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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DEVI TSITSOUACHVILI; [redacted]

Petitioner,

v.

LUIS SOTO, in his official capacity as Warden of Delaney Hall Detention Facility; JOHN TSOUKARIS, in his official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Newark Field Office; TODD LYONS, in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, and PAMELA BONDI, in her official capacity as United States Attorney General,

Respondents.

Case No. 25cv16875

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

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

Petitioner respectfully petitions this Honorable Court for writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner, DEVI TSITSOUACHVILI (hereinafter "TSITSOUACHVILI") is a 51-year-old noncitizen from Georgia, who is presently considered "Stateless", and is in the custody of the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), and is currently detained at Delaney Hall Detention Facility ("DHDF" or "the Facility"). TSITSOUACHVILI was detained on or about October 20, 2025, while appearing for a routine ICE "check-in", just as he has for the past twenty (20) years.

2. Prior to his detention, TSITSOUACHVILI lived in Staten Island, NY for decades, where he owns a home worth over two million USD, and lives happily with his USC wife of seventeen (17) years and 3 minor USC children ages 16, 10 and 3.

3. TSITSOUACHVILI came to the USA lawfully from the former Soviet Union on December 25, 1990, at the age of sixteen (16), with a student visa.

4. He was granted asylum status on grounds of religious persecution in 1997. Exhibit "A". His family (his mother, brother and grandmother), were granted refugee status and came to USA in 2004.

5. In 2001, TSITSOUACHVILI was convicted of an aggravated felony, sentenced to 46 months imprisonment, and released early for good behavior. Exhibit "B".

6. In 2005, TSITSOUACHVILI was released from criminal custody, and detained by the Immigration and Customs Enforcement until 2006. He was ordered removed by an Immigration Judge on September 28, 2005. Exhibit "C".

7. In 2006, TSITOUCHVILI was released from DHS custody on "Deferred Action (C18)" status, as he is Stateless, has no known citizenship, and DHS conceded that they were unable to remove him from the United States as a result thereof. Exhibits "D" & "E".

8. TSITSOUACHVILI has had no further run-ins with or violations of law since 2005, over twenty years ago. He has complied with all requirements of DHS to regularly report, obtain approval before leaving the state, etc. He has a valid work authorization that he periodically renews. He is self-employed, and has diligently paid all federal, state and local taxes.

9. He provides financial and emotional support for his USC wife of seventeen (17) years and three minor USC children, ages 16, 10 and 3. He is compliant with all credit obligations (never filed bankruptcy, does not have credit card debt and has an excellent credit score). He supports and provides care for both of his aging parents-in-law (citizens of the US) who suffer multiple disabilities. He cares for and

comforts his USC wife who has a history of Stage IV cancer and requires regular observation by a group of doctors all located within New York City.

10. On October 20, 2025, TSITSOUACHVILI was arrested by ERO/ICE agents while attending his normally scheduled ICE "check-in", just as he has for the past twenty (20) years. TSITSOUACHVILI was not charged with any crimes, given no reason for his detention, and was taken to the Delaney Hall Detention Center in Newark, NJ, where he remains until today.

11. Upon information and belief, Petitioner is being detained pending his removal from the United States, although, as a Stateless individual, it remains unclear where DHs intends to deport him to. TSITSOUACHVILI has not been provided with an explanation for his arrest and detention and has not been afforded an opportunity to see a Judge.

12. Petitioner's continued detention is contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA). Petitioner has not been given the opportunity to seek bond, and upon information and belief, such request would be an exercise in futility.

13. Petitioner's continued detention violates his rights to substantive and procedural due process. Detention of all noncitizens who are subject to inadmissibility grounds, like Petitioner, without any individualized hearing does not "bear a reasonable relation to the purpose for which the individual was committed."

Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Moreover, the application of *Mathews v. Eldridge* balancing test shows that a bond hearing is necessary to protect Petitioner from an unnecessary deprivation of liberty. *See* 424 U.S. 319, 335 (1976).

14. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order Petitioner's release from custody, with appropriate conditions of supervision if necessary. In the alternative, Petitioner requests that this Court conduct or order an immigration judge to conduct a bond hearing at which (1) the government bears the burden of proving flight risk and/or dangerousness by clear and convincing evidence and (2) the reviewing court considers alternatives to detention that could mitigate risk of flight. *See German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213-214 (3d Cir. 2020).

PARTIES

15. Petitioner, TSITSOUACHVILI is a 51-year-old noncitizen from Georgia, who is presently considered "Stateless", and is in the custody of the DHS, ICE, and is currently detained at DHDF. TSITSOUACHVILI was detained on or about October 20, 2025, while appearing for a routine ICE "check-in", just as he has for the past twenty (20) years.

16. Respondent Luis Soto is Warden of DHDF, is an employee of the GEO Group, the private company that contracts with ICE to run DHDF. In his capacity as Facility Administrator/Warden, he oversees the administration and management of DHDF.

Accordingly, Mr. Soto is the immediate custodian of Petitioner. He is sued in his official capacity.

17. Respondent John Tsoukaris ("Tsoukaris") is named herein as the Newark Field Office Director for ICE. In this capacity, Respondent Tsoukaris is responsible for administration and management of ICE Enforcement Removal Operations in New Jersey and exercises control over Petitioner's custody at DHDF. Respondent Tsoukaris's office is located at 970 Broad Street, 11th Floor, Newark, New Jersey, 07102.

18. Respondent Todd Lyons ("Lyons") is named herein as the Acting Director of ICE. In this capacity, Respondent Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations, and, as such, he is a legal custodian of Petitioner. Respondent Lyons's office is located at 500 12th Street, S.W., Washington, D.C., 20536.

19. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity. Respondent Noem's office is located at U.S. Department of Homeland Security, Washington, D.C., 20528.

20. Respondent Pamela Bondi is named herein in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review, pursuant to INA § 103(g), 8 U.S.C. § 1103(g), routinely transacts business in the District of New Jersey, is legally responsible for administering Petitioner's removal proceedings and the standards used in those proceedings, and as such is the legal custodian of Petitioner. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, District of Columbia 20530.

JURISDICTION AND VENUE

21. This action arises under the Fifth and Fourteenth Amendments to the U.S. Constitution.

22. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1361. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

23. The United States has waived sovereign immunity for this action for declaratory and injunctive relief against one of its agencies and that agency's officers are sued in their official capacities. *See* 5 U.S.C. § 702.

24. Venue is proper in this District because the Petitioner is detained in this district. 28 U.S.C. § 1391; *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

25. There is no statutory requirement of exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. *Arango Marquez v. I.N.S.*, 346 F.3d 892, 897 (9th Cir. 2003). Any requirement of administrative exhaustion is therefore purely discretionary. *See Santos v. Lowe*, No. 1:18-cv-1553, 2020 WL 4530728, at *2 (M.D. Pa. Aug. 2020) ("[T]he exhaustion requirement imposed by courts relating to habeas corpus petitions filed by immigration detainees is a prudential benchmark which is not compelled by statute.").

26. In making that decision, the Court should consider the urgency of the need for immediate review. "Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent." *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).

27. Moreover, the exhaustion "doctrine is not without exception." *Ashley v. Ridge*, 288 F. Supp. 2d 662, 666. (D.N.J. 2003). "Courts have found that the exhaustion of administrative remedies may not be required when available remedies provide no opportunity for adequate relief, an administrative appeal would be futile, or if plaintiff has raised a substantial constitutional question." *Id*. at 666-67.

28. The Board of Immigration Appeals has issued a published decision holding that people like TSITSOUACHVILI who have been convicted of an aggravated felony are not bond eligible. Seeking bond before an Immigration Judge or exhaustion before the BIA would therefore be futile.

29. Further, the BIA does not have jurisdiction to adjudicate constitutional issues. *Qatanani v. Att'y Gen. of the U.S.*, 144 F.4th 485, 500 (3d Cir. 2025); *see also Ashley*, 288 F. Supp. 2d at 667 (citation omitted). Therefore, any administrative proceedings would be futile because Petitioner raises a constitutional due process claim. *Qatanani*, 144 F.4th at 500.

STATEMENT OF FACTS

30. Petitioner, TSITSOUACHVILI is a 51-year-old noncitizen from Georgia, who is presently considered "Stateless" (Exhibit "D"), and is in the custody of the DHS, ICE, and is currently detained at DHDF. TSITSOUACHVILI was detained on or about October 20, 2025, while appearing for a routine ICE "check-in", just as he has for the past twenty (20) years.

31. On October 20, 2025, TSITSOUACHVILI was arrested by ERO/ICE agents while attending his normally scheduled ICE "check-in", just as he has for the past twenty (20) years. TSITSOUACHVILI was not charged with any crimes, given no reason for his detention, and was taken to the Delaney Hall Detention Center in Newark, NJ, where he remains until today.

32. Upon information and belief, Petitioner is being detained pending his removal from the United States, although, as a Stateless individual, it remains unclear where DHs intends to deport him to. TSITSOUACHVILI has not been provided with an explanation for his arrest and detention and has not been afforded an opportunity to see a Judge.

33. Petitioner's continued detention is contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA). Petitioner has not been given the opportunity to seek bond, and upon information and belief, such request would be an exercise in futility.

34. Petitioner's continued detention violates his rights to substantive and procedural due process. Detention of all noncitizens who are subject to inadmissibility grounds, like Petitioner, without any individualized hearing does not "bear a reasonable relation to the purpose for which the individual was committed." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Moreover, the application of *Mathews v. Eldridge* balancing test shows that a bond hearing is necessary to protect Petitioner from an unnecessary deprivation of liberty. *See* 424 U.S. 319, 335 (1976).

LEGAL FRAMEWORK

35. The Immigration and Nationality Act contains several provisions authorizing the detention of noncitizens. Section 1226(a) entitles most noncitizens with pending removal proceedings to a hearing before an Immigration Judge to determine whether

they should be released on bond. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d). Section 1226(c) creates an exception to section 1226(a) and provides that noncitizens who are removable by virtue of certain criminal convictions must be detained without a bond hearing. Section 1225(b) provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals "seeking admission" under (b)(2). Finally, section 1231 governs the detention of noncitizens with a final order of removal.

36. Even though INA § 1226(c) requires mandatory detention (INA § 236(c) (8 U.S.C. § 1226(c)), as strengthened by the Laken Riley Act, mandating the detention of certain noncitizens - including those with aggravated felony convictions - pending completion of removal proceedings), stripping many detainees of eligibility for bond hearings or supervised release during the pendency of removal actions, INA § 1231(a)(6), governs Post-Removal-Order Detention (once a removal order has become final). A 90-day "removal period" is established, during which detention is mandatory. If removal is not effectuated within that window, § 1231(a)(6) allows the government to detain the noncitizen or release them under supervision, subject to continued review. Critically, this detention is not without constitutional or temporal limitation, as the government's authority is implicitly curtailed by Supreme Court precedent where removal is not "reasonably foreseeable."

37. However, even in cases involving aggravated felonies, detention after a final removal order is governed by INA § 1231 and the constraints articulated in Zadvydas v. Davis, especially when removal is not feasible. The Supreme Court has repeatedly clarified that statutory and constitutional due process protections apply to all persons within the United States - even those convicted of serious crimes and ordered removed - unless and until the government can actually effectuate removal.

38. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C. §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025). "Upon passing IIRIRA, Congress declared that the new Section 1226(a) 'restates the current provisions in the predecessor statute,'" which allowed noncitizens who entered without inspection to be released on bond. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (citing H.R. Rep. No. 104-469, pt. 1, at 229; H.R. Rep. No. 104-828, at 210).

39. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal

of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.").

40. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "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 protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id*. at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention."). This fundamental due process protection applies to all noncitizens within the United States, including both removable and inadmissible noncitizens. *See id*. at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

41. Absent adequate procedural protections, substantive due process requires a "special justification" that "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690; *accord, e.g.*, *Torralba v. Knight*, No. 2:25-cv-1366, 2025 WL 2581792, at *12 (D. Nev. Sept. 5,

2025) (describing the standard for a substantive due process violation); *Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539, at *4 (D. Neb. Sept. 3, 2025) (same). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id*.; *Demore*, 538 U.S. at 528. Thus, to withstand constitutional scrutiny, the nature and duration of mandatory immigration detention must be reasonably related to these purposes.

42. In *Demore*, the Supreme Court upheld the constitutionality of § 1226(c) against a facial challenge, specifically citing evidence that had been before Congress about noncitizens with criminal convictions. 538 U.S. at 518-520.

43. Additionally, procedural due process protects noncitizens against deprivation of liberty without adequate procedural protections, including notice and the opportunity to be heard. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). In determining the proper procedure to protect a detained noncitizen's procedural due process rights under the Fifth Amendment, courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighing (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and (3)

"the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir. 2024); *Gayle v. Warden Monmouth C'ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021); *Hernandez-Lara*, 10 F.4th at 28; *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S. at 335).

44. First, the "importance and fundamental nature" of an individual's liberty interest is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley*, 288 F. Supp. at 670 ("[F]reedom from confinement is a liberty interest of the highest constitutional import."). For people "who can face years of detention before resolution of their immigration proceedings, 'the individual interest at stake is without doubt particularly important.'" *Linares Martinez v. Decker*, No. 18-cv-6527 (JMF), 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

45. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private interest to be "on any calculus, substantial," observing that the petitioner, "could not maintain employment or see his family or friends or others outside normal visiting hours. The use of a cell phone was prohibited, and he had no access to the internet or email and limited access to the telephone." 978 F.3d at 851-52. Similarly, the First Circuit found a substantial private liberty interest for the petitioner in *Hernandez-Lara*, noting that the petitioner there was incarcerated "alongside criminal inmates"

at a jail where "she was separated from her fiancé and unable to maintain her employment." 10 F.4th at 28.

46. Second, absent any individualized bond hearing, people will be detained despite not being a danger to the community or a flight risk, because there is no mechanism to determine whether their detention is necessary. *See, e.g.*, *Günaydin v. Trump*, No. 25-cv-1151, 2025 WL 1459154, -- F. Supp. 3d --, at *8 (D. Minn. May 21, 2025) (noting that lack of consideration of "individualized or particularized facts . . . increases the potential for erroneous deprivation of individuals' private rights"); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process violation because "the Government has not proved that Petitioner presents an identified and articulable threat to an individual or the community so as to justify his continued detention"). A bond hearing would have significant value because it is designed to assess the individualized facts of each case and determine whether less restrictive measures can fulfill the same goals.

47. Finally, the burden on the government of returning to the longstanding practice of holding bond hearings for people like Petitioner does not outweigh the liberty interest at stake. To the contrary, the government has an interest in "minimizing the enormous impact of incarceration in cases where it serves no purpose." *Velasco Lopez*, 978 F.3d at 854; *see also Hernandez-Lara*, 10 F.4th at 33 (noting that "limiting the use of detention to only those noncitizens who are

dangerous or a flight risk may save the government, and therefore the public, from expending substantial resources on needless detention"). Additionally, "unnecessary detention imposes substantial societal costs. . . . The needless detention of those individuals thus separates families and removes from the community breadwinners, caregivers, parents, siblings and employees. Those ruptures in the fabric of communal life impact society in intangible ways that are difficult to calculate in dollars and cents." *Hernandez-Lara*, 10 F.4th at 33 (citation and internal quotation marks omitted). The cost to the government and society of detaining people unnecessarily for long periods of time is greater than the cost of providing individualized hearings, and weighs in favor of additional procedural protections.

48. At these bond hearings, due process requires that the Government bear the burden of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 ("[W]hen such a severe deprivation is at issue, the Government must bear the burden of proof."). "A standard of proof serves to allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision." *German Santos v. Warden Pike C'ty Corr. Facility*, 965 F.3d 203, 213 (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). Therefore, when the Third Circuit has ordered a constitutionally-required bond hearing, it is placed the burden on the government by clear and convincing evidence. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York C'ty Prison*, 905 F.3d 208, 224 & n.12 (3d Cir.

2018), *abrogated on other grounds by Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have similarly held that due process requires this allocation of the burden in bond hearings for noncitizens like petitioner, who were then detained under § 1226(a). *Hernandez-Lara*, 10 F.4th at 39-40; *Velasco Lopez*, 978 F.3d at 855-56. Thus, even if the statute requires detention without a bond hearing, due process requires a hearing at which the government bears the burden by clear and convincing evidence.

COUNT ONE
STATUTORY VIOLATION

49. Petitioner re-alleges and incorporates by reference paragraphs 1 through 48 above.

50. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

51. Petitioner's continued detention by Respondents is unlawful and contravenes the law as cited herein. Petitioner was re-arrested by DHS without explanation after two decades of lawful existence in this country with his loving family, and despite being Stateless and unable to be removed. He has been charged with no crime, served with no documents or allegations, has not been given the right to request bond, has

not been served with a charging document of any kind and Petitioner continues to languish in detention. Petitioner's removal from the United States to any country is not significantly likely to occur in the reasonably foreseeable future, although ICE and the DHS are clearly attempting to make his deportation a reality by side-stepping the law and the Petitioner's rights and due process. There has been no change in circumstances warranting the Petitioner's re-arrest and detention after twenty years. ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

52. Petitioner's removal from the US is no more likely now than it was twenty years ago. There has been no change in circumstances to warrant his continued detention.

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

53. Petitioner re-alleges and incorporates by reference paragraphs 1 through 52 above.

54. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

55. 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. Substantive due process requires that immigration detention without a bond hearing be reasonably related to the goals of ensuring the appearance of noncitizens at future proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690.

56. The Due Process Clause of the Fifth Amendment also requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the arbitrary re-arrest and indefinite detention of Petitioner at this time, where Petitioner is Stateless, unable to be removed to any country, and has been a law-abiding member of US society for the past twenty years without incident. It is also not significantly likely that Petitioner will be removed in the reasonably foreseeable future.

COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION

57. Petitioner re-alleges and incorporates by reference paragraphs 1 through 56 above.

58. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case has been denied that opportunity. The Government does not make decisions concerning aliens' custody status in a neutral and impartial manner.

The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process.

58. Respondents' detention of TSITSOUACHVILI without any hearing to determine whether that detention necessary is arbitrary and capricious, and violates procedural due process.

PRAYER FOR RELIEF

59. WHEREFORE, Petitioner respectfully requests that this Court:

60. Assume jurisdiction over this matter;

61. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

62. Issue a Writ of Habeas Corpus and order Petitioner's release within 10 days unless Respondents schedule a hearing before an immigration judge at which the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present;

63. In the alternative, order Petitioner's immediate release from custody;

64. Award Petitioner his costs and reasonable attorney fees in this action as provided for by the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

65. Grant such further relief as the Court deems just and proper.

Dated: October 23, 2025

Respectfully submitted,

/s/Nicholas J. Mundy

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys, and I have discussed the claims with Petitioner's legal team. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

EXHIBIT	DOCUMENT DESCRIPTION
A	1997 Order Granting Asylum
B	2001 Judgment of Conviction
C	EOIR "Immigration Court" Printout – 2005 Order of Removal
D	Decree of the President of Georgia with English Translation & Letter from the Embassy of Georgia dated 02/16/2006
E	US ICE "Release Notification dated 02/28/2006

Dated: October 23, 2025

Respectfully submitted,

/s/Nicholas J. Mundy

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