

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

TEVDORE KHATCHAPURIDZE,

A 
Petitioner,

United States Courts
Southern District of Texas
FILED

OCT 07 2025 AKP

Nathan Ochsner, Clerk
Laredo Division

v.

ALEJANDRO MAYORKAS, et al.,
Respondents.

Civil Action No. 5:25CV169

MEMORANDUM OF LAW IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner Tevdore Khatchapuridze respectfully submits this Memorandum of Law in support of his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks release from immigration detention following a final, unappealed grant of **withholding of removal under INA § 241(b)(3)**. His continued detention, now exceeding the statutory removal period, is unlawful under the **Immigration and Nationality Act**, unconstitutional under the **Due Process Clause**, and inconsistent with binding Supreme Court precedent.

FACTUAL BACKGROUND

- Petitioner is a **citizen of Georgia**, born [REDACTED] 1999, who fled persecution by the pro-Russian Georgian Dream government and entered the U.S. on **December 12, 2024**.
- He underwent a **credible fear interview** and was found **credible**.
- Following a **full merits hearing**, an Immigration Judge granted **withholding of removal** under **INA § 241(b)(3)**.
- **More than 90 days** have passed since the Immigration Judge's decision; **DHS has not filed an appeal**. The decision is **final and binding**.
- Despite this, Petitioner remains detained by ICE at **Webb County Detention Center** without bond or release.

LEGAL ARGUMENT

I. Governing Statutory Framework

1. **INA § 241(a)(6), 8 U.S.C. § 1231(a)(6)** permits post-order detention in limited circumstances. However, the statute does not authorize indefinite detention.
2. After the 90-day removal period, further detention is permissible only where there is a **significant likelihood of removal in the reasonably foreseeable future**.

II. Supreme Court Precedent Prohibits Indefinite Detention

1. **Zadvydas v. Davis, 533 U.S. 678 (2001)**
 - o The Supreme Court held that indefinite detention of noncitizens is unconstitutional.

- Detention beyond six months is presumptively unreasonable unless the government shows a significant likelihood of removal in the reasonably foreseeable future.
- Application: Here, Petitioner cannot be removed to Georgia due to a final withholding order. DHS has not identified any alternative country.

2. *Clark v. Martinez*, 543 U.S. 371 (2005)

- Extended *Zadvydas* to all categories of individuals under § 1231(a)(6), including those granted withholding of removal.
- Application: As a withholding grantee, Petitioner falls squarely within *Clark*. ICE cannot lawfully continue his detention without a foreseeable removal possibility.

3. *Johnson v. Arteaga-Martinez*, 596 U.S. 574 (2022)

- Reaffirmed that § 1231(a)(6) does not authorize indefinite detention.
- Habeas corpus remains the proper mechanism for individuals subject to prolonged post-order detention.
- Application: Petitioner properly seeks relief under § 2241.

4. *Demore v. Kim*, 538 U.S. 510 (2003)

- Recognized that brief, categorical detention during removal proceedings may be permissible.
- Distinguished prolonged detention, which becomes constitutionally suspect.
- Application: Petitioner's detention is no longer brief or tied to removal; it is prolonged, arbitrary, and punitive.

III. Regulations Require Custody Review and Favor Release

- Under 8 C.F.R. §§ 241.4, 241.13, DHS must periodically review custody after the removal period. Release is required where removal is not reasonably foreseeable.
- Petitioner's withholding grant bars removal to Georgia. DHS has not identified any third country. Continued detention therefore violates DHS's own regulations.

IV. Petitioner Is Not a Flight Risk, and Continued Detention Is Punitive and Inhumane

36. Respondents have offered no lawful basis to claim that Petitioner presents a “flight risk.” On the contrary, Petitioner has **nowhere to run to**. He entered the United States openly and requested asylum, which was found **credible** and later **granted by the Immigration Court in the form of withholding of removal under INA § 241(b)(3)** — one of the most stringent forms of protection in U.S. immigration law.
37. Petitioner has now been detained for over nine months, including **more than 90 days since his grant of relief**, with **no appeal filed by DHS**. Yet he remains in custody despite being **legally recognized as entitled to remain in the United States**.
38. Continued detention under these circumstances is not the product of law, but rather the **failure of the system**. Asylum and withholding of removal exist to protect those who have been brutalized and displaced by their governments. Here, Petitioner and his family endured **severe persecution in Georgia**. His parents and sister are **sheltered in the United Kingdom** as asylum applicants; Petitioner sought protection in the United States and has received it.
39. The government’s insistence on holding Petitioner in confinement serves **no purpose** other than punishment. The **Department of Homeland Security and ICE deportation officers have no lawful country of removal, no active appeal, and no removal plan**.
40. Petitioner has **substantial community ties**. He has Georgian friends and a community ready to provide him **emotional support and guidance**. He has a **verified sponsor**, a long-time U.S. resident working in the **home health field**, who has provided her tax income and address information confirming Petitioner’s residence upon release.
41. Petitioner is **young, healthy, and capable of contributing productively to society**. Keeping him detained, unable to work or build a future, is **inhumane and contrary to the purposes of the Immigration and Nationality Act**.
42. As the Supreme Court has recognized, detention is justified only insofar as it serves the government’s legitimate interests in effectuating removal or protecting the public. *Demore v. Kim*, 538 U.S. 510, 527 (2003). Where those interests are absent, as here, detention becomes **arbitrary and unconstitutional punishment**.

43. The Due Process Clause requires Petitioner's release under conditions of supervision. He has no criminal record, poses no danger, and removal is not reasonably foreseeable. Prolonged detention under these circumstances violates *Zadydas v. Davis*, *Clark v. Martinez*, and *Arteaga-Martinez*.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241;
2. Order Petitioner's immediate release from ICE custody under appropriate conditions of supervision; or, in the alternative, order a bond hearing within seven (7) days, at which the government must demonstrate by clear and convincing evidence that continued detention is necessary; and
3. Grant any other relief this Court deems just and proper.

Respectfully submitted,



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