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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

APR 24 2025

United States District Court
Western District of Louisiana
Alexandria Division

DANIEL J. MCCOY, CLERK

BY: 

Aleksandr Chistiakov

Petitioner


v.

Case No. 1:25-cv-0581

Kristi Noem, Secretary of
the Department of Homeland Security
DHS/ICE Office of Chief Counsel – RCC;
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, Aleksandr Chistiakov (A-number ) is currently in detention at River Correctional Center, Ferriday, Louisiana. He respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241, challenging the legality of his continued detention. Petitioner has been in detention for more than 10 months.

PARTIES

1. Petitioner:

Aleksandr Chistiakov (A-number ) currently detained at River Correctional Center,
26362 Highway 15, Ferriday, LA 71334

2. Defendants:

Kristi Noem, Secretary of the US Department of Homeland Security;
DHS/ICE Office of Chief Counsel – RCC;
US Department of Homeland Security;
US Immigration and Customs Enforcement (ICE).

FACTUAL BACKGROUND

1. On May 10, 2024, the Petitioner Aleksandr Chistiakov (A-number [REDACTED]) appeared at the San Ysidro Port of Entry together with his wife. They had an appointment for CBP-One. They had all the documents confirming their identities and their right to meet with an ICE officer were provided and requested political asylum.
2. Despite presenting the necessary documents, the main Petitioner together with his legal wife were detained.
3. Despite presenting the necessary documents and passing the interview with a CBP officer at the border, the Petitioner was not released from the border and was sent to detention center.
4. Despite presenting the necessary documents confirming the legality of the marriage the Petitioner and his wife were separated and sent to detention center in different states.
5. On June 2024, the Petitioner passed the credible fear interview and received a positive result. Despite this, the Petitioner was not released from detention center.
6. Since the Petitioner passed by CBP-One and received positive for the credible fear interview according to the information from an ICE, the petitioner does not have access to release on bail. Also, in accordance with the precedents in the judicial practice of the River Correctional Center in relation to Russia citizens, the Petitioner is not entitled to bail due to the additional fact – Petitioner is an “arriving alien”.
7. The Petitioner requested that his and his wife’s cases be joined in court but this request was denied.
8. Despite the fact that the Petitioner submitting the necessary documents for his release on parole under the care of a sponsor, an ICE has repeatedly denied the request without explanation during 10 months, with the exception of last case when a decision from 02/24/2025 was provided. The reason for the refusal was – “You did not establish, to ICE’s satisfaction, substantial ties to the community”.
9. The Petitioner personally handed over the sponsorship package to the ICE officer, including assurances that he would comply with all immigration rules. However, all of this has been ignored.
10. The Petitioner was not provided with an official document stating the reason why he must undergo all court proceedings in detention.
11. The Petitioner was entitled to a Hearing on the issue of release within 6 month of his detention. However, the Petitioner was not granted a Hearing on his release.

12. The Petitioner does not pose a threat to society, is not a flight risk, is not a criminal, and has no criminal record in his home country of Russia or any country.

13. The continued detention of Petitioner may extend more than 10 months.

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. 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 any objective and valid reasons for his 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: Aleksandr Chistiakov has been unlawfully detained more than 9,5 months without sufficient justification for his 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: Aleksandr Chistiakov 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: Aleksandr Chistiakov has no criminal history, has a sponsor, 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 Aleksandr Chistiakov 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 River Correctional 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: Aleksandr Chistiakov 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: Aleksandr Chistiakov 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 Aleksandr Chistiakov's detention.

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

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

Application: Aleksandr Chistiakov has been detained more than 9,5 months without lawful grounds.

D. Federal Legislation

10. Immigration and Nationality Act (INA), 9 U.S.C. § 1226(a)

This law gives DHS the authority to detain immigrants but requires that it be justified by necessity.

Application: Aleksandr Chistiakov poses no threat, and his 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: Aleksandr Chistiakov'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: Aleksandr Chistiakov meets all the criteria for release.

13. United Nation Convention Against Torture (CAT), Article 3

The U.S. is obligated not to return immigrants to countries where they face persecution.

Application: Aleksandr Chistiakov 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: Aleksandr Chistiakov'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 River Correction 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 Aleksandr Chistiakov.

E. International Norms Relevant to the Case of Aleksandr Chistiakov

17. International Norms Relevant to the Case of Aleksandr Chistiakov

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

18. 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 Aleksandr Chistiakov violates his right to liberty. It is a disproportionate measure since his detention lacks legal justification and extends beyond reasonable limits.

19. 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: Aleksandr Chistiakov, as an asylum seeker, should not be penalized for irregular entry into the US, as his circumstances meet the criteria for refugee status. His detention while seeking asylum is an unlawful punishment under international law.

20. 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 River Correctional Center, including poor hygiene, inadequate medical care, and prolonged confinement in inhumane conditions, violate the protections provided under this covenant. These conditions subject Aleksandr Chistiakov 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

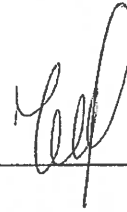
Petitioner respectfully request that the Court consider the fact that, Petitioner has no criminal record and poses no threat to the U.S. Security. Petitioner also has strong community ties, and individuals are willing to vouch for his good character and guarantee that he will continue to comply with all immigration requirements. Petitioner ready to present all necessary documents to confirm these facts.

Petitioner respectfully requests that the Court:

1. Issue a writ of Habeas Corpus requiring the immediate release of Petitioner from detention due to the unlawful and unjustified continuation of his detention;

Date:

04.10.2025

A handwritten signature in black ink, appearing to be 'G. P.', written over a horizontal line.

Signature of Petitioner

CERTIFICATE OF SERVICE

I, Aleksandr Chistiakov hereby certify that on 04.10.2025, 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/OPLA

New Orleans Office Of the Chief Counsel

Jena Sub-Office

P.O. Box 410

Trout, LA 71371

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: 04.10.2025



Signature of Petitioner

RETURN CORRESPONDENCE ADDRESSES

I, Aleksandr Chistiakov, am respectfully asking to send all return correspondence via U.S. Mail to both of the following addresses:

1. Aleksandr Chistiakov, A# 

River Correctional Center

26362 Highway 15

Ferriday, LA 71334

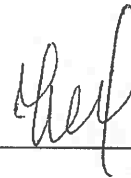
2. Elena Vasilenko



Spokane, WA 99202

Date

04.10.2025

A handwritten signature in black ink, appearing to be 'A. Chistiakov', written over a horizontal line.

Signature of Petitioner