

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

JUL 28 2025

Iana Ivanchenko

Petitioner

BY: DANIEL J. MCCOY, CLERK
KW

v.
Kristi Noem, Secretary of the DHS
chief counsel U.S. DHS;
U.S. DHS; U.S. ICE

Respondent

Case No. 25-cv-1081 Sec P

(Supplied by Clerk of Court)

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Iana Ivanchenko
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: DHS ICE office
(b) Address: South Louisiana Correctional Center
3843 E Stagg Ave Basile LA 70515
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: both people and bond
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

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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
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: DHS, ICE office

(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I have been detained for 13 months, even though I won my immigration case 7/01/2025. The prosecutor filed an appeal. My ICE officer accepted the sponsor packet, but denied both parole and bond

(d) Date of the decision or action: Asylum granted on 7/01/2025

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: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal:

I won my case before immigration court

8. **Second appeal**

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

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal:

I won my case before immigration court

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not file a third appeal:

I won my case before immigration court

10. **Motion under 28 U.S.C. § 2255**

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 or 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 number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: *Because, I won my case before immigration court on 7/07/2025*

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: *13/07/2024*

(b) Date of the removal or reinstatement order: *N/A*

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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.

GROUND ONE: Violation of 28 U.S.C. § 2241. The petitioner remains in ICE detention despite a favorable decision from the immigration court. This continued custody is unlawful and contradicts 8 C.F.R. § 241.14, which governs release after such rulings.

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

1) Petitioner was granted asylum 2) Affiliation with Jehovah's Witnesses, persecuted in Russia, was confirmed. 3) Credible documents and witness statements were submitted. 4) The petitioner has no criminal record. 5) The court found no threat to the public or flight risk.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes☒ No

GROUND TWO: Violation of the Fifth Amendment to the U.S. Constitution - the right to due process. Prolonged detention without legitimate justification and with deliberate delay of case proceedings violates the petitioner's right to fair and timely adjudication

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

- 1) ICE continues to detain the petitioner without lawful justification
- 2) The petitioner submitted sponsor packages to ICE officers, but they were ignored.
- 3) An ICE officer told the petitioner that she may remain in detention for two or three years.
- 4) The petitioner has been detained for 13 months, including 7 months after winning her immigration case

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes☒ No

GROUND THREE: Violates *Demore v. Kim*, 538 U.S. 510 (2003)
The Court ruled that prolonged immigration detention must be reasonable.

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

- 1) Petitioner has been detained for 13 months, over 7 after being granted asylum.
- 2) The court found that petitioner was persecuted and fears future harm
- 3) ICE provides no hearings or justification for continued detention
- 4) This violates *Demore v. Kim*, 538 U.S. 510 (2003)

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes☒ No

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GROUND FOUR: Violation of *Zadvydas v. Davis* 533 U.S. 678 (2001)
The Supreme Court ruled that detention beyond six months
is unconstitutional if removal is not reasonably foreseeable

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

- 1) Excessive detention period - the petitioner has been held for
13 months after winning the immigration case.
- 2) No foreseeable removal - the petitioner received a favorable
court decision and no removal date has been scheduled
- 3) Unjustified denial of release by ICE - a sponsor and address
were provided, there is no flight risk, yet ICE denied parole
or bond without adequate justification

(b) Did you present Ground Four in 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:

I did not file this grounds in appeals because
I did not file any appeal, because I won my case before
the immigration court.

Request for Relief

15. State exactly what you want the court to do: 1) I respectfully ask Habeas Corpus to
consider my immediate release from custody due to the unlawful and
unjust nature of my prolonged detention 2) I request that ICE consider
my release under supervision or humanitarian parole 3) I ask Habeas
Corpus to declare my continued detention arbitrary and
unconstitutional.

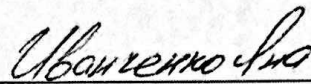
AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: 24.07.2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any