

FILED

AUG 04 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

Pro Se Petitioner- Detained
Melnik Oleksandr Vladimirovich
A#
Golden State Annex
611 Frontage Road, McFarland, CA 93250

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
CALIFORNIA**

Melnik Oleksandr Vladimirovich,

Petitioner,

v.

Thomas Giles is the Field Office Director responsible for the Los Angeles Field Office of Immigration and Customs Enforcement (ICE), Warden of the Golden State Annex, TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of Homeland Security; PAMELA JO BONDI, United States Attorney General, *Respondents in their official capacities,*

Civil Action No.: 1

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

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

INTRODUCTION

1. Melnik Oleksandr Vladimirovich seeks release from detention as an Ukraine national who has established his *prima facie* eligibility for Temporary Protected Status (TPS).
2. The TPS statute provides that a noncitizen "provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen]'s immigration status in the United States." 8 U.S.C. § 1254a(d)(4) (emphasis

added). That protection remains available even if the TPS holder lacks other immigration status, because the government “shall not remove the [noncitizen] from the United States during the period in which such [TPS] status is in effect.” 8 U.S.C. § 1254a(a)(1)(A).

3. By statute, TPS benefits “shall be provided” to any noncitizen “who establishes a *prima facie* case of eligibility” for TPS. 8 U.S.C. § 1254a(a)(4)(B). Individuals who have established *prima facie* eligibility for TPS are entitled to: (1) freedom from detention on account of their immigration status, (2) a stay of removal from the United States, and (3) work authorization incident to their application and the designation. 8 U.S.C. §§ 1254a(a)(1)(B), (d)(4).
4. Despite this unambiguous statutory command not to detain noncitizens who have established *prima facie* eligibility for TPS, Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE) for more than 90 days.
5. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
6. Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order Respondents to release him from custody. Petitioner seeks habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

CUSTODY

7. Petitioner is in the physical custody of Respondents. Petitioner is imprisoned at Golden State Annex, an immigration detention facility, in McFarland California. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

8. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. § 1331; 28 U.S.C. § 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

VENUE

9. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Respondent is in this District, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("the proper respondent to a habeas petition is 'the person who has custody over the petitioner'" (citing 28 U.S.C. § 2242) (cleaned up).

PARTIES

10. Petitioner Melnyk Oleksandr Vladimirovich is currently detained by Respondents at Golden State Annex, an immigration detention facility. He has been in ICE custody since on or about April 22, 2025, after he was arrested near his residence while was
11. heading to work. Respondent, the unknown Warden of the Golden State Annex, where Petitioner is currently detained. He is a legal custodian of Petitioner and is named in his official capacity.

12. Respondent Thomas Giles is the Field Office Director responsible for the Los Angeles Field Office of Immigration and Customs Enforcement (ICE) with administrative jurisdiction over Petitioner's immigration case. He is a legal custodian of Petitioner and is named in his official capacity.
13. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.
14. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her official capacity.
15. Respondent Pamela Jo Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

STATEMENT OF FACTS

1. **PETITIONER WAS DETAINED DESPITE HAVING ESTABLISHED HIS *PRIMA FACIE* ELIGIBILITY FOR TEMPORARY PROTECTED STATUS FROM UKRAINE**
16. Petitioner is a national of Ukraine and a TPS holder under the 2025 Ukraine TPS designation, Declaration of Melnyk Oleksandr
17. Petitioner came to the United States on or about December 11, 2021. He applied for protection because he is afraid he will be persecuted, tortured, or killed if sent back to Ukraine, as he has been attacked in Ukraine.
18. Petitioner applied for Temporary Protected Status in December 2024.
19. Petitioner has been continuously physically present and residing in the United States since he entered in December 2021.

20. Petitioner received an approval notice for TPS from U.S. Citizenship and Immigration Services (USCIS) dated April 16, 2025 .
21. TPS for Ukraine remains in effect and Petitioner was approved for TPS, established his *prima facie* case, and is entitled to temporary treatment benefits under the statute.
22. ICE officers took Petitioner into custody when he was driving to work near his residence in Antelope, CA on April 22, 2025.
23. In May, 2025, Petitioner's wife Nadiia Melnyk went to the ICE office in Bakersfield, CA and handed the request for release on parole to ICE officer D.O. Munoz. The message
24. requested Petitioner's release from detention, citing the TPS statute's non-detention provision, and attached Petitioner's USCIS approval notice. On May 13, 2025 ICE responded with a denial of release on parole.
25. The immigration Judge Ravit Halperin also issued a denial order on May 7, 2025 for petitioner's bond hearing as the Immigration Judge does not have jurisdiction over arriving aliens.

TEMPORARY PROTECTED STATUS FOR UKRAINE REMAINS IN EFFECT

26. Since its initial designation for TPS in April 19, 2022, Ukraine has been consistently redesignated and extended under Section 244 of the Immigration and Nationality Act (INA) up to February 2026

LEGAL FRAMEWORK

27. TPS is a statutory program that provides concrete, rapid protections to nationals of designated countries. 8 U.S.C. § 1254a, *et seq.* Regardless of any other immigration status, qualifying nationals of designated countries may not be removed from the United States and may not be detained. 8 U.S.C. §§ 1254a(a)(1)(B), (d)(4).
28. To qualify for TPS, a national of a TPS-designated country must show that the applicant: (1) was “continuously physically present in the United States since the effective date of the [country’s] most recent designation”; (2) “continuously resided in the United States”
- 29 since the TPS designation date; and (3) “is admissible as an immigrant,” with certain exceptions and opportunities for waivers. 8 U.S.C. § 1254a(c)(1)(A)(i)–(iii). TPS is available to any qualifying noncitizen irrespective of other immigration status. *See* 8
- 30 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to [a noncitizen] based on the [noncitizen]’s immigration status”); 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” noncitizens).
31. To obtain TPS benefits, a noncitizen must apply on Form I-821 during the “registration period” established by the DHS Secretary, which must last at least 180 days. 8 U.S.C. § 1254a(c)(1)(A)(iv).
32. The TPS statute unambiguously provides that a noncitizen “provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen]’s immigration status in the United States.”⁷ 8 U.S.C. 1254a(d)(4) (emphasis added). It is hard to imagine a clearer statutory mandate proscribing detention.

⁷ “Attorney General” in Section 1254a now refers to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

33. Both TPS holders and TPS applicants who have established their *prima facie* case for TPS are entitled to the benefits of this clear statutory command prohibiting detention. The TPS statute provides that a TPS applicant “who establishes a *prima facie* case of eligibility for [TPS] benefits . . . shall be provided [temporary treatment] benefits” pending final adjudication of their application. 8 U.S.C. § 1254a(a)(4)(B). Pursuant to this provision, individuals with *prima facie* applications for TPS are entitled to the benefits afforded under 8 U.S.C. § 1254a(1).
34. The benefits delineated under paragraph (1) of 8 U.S.C. § 1254a include a stay of removal from the United States, employment authorization, and a “grant” of temporary protected status. A grant of temporary protected status includes a prohibition on immigration detention. 8 U.S.C. § 1254a(d)(4) (“[A noncitizen] provided temporary protected status under this section shall not be detained . . . on the basis of the [noncitizen]’s immigration status in the United States.”).
35. Taken together, these provisions guarantee TPS-eligible noncitizens the right to be free from detention from the time that they establish their *prima facie* eligibility for TPS through the time their country’s TPS designation ends. Federal regulations affirm this duration, stating that temporary treatment benefits “shall remain in effect until a final decision has been made on the application for Temporary Protected Status.” 8 C.F.R. § 244.10(e)(2); *see also* 8 C.F.R. § 244.13(a) (“Temporary treatment benefits terminate upon a final determination with respect to the [noncitizen]’s eligibility for Temporary Protected Status.”).
36. Federal regulations establish that receipt of a completed application establishes a TPS applicant’s necessary *prima facie* eligibility for temporary benefits. The regulations state

that “[u]pon the filing of an application for [TPS], the [noncitizen] shall be afforded temporary treatment benefits, if the application establishes the [noncitizen]’s *prima facie* eligibility for [TPS].” 8 C.F.R. § 244.5(b) (emphasis added); *see also id.* § 244.10(a) (“USCIS will grant temporary treatment benefits to the applicant if the applicant establishes *prima facie* eligibility for Temporary Protected Status . . .”).

37. Federal regulations define *prima facie* eligibility to mean “eligibility established with the filing of a completed application for Temporary Protected Status containing factual information that if un rebutted will establish a claim of eligibility.” 8 C.F.R. § 244.1. In promulgating the regulations, the agency affirmed that *prima facie* eligibility is established by the filing of a completed application that contains an applicant’s requisite information. *See* Temporary Protected Status, 56 Fed. Reg. 23,491, 23,493 (May 22, 1991) (further confirming that “that temporary treatment benefits should be issued immediately after the applicant establishes his or her *prima facie* eligibility”).
38. TPS for Ukraine remains in effect and the TPS statute’s command applies so long as a TPS applicant, such as Petitioner, has established *prima facie* eligibility for TPS for a country with an active designation.
- Under 8 U.S.C. § 1254a, until the date and moment of TPS for Ukraine’s expiration,
39. Petitioner may not be detained because of the temporary treatment benefits to which he is entitled under the statute. Yet Petitioner has now been illegally imprisoned for more than 90 days.

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF THE IMMIGRATION AND NATIONALITY
ACT – 8 U.S.C. § 1254a

40. Petitioner realleges and incorporates by reference each and every allegation contained above.
41. 8 U.S.C. § 1254a governs the treatment of TPS holders and applicants, including their detention and removal under federal immigration law.
42. Under the statute, a TPS applicant “who establishes a *prima facie* case of eligibility for [TPS] benefits . . . shall be provided [temporary treatment] benefits” pending final adjudication of their application. 8 U.S.C. § 1254a(a)(4)(B). Pursuant to this provision, a noncitizen who has demonstrated *prima facie* eligibility for TPS is entitled to the benefits afforded under 8 U.S.C. § 1254a(1), including a “grant” of temporary protected status, pending the final adjudication of their application.
43. 8 U.S.C. § 1254a(d)(4) states a noncitizen “provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen]’s immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.
44. Taken together, these provisions guarantee TPS-eligible noncitizens the right to be free from detention from the time that they establish their *prima facie* eligibility for TPS through the time their country’s TPS designation ends.
45. As TPS protection applies irrespective of any other immigration status, the Court need not delve further into other aspects of Petitioner’s immigration posture. *See* 8 U.S.C. §§1254a(a)(1)(A), (a)(5); *see also* 8 U.S.C. 1254a(g) (TPS statute constitutes the

exclusive authority for affording nationality-based protection to “otherwise deportable” noncitizens).

46. Petitioner’s detention violates 8 U.S.C. § 1254a. Because Petitioner’s detention plainly violates the TPS statute’s prohibition on detention for *prima facie* eligible applicants, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

COUNT TWO
VIOLATION OF THE DUE PROCESS CLAUSE
OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

47. Petitioner realleges and incorporates by reference each and every allegation contained above.
48. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally* *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).
49. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
50. Petitioner’s detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.

51. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.
52. Second, because Petitioner is not “deportable” insofar as the TPS statute bars his deportation, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable [noncitizens]”). Petitioner’s on-going imprisonment obviously cannot satisfy that rigorous standard.
53. Third, at a bare minimum, “the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) (Kennedy, J., dissenting). Where federal law explicitly prohibits an individual’s detention, this detention also violates the Due Process Clause.
54. Because Petitioner’s detention violates the Due Process Clause, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays
that this Court grant the
following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days,
and set a hearing on this Petition within five days of the return, as required by 28 U.S.C.
§ 2243;
3. Declare that Petitioner's detention violates the Immigration and Nationality Act, and
specifically 8 U.S.C. § 1254a;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth
Amendment to the U.S. Constitution;
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner
from custody;
6. Enjoin Respondents from further detaining Petitioner so long as TPS for Ukraine remains
in effect and he continues to have established his *prima facie* eligibility for TPS;
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act,
5 U.S.C. § 504 and 28 U.S.C. § 2412; and
8. Grant such further relief as this Court deems just and proper.

x 

Dated: July 22, 2025

Respectfully submitted.

By: Melnik Oleksandr Vladimirovich

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF
3 CALIFORNIA

4
5
6 Melnyk Oleksandr Vladimirovich

7 *Petitioner,*

8
9 v.

Civil Action No.:

10
11 Thomas Giles is the Field Office Director
12 responsible for the Los Angeles
13 Field Office of Immigration and Customs
14 Enforcement (ICE), The unknown Warden
15 of the Golden State Annex, TODD M. LYOS
16 , Acting Director, United States
17 Immigration and Customs Enforcement; K
18 RISTI NOEM, Secretary of Homeland
19 Security; PAMELA JO BONDI, United
20 States Attorney General, *Respondents in their*
21 *official capacities,*

22
23
24
25
26
27
28 *Respondents.*

DECLARATION OF Melnyk Oleksandr Vladimirovich

I, Melnyk Oleksandr Vladimirovich, declare the following:

1. I have personal knowledge of the facts set forth herein, and if called as a witness, I could competently testify to them. I am writing this declaration in support of a petition for a writ of habeas corpus because I believe that I am being held in immigration detention unlawfully.

2. I am a citizen of Ukraine, and I am 42 years old.

3. On December 11, 2021 I've entered the United States legally through a PORT OF ENTRY to seek protection and I was inspected and paroled in. I was placed into removal proceedings and given a date on which to appear in court. I have not left the United States since I entered on December 11, 2021.

4. After I was released from the border detention, I went to stay with family members in California. I have done my best to comply with all the rules that apply to me and complied with all the conditions of my release.

5. I applied for protection because I am afraid that I will be persecuted, tortured, or killed if I am sent back to Ukraine. I fled Ukraine after being attacked



Ukraine.

6. I also applied for Temporary Protected Status (TPS) on December 26, 2024 and my application for TPS was approved on April 16, 2025.

7 I have not been arrested, charged or convicted of any crime in the
United States prior to or following submission of my TPS application.

8 Despite my approved TPS application, I was detained by immigration
officials in April 2025.

9 On April 22, 2025 on my way to work I was stopped by several ICE
agents in unmarked vehicles and taken into the custody.

10 When I arrived at the detention center my wife sent my documents to
me proving that I had an approved applications for TPS and protection, and I
showed these documents to the ICE agents. The officers asked if I had any
involvement with law enforcement or got into trouble. I told them that I had
not and that I followed all the rules. The officer said it was a violation of
my rights that they have been keeping me here.

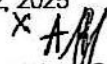
11 I do not understand why I have been detained. I have been following
all the rules, and I have family members I need to take care of. I cannot go
back to Ukraine because I will be targeted by the people who attacked me
and left me for dead before I fled.

12 I have now been detained for more than three months.

13 My family, who live in California, are suffering greatly in my absence
My children are 21 y.o. and 7 months old, and their mother is taking care of
them, but she needs my support as an income earner and to help with the
children. I worry about them constantly, and I am afraid that I will be
deported to Ukraine despite my valid TPS status and pending application for
protection.

14 For these reasons, I've decided to file a petition for a writ Habeas
Corpus

I declare under penalty of perjury that the foregoing is true and correct, and that this
declaration was executed in California on July 22, 2025

X 

Melnyk Oleksandr Vladimirovich

MAG. JUDGE

EXHIBIT A

1. Passport Copy

The passport of the citizen of Ukraine for travelling abroad
is the property of Ukraine

In the name of Ukraine, the Minister of Foreign Affairs of Ukraine requests all those whom it may concern to facilitate in every possible way the travel of the bearer of this passport and to provide the bearer with all necessary assistance and protection.

HC №



ПАСПОРТ
PASSPORT



UKRAINE		UKRAINE	
Тип/Type	Код держави/Country code	Номер записки/Passport No.	
Р	UKR	[REDACTED]	
Прізвище/Surname			
МЕЛЬНИК/MELNYK			
Ім'я/Given Names			
ОЛЕКСАНДР/OLEKSANDR			
Громадянство/Nationality			
УКРАЇНА/Ukraine			
Дата народження/Date of birth		Заніск №/Record No.	

r's signature

[illegible]

EXHIBIT B

1. I-94 Form



For: OLEKSANDR VLADIMIROVICH MELNYK



Most Recent I-94

Admission (I-94) Record Number : [REDACTED]

Most Recent Date of Entry: 2021 December 13

Class of Admission : DT

Admit Until Date : 12/11/2022

Details provided on the I-94 Information form:

Last/Surname : MELNYK

First (Given) Name : OLEKSANDR VLADIMIROVICH

Birth Date : [REDACTED]

Document Number : [REDACTED]

Country of Citizenship : Ukraine

[Get Travel History](#)

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

CBP Form 1450-4511
Expiration Date: 11/05/2022

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

EXHIBIT C

1. Order of immigration judge denying bond hearing
2. ICE notification declining to grant parole



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT**

Respondent Name:

MELNYK, OLEKSANDR
VLADIMIROVICH

To:

Sack, Anastasiya
20200 West Dixie Hwy
suite 902
Aventura, FL 33180

A-Number:

Riders:

In Custody Redetermination Proceedings

Date:

05/07/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because

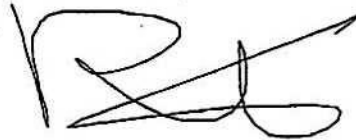
No Jurisdiction

The current regulations governing the detention and release of respondents preclude an Immigration Judge from redetermining the custody status of arriving aliens in removal proceedings. See 8 C.F.R. § 1003.19(h)(2)(i)(B). Further, where DHS has determined that a respondent is an arriving alien, the Immigration Judge is precluded from undertaking a determination as to the propriety of DHS' designation. See 8 C.F.R. § 1003.19(h)(2)(ii) (specifying that only respondents included in paragraphs (C), (D), and (E) of 8 C.F.R. § 1003.19(h)(2)(i) may seek a determination by an Immigration Judge as to the propriety of their inclusion within these paragraphs); see also *Matter of Oseiwusu*, 22 I&N Dec. 19, 20 (BIA 1998) (holding that, because the Immigration Judge had no authority over the apprehension, custody, and detention of arriving aliens, consideration of the respondent's bond request was improper).

☐ Granted. It is ordered that Respondent be:

- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of \$
- ☐ other:

☐ Other:



Immigration Judge: HALPERIN, RAVIT 05/07/2025

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : MELNYK, OLEKSANDR VLADIMIROVICH | A-Number : 

Riders:

Date: 05/07/2025 By: BOUWHUIS, BRITTANY, Court Staff

Office of Detention and Removal Operations
U.S. Department of Homeland Security
San Francisco Field Office
630 Sansome Street
San Francisco, CA 94111



**U.S. Immigration
and Customs
Enforcement**

DATE: May 13, 2025

MELNYK, Oleksandr Vladimirovich
Golden State Annex
c/o 611 Frontage Road
McFarland, CA 93250

In Reference to: MELNYK, Oleksandr Vladimirovich [REDACTED]

NOTIFICATION DECLINING TO GRANT PAROLE

Dear Mr. Melnyk,

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided not to parole you from detention at this time.

Section 235 of the Immigration and Nationality Act mandates the detention of arriving aliens who are placed in removal proceedings. Before an alien may be considered for discretionary release on parole the alien must first meet the statutory requirements for parole found at 8 CFR §212.5. Upon meeting the statutory requirements an alien may be considered for parole pursuant as a matter of discretion and on conditions set by the Field Office Director. The general discretionary parole provisions can be found in 8 CFR §212.5 (c). Under these laws and regulations parole may be granted only on a case-by-case basis for urgent humanitarian reasons or significant public benefit, provided the alien presents neither a security risk nor a risk of absconding. It is your burden to establish that you meet the statutory requirements for parole and that a favorable determination for parole should result once those criteria have been met.

Release from custody can be considered a condition of release on parole provided you meet the statutory requirements found in 8 CFR §212.5. Criteria for statutory requirements for parole apply to those aliens with serious medical conditions, pregnant women, juveniles, witnesses in proceedings being, or to be, conducted in the U.S. and those whose continued detention is not in the public interest.

I have carefully reviewed the humanitarian aspect of your request. I find no compelling or emergent conditions that apply to this case. I do not believe a grant of parole into the U.S. would be in the public interest. Therefore, in the exercise of my administrative discretion, your request for parole is hereby denied.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Maldonado".

T. Maldonado
Assistant Field Office Director

Notification of Parole Denial

MELNYK, Oleksandr Vladimirovich A# [REDACTED]

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I R. MUNEZ, Deportation Officer,
Name of ICE Officer Title

certify that I served MELNYK, Oleksandr Vladimirovich with a copy of
Name of detainee

this document at Golden State Annex on 5/14/25 at 1152.
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

Detainee Signature X [Signature]

Date 5/14/25

- () cc: Attorney of Record or Designated Representative
() cc: A-File

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: MELNYK, OLEKSANDR VLADIMIROVICH

A-File Number: [REDACTED]

Date: 04/22/2025

Event ID: [REDACTED]

Subject ID: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☒ Detained by the Department of Homeland Security.

☐ Released (check all that apply):

☐ Under bond in the amount of \$ _____

☐ On your own recognizance.

☐ Under other conditions. [Additional document(s) will be provided.]

M. #9638 Galindo [Signature]
Name and Signature of Authorized Officer

04/22/2025 11:26 AM

Date and Time of Custody Determination

(A)SDDO

Title

Sacramento, CA

Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ I do request an immigration judge review of this custody determination.

☐ I do not request an immigration judge review of this custody determination.

[Signature]
Signature of Alien

4/22/2025
Date

The contents of this notice were read to See I-831

(Name of Alien)

in the

Russian
(Name of Language)

language.

[Signature]
Name and Signature of Officer

Deportation Officer

Title

Name or Number of Interpreter (if applicable)

EXHIBIT D

1. Temporary Protected Status Approval Notice

THE UNITED STATES OF AMERICA

I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number IO: [REDACTED]	USCIS Account Number [REDACTED]	Case Type I821 - APPLICATION FOR TEMPORARY PROTECTED STATUS
Received Date 12/26/2024	Priority Date 12/26/2024	Applicant MELNYK, OLEKSANDR
Notice Date 04/16/2025	Page 1 of 2	
MELNYK, OLEKSANDR 8240 ROCKBURY WAY ANTELOPE CA 95843		Notice Type: Approval Notice Valid from: 04/16/2025 to 10/19/2026

You have been granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act. The benefits of TPS are temporary protection from removal (or deportation), employment authorization in the United States, and the opportunity to apply for travel authorization.

Attached to this notice is a Form I-94 indicating your Temporary Protected Status in the United States. The I-94 is valid until the expiration date shown on it.

If you requested an employment authorization document (EAD) pursuant to your registration for TPS, you will receive a separate notice containing the decision on that request. If your EAD request is approved, you will be issued an EAD that will be valid until the expiration date shown on the EAD itself. The EAD will serve as evidence of your TPS and employment authorization.

If the TPS designation is extended, you must re-register with U.S. Citizenship and Immigration Services (USCIS) within the time period designated for re-registration. If you wish to obtain an EAD valid for the time period of the extended TPS designation, you must also apply for an EAD during the filing period(s) described in the applicable Federal Register notice (FRN). The FRN notice will provide guidance on required forms and application fees to re-register for TPS and to apply for a new EAD. You should also pay close attention to any future FRNs issued by USCIS regarding your country's TPS, including any information that may be included in such notices about possible automatic extensions of the validity date(s) on EADs.

Failure to re-register during a TPS extension re-registration period may result in the withdrawal of your TPS and may result in removal proceedings being initiated against you.

While you are under Temporary Protected Status, you:

- (1) will not be removed from the United States;
- (2) have work authorization and will be granted evidence of work authorization, if you have submitted an EAD request with the required fee, that is valid until the expiration of the time period designated for your Temporary Protected Status;

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

USCIS TSC
U.S. CITIZENSHIP & IMMIGRATION SVC
6046 N Belt Line Rd, STE 114
Irving TX 75038-0015

USCIS Contact Center: www.uscis.gov/contactcenter

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt
I-94#
NAME
CLASS



MELNYK, OLEKSANDR

VALID FROM 04/16/2025 UNTIL 10/19/2026

APPLICANT: MELNYK, OLEKSANDR
8240 ROCKBURY WAY
ANTELOPE CA 95843

United States Citizenship and Immigration
Services

I94 Departure Record

14 Family Name
MELNYK

15 First (Given) Name
OLEKSANDR

16 Date of Birth

17 Country of Citizenship
UK

FORM I-797A [REV. 08/01/16]

THE UNITED STATES OF AMERICA

I-797A NOTICE OF ACTION

DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number IC	USCIS Account Number	Case Type I821 - APPLICATION FOR TEMPORARY-PROTECTED STATUS
Received Date 12/26/2024	Priority Date 12/26/2024	Applicant MELNYK, OLEKSANDR
Notice Date 04/16/2025	Page 2 of 2	

(3) will be considered as being in, and maintaining, lawful status as a nonimmigrant for purposes of adjustment of status under section 245 of the Act and for change of status under section 248 of the Act;

(4) will not be considered to be permanently residing in the United States under the code of law;

(5) may be deemed ineligible for public assistance by a state or any political subdivision thereof which furnishes such assistance; and

(6) may not depart the United States without prior approval of the Attorney General of the United States.

PLEASE NOTE: As long as you remain eligible for Temporary Protected Status and you maintain your status by complying with the registration requirements, you will be allowed to remain and work in the United States until the end of the period of the time designated for your Temporary Protected Status.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

USCIS TSC
U.S. CITIZENSHIP & IMMIGRATION SVC
6046 N Belt Line Rd. STE 114
Irving TX 75038-0015



USCIS Contact Center: www.uscis.gov/contactcenter

INTENTIONALLY LEFT BLANK

Detach This Half for Personal Records

INTENTIONALLY LEFT BLANK
Receipt

INTENTIONALLY LEFT BLANK
NAME

INTENTIONALLY LEFT BLANK
CLASS

INTENTIONALLY LEFT BLANK
VALID FROM UNTIL

INTENTIONALLY LEFT BLANK
APPLICANT

INTENTIONALLY LEFT BLANK

INTENTIONALLY LEFT BLANK

PLEASE PRINT OR TYPE INFORMATION BELOW AND TAPLE TO ORIGINAL IF AVAILABLE

INTENTIONALLY LEFT BLANK
Receipt Number

INTENTIONALLY LEFT BLANK
United States Citizenship and Immigration Services

INTENTIONALLY LEFT BLANK
194 Departure Record

INTENTIONALLY LEFT BLANK
14 Family Name

INTENTIONALLY LEFT BLANK
15 First Name

INTENTIONALLY LEFT BLANK
17 Country of Birth

FORM I-797A (REV. 03/01/16)

EXHIBIT E

1. Proof of clean criminal record with English translation

EXHIBIT F

1. Form I-130, Pending Petition for Alien Relative

EXHIBIT G

1. Birth certificate of a newborn child

EXHIBIT H

1. Statement from Mother
2. Statement from Spouse
3. Statement from Employer

Statement from Mother in Support of Son (Habeas Corpus)

Statement from Mother in Support of Son (Habeas Corpus)

From: Olha Melnyk

Regarding: Oleksandr Melnyk

Dear Honorable Judge,

My name is Olha Melnyk, and I am the mother of Oleksandr Melnyk. With deep respect, I am writing to you to ask for justice and to request the release of my son from immigration detention.

My son is being held in detention without guilt. He has committed no crimes and does not deserve to be treated this way. He was taken into custody without any wrongdoing, and he remains there unjustly.

My son has always helped me. I am seriously ill. Recently, I had a major surgery-I had my uterus removed. After this operation, I have been physically and emotionally weak. Oleksandr cared for me, helped me around the house, and supported me in every way. We live together in the same home, and now, without him, I am left completely alone.

My daughter-in-law is currently unable to care for me, as she is busy with a newborn baby. My son was the only provider and support for our entire family.

I cannot live without my son. He is the meaning of my life. His unjust imprisonment has caused me great pain. If you have children, you will understand what it means to see your innocent child behind bars.

Statement from Mother in Support of Son (Habeas Corpus)

I sincerely ask you please help me and our family. Please look into this difficult and confusing situation and help restore justice.

Most importantly, I want to emphasize that my son is in grave danger if he is returned to Ukraine. He cannot go back-he will be killed there.

My son is a deeply religious man. We all attend church, and he has always lived with faith, helped others, and lived an honest life.

Respectfully and with hope,

Olha Melnyk

Mother of Oleksandr Melnyk

 07/28/2025



Statement from spouse Nadiia Melnyk

Good afternoon, my name is Nadiia Melnyk, I am the wife of Oleksandr Melnyk. Your honor I would like to ask you for help to restore justice. My husband has lived in the USA since 2021, and has not violated any law here! He has not even had a single fine for driving a car at all! He is an honest, kind, patient man, he is a very decent husband and father! He worked for FedEx. I will attach a letter from his work about what kind of good employee he was! He has TPS status, and he is being held in prison illegally! I sent documents to ICE to release him on parole, they refused him. We appealed to the judge to release him on bond on bail, the judge said that she has no jurisdiction. Wherever we applied, they refuse, and they hold my husband illegally with TPS status. My husband lived in the USA, has paid tax, Didn't violate anything, all the people who know him are very surprised why such a good man was put in prison. They ask me these questions, and I have no answers! I tell them the truth, that my husband was put in prison without guilt, undeservedly! ICE told my husband that they wanted to release him, but now their boss has notified them not to release anyone, because their higher-ups have also given them instructions not to release anyone! I am already 44 years old, I gave birth to a child, a US citizen, our son is only 7 months old. I cannot not work because the child is only 7 months old, he eats breast milk, my hands are tied! I cannot not go to work, I can not do anything, my husband is in prison and all day long I have only thoughts in my head about when they will release my husband, I am alone and my soul and heart are very heavy! My mother-in-law, my husband's mother, lives with us, and she also needs care, since she is already at an advanced age! My husband was the only working person in the family, and we lost our only income because of his detention We rent a house, we pay \$2800 for it + bills, food and so on. If we do not pay, we will be homeless. That's how we lived, everything was fine, my husband earned money, provided everything for the family, did not violate anything. And now my husband is sitting in prison without any charges, I ask you to reconsider his illegal detention . And we also had a lawyer Svetlana Kaff, and she conducted the trial without a license, this was on July 14, 2025, and now she disappeared and left us without any money to hire another attorney!

*07.23.2025.**Nadiia Melnyk*

Oksana Chernik
Owner, RYDS Express Corp
1156 Horton Lane
Roseville, CA 95747
(916) [REDACTED]
[REDACTED].com

4/25/2025

To Whom It May Concern,

I am writing this letter in support of Oleksandr Melnyk, who has been employed with RYDS Express Corp since June 21, 2023. RYDS Express Corp is a contracted service provider for FedEx Ground, and Oleksandr has worked with us in the capacity of delivery driver during the duration of his employment. He is compensated at a piece rate of \$1.20 per stop and \$0.10 per package delivered.

During his time with our company, Oleksandr has consistently demonstrated exceptional reliability and professionalism. He is a model employee who always arrives on time for his scheduled shifts and fulfills his duties with diligence and accuracy. His work ethic is commendable, and he has never missed a shift without proper notice.

There have been no grievances or complaints lodged against him by coworkers, management, or customers. He consistently meets or exceeds our expectations in his role, and we have found him to be trustworthy, courteous, and hardworking. He is well-liked by his coworkers and contributes positively to our team dynamic.

Oleksandr is an asset to our company, and we sincerely hope he is given the opportunity to resolve his legal situation and return to work. We would welcome him back without hesitation.

Please do not hesitate to contact me directly if you require any additional information or clarification.

Sincerely,



Oksana Chernik

Owner, RYDS Express Corp

EXHIBIT I

1. Commissary Statement

EXHIBIT J

1. Form I-862 Notice to Appear