

AUG 25 2025

BY: _____

DANIEL J. MCCOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

Case No. 1:25-cv-01242

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

ORAL ARGUMENT REQUESTED

16 **INTRODUCTION**

23 2. Petitioner's detention is not reasonably foreseeable, as Petitioner is a national and
24
25 citizen of Russia who was persecuted for opposing Vladimir Putin's government. Petitioner has
26 also family members in Ukraine and is against the Russian-Ukrainian conflict.

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3. Petitioner is also suffering from serious health conditions that have not been
1 properly attended by ICE-Officials while in detention. Petitioner suffers from a heart condition
2 and was diagnosed with Chronic Cerebral Ischemia and myocardiodystrophy with rhythm disorders
3 while in Russia. While in detention, Petitioner has also developed anxiety, stress, and depression.
4

5. Currently, Petitioner is seeking review of the Immigration Judge's denial of his
6 asylum application before the Board of Immigration Appeals. Absent an order from this Court,
7 Petitioner will likely remain detained for many more months, if not years.
8

9. Petitioner asks this Court to find that his prolonged incarceration is unreasonable
10 and to order his immediate release.
11

JURISDICTION

12. Petitioner is detained in civil immigration custody at River Correctional Facility in
13 Ferriday, California. Mr. Eremenko has been detained since on or about September 9, 2023.
14 Petitioner has not received an individualized bond hearing before an immigration judge (IJ).
15

16. This action arises under the Constitution of the United States and the Immigration
17 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
18

19. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
20 28 U.S.C. § 1331 (federal question), and Article I § 9, cl. 2 of the United States Constitution
21 (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
22 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.
23

VENUE

24. 1. Venue is proper because Petitioner is detained at Ferriday, Louisiana which is
25 within the jurisdiction of this District.
26

27. 2. Jurisdiction over habeas corpus petitions exists where the Petitioner's custodian can
28 be reached by service of process from the court in which the petition has been brought. *Rasul v.*
1 *Bush*, 542 U.S. 466 (2004).
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3

PARTIES

1. Petitioner, **Igor Gregievich Eremenko**, is a national and citizen of Russia who was
4
5 ordered removed following proceedings under 8 U.S.C. § 1229(a). Mr. Eremenko has been
6 detained for over 23 months and is currently detained at Rivers Correctional Facility.

7 Mr. Eremenko is in the custody, and under the direct control, of Respondents and their agents.

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

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

16 4. Respondent **Pam Bondi** is sued in his official capacity as the Attorney
17 General of the United States and the senior official of the U.S. Department of Justice (DOJ). In
18 that capacity, he has the authority to adjudicate removal cases and oversees the Executive Office
19 for Immigration Review (EOIR), which administers the immigration courts and the BIA.

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

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

6
7
8 7. Mr. Eremenko is a 55 year-old citizen of Russia who entered the United States
9 through San Ysidro, California on September 9, 2023. Petitioner was subsequently detained by
10 Immigration Authorities and has been detained ever since.
11

12 8. On November 4, 2023, Mr. Eremenko was issued a Notice to Appear (“NTA”) by
13 DHS after an asylum officer found that Petitioner had demonstrated a credible fear of persecution
14 or torture if returned to Russia. Mr. Eremenko conveyed to DHS’s Officials that he fled Russia
15 because he is against Vladimir Putin’s regime, he was an outspoken dissident, and is against the
16 Russian-Ukrainian conflict.
17

18 9. In the NTA the Department of Homeland Security (“DHS”) alleged the Appellant
19 entered the United States and was not admitted or paroled after inspection by an immigration
20 officer, therefore, charging the appellant with inadmissibility pursuant to INA § 212(a)(6)(A)(i).
21

22 10. On November 21, 2023, DHS presented a Motion to Change Venue from Miami
23 Florida to Jena, Louisiana. The Immigration Judge (“IJ”) granted a change of venue.
24

25 11. Mr. Eremenko was transferred to River Correctional Center in Ferriday, Louisiana.
26

27 12. On December 15, 2023. Mr. Eremenko, through Counsel, admitted the factual
28 allegations contained in the Notice to Appear and conceded removability. The IJ directed Russia
29 as the country of removal.
30

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

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

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

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

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

21 19. Mr. Yeremenko's appeal to the BIA was DISMISSED on May 29, 2025. Motion to
22 reconsider, BIA JURISDICTION was Received on June 25, 2025

23 20. Mr. Eremenko has a history of cardiac arrest which required emergency medical
24 intervention. During Mr. Eremenko's initial detention, he was not administered his prescribed
25

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

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.

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.

26. Due to Mr. Eremenko's serious health conditions and low risk enforcement priority,
27
28 he requests the intervention of this Court and release from detention.

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

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

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

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

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

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

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

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

16 12. Several courts have so held that "An alien challenging the legality of his *detention*
17 still may petition for habeas corpus [post-REAL ID].") *Bonhometre v. Gonzales*, 414 F.3d 442,
18 446 n.4 (3d Cir. 2005). Also, finding habeas review over detention. *Channer v. DHS*, 406 F. Supp.
19 2d 204 (D. Conn. 2005). The Joint Explanatory Statement of the Committee of Conference, H.R.
20 Cong. Rep. No 109-72 at 175, 151 Cong. Rec. H2836, 2873 (2005) states that the "REAL ID Act
21 section 106 will not preclude habeas review over challenges to detention that are independent of
22 challenges to removal orders."

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 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.

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.

7 8. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention
8 “beyond the removal period” only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6);
9 *see also* *Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable,
10 continued detention is no longer authorized by statute.”). Because Petitioner’s removal is not
11 reasonably foreseeable, his detention does not effectuate the purpose of the statute and is
12 accordingly not authorized by § 1231(a).
13

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.

33 Respectfully submitted,

Pro Se

ed,

Igor Georgievich Eremenko *Petitioner*

Dated: August 17, 2025