

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

AUG 25 2025

BY: DANIEL J. McCOY, CLERK

**Igor Georgievich Eremenko**

*Petitioner,*

v.

**ALEJANDRO MAYORKAS**, Secretary  
of the U.S. Department of Homeland  
Security; **U.S. DEPARTMENT OF  
HOMELAND SECURITY; MERRICK  
B. GARLAND**, Attorney General of  
the United States; **Patrick Lechleitner**  
Director of U.S. Immigration and Customs  
Enforcement; and **Christopher Groh**  
Warden of River Correctional  
Facility, LLC in their official capacities,

*Respondents.*

Case No. 1:25-cv-1240

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

**ORAL ARGUMENT REQUESTED**

**INTRODUCTION**

1. Petitioner, Igor Georgievich Eremenko has been incarcerated since September 9, 2023, over 700 days. Petitioner's detention became unconstitutional six months after Petitioner's last entry into the United States. Accordingly, to vindicate Petitioner's statutory and constitutional rights and to put an end to his continued arbitrary detention, this Court should grant the instant petition for a writ of habeas corpus.

2. Petitioner's detention is not reasonably foreseeable, as Petitioner is a national and citizen of Russia who was persecuted for opposing Vladimir Putin's government. Petitioner has also family members in Ukraine and is against the Russian-Ukrainian conflict.

3. Petitioner is also suffering from serious health conditions that have not been

properly attended by ICE-Officials while in detention. Petitioner suffers from a heart condition and was diagnosed with Chronic Cerebral Ischemia and myocardiodystrophy with rhythm disorders while in Russia. While in detention, Petitioner has also developed anxiety, stress, and depression.

4. Currently, Petitioner is seeking review of the Immigration Judge's denial of his asylum application before the Board of Immigration Appeals. Absent an order from this Court, Petitioner will likely remain detained for many more months, if not years.

5. Petitioner asks this Court to find that his prolonged incarceration is unreasonable and to order his immediate release.

### JURISDICTION

6. Petitioner is detained in civil immigration custody at River Correctional Facility in Ferriday, California. Mr. Eremenko has been detained since on or about September 9, 2023. Petitioner has not received an individualized bond hearing before an immigration judge (IJ).

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

8. 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). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

### VENUE

1. Venue is proper because Petitioner is detained at Ferriday, Louisiana which is within the jurisdiction of this District.

2. Jurisdiction over habeas corpus petitions exists where the Petitioner's custodian can be reached by service of process from the court in which the petition has been brought. *Rasul v. Bush*, 542 U.S. 466 (2004).

**PARTIES**

1. Petitioner, **Igor Gregievich Eremenko**, is a national and citizen of Russia who was ordered removed following proceedings under 8 U.S.C. § 1229(a). Mr. Eremenko has been detained for over fourteen (23) months and is currently detained at Rivers Correctional Facility. Mr. Eremenko is in the custody, and under the direct control, of Respondents and their agents.

2. Respondent, **Alejandro Mayorkas** is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mayorkas is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Mayorkas is empowered to carry out any administrative order against Petitioner and is a legal custodian of Petitioner.

3. Respondent **Department of Homeland Security (DHS)** is the federal agency responsible for implementing and enforcing the INA. DHS oversees ICE and the detention of noncitizens. DHS is a legal custodian of Petitioner.

4. Respondent **Merrick B. Garland** is sued in his 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, he has the authority to adjudicate removal cases and oversees the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

5. Respondent, **Patrick Lechleitner**, is sued in his official capacity as the Director of the U.S. Immigration and Customs Enforcement. Respondent Patrick Lechleitner is a legal custodian of Petitioner and has authority to release him.

6. Respondent, **Christopher Groh**, is the Warden of River Correctional Facility, LLS, and he has immediate physical custody of Petitioner pursuant to a contract with ICE to detain noncitizens and is a legal custodian of Petitioner.

**STATEMENT OF FACTS**

7. Mr. Eremenko is a 55 year-old citizen of Russia who entered the United States through San Ysidro, California on September 9, 2023. Petitioner was subsequently detained by Immigration Authorities and has been detained ever since.

8. On November 4, 2023, Mr. Eremenko was issued a Notice to Appear ("NTA") by DHS after an asylum officer found that Petitioner had demonstrated a credible fear of persecution or torture if returned to Russia. Mr. Eremenko conveyed to DHS's Officials that he fled Russia because he is against Vladimir Putin's regime, he was an outspoken dissident, and is against the Russian-Ukrainian conflict.

9. In the NTA the Department of Homeland Security ("DHS") alleged the Appellant entered the United States and was not admitted or paroled after inspection by an immigration officer, therefore, charging the appellant with inadmissibility pursuant to INA § 212(a)(6)(A)(i).

10. On November 21, 2023, DHS presented a Motion to Change Venue from Miami Florida to Jena, Louisiana. The Immigration Judge ("IJ") granted a change of venue.

11. Mr. Eremenko was transferred to River Correctional Center in Ferriday, Louisiana.

12. On December 15, 2023. Mr. Eremenko, through Counsel, admitted the factual allegations contained in the Notice to Appear and conceded removability. The IJ directed Russia as the country of removal.



1           13.     On January 11, 2024, Mr. Eremenko presented his Form, I-589, Application for  
2 Asylum, Withholding of Removal and Protection under Convention Against Torture with  
3 supplemental evidence.  
4

5           14.     Mr. Eremenko requested asylum due to multiple threats made against him by  
6 Russian Officials for his active disagreement with the current events in the country and firm stance  
7 against the Special Military Operation in Ukraine.  
8

9           15.     As part of Mr. Eremenko's testimony during his Individual hearing before the  
10 Immigration Court, he testified that "what is happening, referring to the ongoing war between  
11 Ukraine and Russia, is conducting to genocide of the Ukrainian people and that he, referring to  
12 Putin, is putting at peril Russian people".

13           16.     Mr. Eremenko expressed fear of returning to Russia due his public opinions against  
14 stance against the war and threats of incarceration. Further expressed that: "he is half-Ukrainian  
15 as his father was from Ukraine and his mother from Russia and his aunt lives in Ukraine, therefore,  
16 the war "is a brother killing brother type of war".  
17

18           17.     Petitioner's testimony was also corroborated by his wife, Nina Eremenko, who  
19 served as his witness and is also requesting asylum before Immigration authorities.  
20

21           18.     On June 13, 2024, IJ Gonzalez rejected Mr. Eremenko's claim for Asylum,  
22 Withholding of Removal and CAT. Mr. Eremenko promptly filed a Notice to Appeal before the  
23 Board of Immigration Appeals ("BIA") and has already submitted a legal brief in support of his  
24 claim.  
25

26           19.     Mr. Yeremenko's appeal to the BIA was DISMISSED jn May 29, 2025. Motion to  
27 reconsider, BIA JURISDICTION was Reseived on June 25, 2025

28           20.     Mr. Eremenko has a history of cardiac arrest which required emergency medical  
intervention. During Mr. Eremenko's initial detention, he was not administered his prescribed

1 medications, which led to elevated blood pressure and poor heart ECG readings upon transfer to  
2 Adams Country Correctional Facility.

3 21. Currently at River Correctional Facility, Mr. Eremenko continues to experience  
4 blood pressure fluctuations and an extremely low pulse (below 38), despite being on a special diet  
5 and prescribed medications. His cholesterol levels remain unstable, and he requires continuous  
6 monitoring and extensive vascular examinations to prevent a recurrent heart attack.  
7

8 22. The conditions of his detention do not adequately support the management of his  
9 health condition, making his continued detention detrimental to his well-being.  
10

11 23. Petitioner has no criminal convictions and suffers from serious health conditions  
12 that have been documented while in detention.

13 24. Petitioner is not a person subject to mandatory detention under INA § 236(c).  
14 Petitioner does not pose a risk to the security or health of U.S. citizens. Further, Mr. Eremenko is  
15 not a flight risk as he is willing to render his passport to Immigration authorities.  
16

17 25. Mr. Eremenko's health has rapidly deteriorated and worsened while in prolonged  
18 detention and there is a serious and imminent risk of severe detriment to his wellbeing which most  
19 likely result in his death.

20 26. Due to Mr. Eremenko's serious health conditions and low risk enforcement priority,  
21 he requests the intervention of this Court and release from detention.  
22  
23  
24

### 25 LEGAL FRAMEWORK

24 1. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for  
25 writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not  
26 entitled to relief. If the Court issues an order to show cause, Respondents must file a response  
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28

1 “within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed.”  
2 28 U.S.C. § 2243 (emphasis added).

3 2. “It is well established that the Fifth Amendment entitles [noncitizens] to due  
4 process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting  
5 *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government  
6 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the  
7 Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

8 3. This fundamental due process protection applies to all noncitizens, including both  
9 removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth  
10 removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or  
11 capricious.”). It also protects noncitizens who have been ordered removed from the United States  
12 and who face continuing detention. *Id.* at 690.

13 4. Furthermore, 8 U.S.C. § 1231(a)(1)–(2) authorizes detention of noncitizens during  
14 “the removal period,” which is defined as the 90-day period beginning on “the latest” of either  
15 “[t]he date the order of removal becomes administratively final”; “[i]f the removal order is  
16 judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the  
17 court’s final order”; or “[i]f the [noncitizen] is detained or confined (except under an immigration  
18 process), the date the [noncitizen] is released from detention or confinement.”

19 5. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of  
20 noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the  
21 Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme Court  
22 held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s] post-  
23 removal-period detention to a period reasonably necessary to bring about that [noncitizen’s]  
24  
25  
26  
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28

1 removal from the United States.” 533 U.S. at 689. “[O]nce removal is no longer reasonably  
2 foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

3  
4 6. In determining the reasonableness of detention, the Supreme Court recognized that,  
5 if a person has been detained for longer than six months following the initiation of their removal  
6 period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable;  
7 otherwise, it violates that noncitizen’s due process right to liberty. 533 U.S. at 701. In this  
8 circumstance, if the noncitizen “provides good reason to believe that there is no significant  
9 likelihood of removal in the reasonably foreseeable future, the Government must respond with  
10 evidence sufficient to rebut that showing.” *Id.*

12 7. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that there be  
13 “adequate procedural protections” to ensure that the government’s asserted justification for a  
14 noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest  
15 in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356  
16 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil  
17 detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533  
18 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any  
19 other justification.  
20

21  
22 8. The first justification of preventing flight, however, is “by definition . . . weak or  
23 nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where  
24 removal is not reasonably foreseeable and the flight prevention justification for detention  
25 accordingly is “no longer practically attainable, detention no longer ‘bears [a] reasonable relation  
26 to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406  
27 U.S. 715, 738 (1972)). As for the second justification of protecting the community, “preventive  
28



1 detention based on dangerousness” is permitted “only when limited to especially dangerous  
2 individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

3  
4 9. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should  
5 hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If  
6 removal is reasonably foreseeable, “the habeas court should consider the risk of the [noncitizen’s]  
7 committing further crimes as a factor potentially justifying the confinement within that reasonable  
8 removal period.” *Id.* at 700.

9  
10 10. At a minimum, detention is unconstitutional and not authorized by statute when it  
11 exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701  
12 (stating that “Congress previously doubted the constitutionality of detention for more than six  
13 months” and, therefore, requiring the opportunity for release when deportation is not reasonably  
14 foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386  
15 (2005).

16  
17 11. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its decision  
18 in *Zadvydas v. Davis* also applied to government detention of persons found to be inadmissible.

19 12. Several courts have so held that “An alien challenging the legality of his *detention*  
20 still may petition for habeas corpus [post-REAL ID].”) *Bonhometre v. Gonzales*, 414 F.3d 442,  
21 446 n.4 (3d Cir. 2005). Also, finding habeas review over detention. *Channer v. DHS*, 406 F. Supp.  
22 2d 204 (D. Conn. 2005). The Joint Explanatory Statement of the Committee of Conference, H.R.  
23 Cong. Rep. No 109-72 at 175, 151 Cong. Rec. H2836, 2873 (2005) states that the “REAL ID Act  
24 section 106 will not preclude habeas review over challenges to detention that are independent of  
25 challenges to removal orders.”  
26  
27

## COUNT ONE

### Violation of Fifth Amendment Right to Due Process

1. Petitioner re-alleges and incorporates by reference the paragraphs above as though  
7 fully set forth herein.

2. 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.

3. Petitioner has been detained by Respondents for over fourteen (23) months and  
12 more than 700 days without a bond hearing and no response from ICE-Officials regarding his  
13 multiple requests for release.

4. Petitioner’s removal order has not become administratively final as his appeal is still pending before the BIA. Petitioner has sufficient grounds to believe that the BIA will sustain his appeal and remand his case to Immigration Court for further proceedings.

18 5. Petitioner’s prolonged detention is not likely to end in the reasonably foreseeable  
19 future. Petitioner’s case is still pending before the BIA. If Petitioner’s case is remanded to  
20 Immigration Court for further proceedings, he most likely will remain in detention as ICE-Officials  
21 have refused to consider humanitarian release due to his serious health conditions. Where, as here,  
22 removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of  
23 effectuating removal and thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.  
24

25 6. For these reasons, Petitioner’s ongoing prolonged detention violates the Due  
26 Process Clause of the Fifth Amendment.  
27

COUNT TWO

Violation of 8 U.S.C. § 1231(a)

7. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

8. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention “beyond the removal period” only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); *see also Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”). Because Petitioner’s removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by § 1231(a).

**PRAYER FOR RELIEF**

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner’s ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (4) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Pro Se

Igor Georgievich Eremenko Petitioner

Dated: August 17, 2025

