.*

17. Petitioner can only request bond from an immigration judge when his NTA (Notice to Appear) is sent to EOIR.

18. Petitioner is effectively in a custodial purgatory without any independent form of detention review.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of Fifth Amendment Right to Due Process**

19. The allegations in the above paragraphs are realleged and incorporated herein.

20. Respondent's unreasonable delay of petitioner's NTA being forwarded to EOIR is effectively unlawful detention without charges being formally made. This is a violation of Petitioner's 5<sup>th</sup> Amendment rights to due process.

21. Such delay effectively bars the petitioner from seeking review of his detention and requesting a bond.

22. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

### **PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment,

- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or in the alternative schedule a bond hearing before an immigration judge and, at such hearing, afford petitioner an opportunity to challenge his detention and seek bond.
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Alexander Narita, Esq.  
*Counsel for Petitioner*

Dated: 04/24/2025

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Konstantin Timofeev, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 24<sup>th</sup> day of November 2025.

/s/ Alexander Narita  
Alexander Narita