

**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)**
 - 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 *Zadvydas 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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