

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

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<b>Sergei Vasenin</b>	)	
Petitioner	)	
v.	)	<b>Case No. 3:25-cv-895</b>
<b>BRIAN ENGLISH</b> , as Warden, Miami Correctional Facility;	)	
<b>SAM OLSON</b> , Chicago Field Office Director, ICE Enforcement and Removal Operations;	)	
<b>TODD LYONS</b> , Acting Director, U.S. Immigration and Customs Enforcement;	)	
<b>KRISTI NOEM</b> , Secretary, U.S. Department of Homeland Security,	)	
<b>PAMELA JO BONDI</b> , Attorney General, U.S. Department of Justice,	)	
Respondents	)	

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**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FOR AN ORDER TO SHOW CAUSE**

COMES NOW, Petitioner, Sergei Vasenin, through undersigned counsel, and brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1651, and Article I, Section 9, of the Constitution of the United States. Petitioner has been illegally detained in Immigrations and Customs Enforcement (“ICE”) custody since October 14, 2025 in violation of the Constitution. This Court should order his immediate release.

**I. INTRODUCTION AND STATEMENT OF FACTS**

1. The Petitioner is a 38-year-old native and citizen of Russia, but was born in Ukraine, prior to the collapse of the Soviet Union, to a Ukrainian mother and Russian father.
2. On October 21, 2022, Petitioner applied for admission at the San Ysidro, California Port of Entry and requested entry to seek asylum. The Department of Homeland Security (“DHS”)

took Petitioner into custody and conducted a Credible Fear Interview (“CFI”), ultimately determining that he had a Credible Fear of returning to Russia.

3. Following the CFI, DHS admitted Petitioner, issued him a Notice to Appear (“NTA”) pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I), and released him from custody under a discretionary grant of humanitarian parole<sup>1</sup> as authorized by INA § 212(d)(5), 8 U.S.C. § 1182. *See Exhibit 1, Petitioner’s I-94.*

4. Petitioner reunited with his family in Chicago, timely filed his Form I-589, Application for Asylum and for Withholding of Removal with the Chicago Immigration Court, and appeared before the Immigration Judge in Chicago on several occasions. On July 10, 2025, after Petitioner presented the merits of his asylum application, the Immigration Judge denied his asylum application and ordered him removed from the United States.

5. On August 8, 2025, Petitioner submitted his appeal of the immigration judge’s decision to the Board of Immigration Appeals (“BIA”). However, the BIA rejected his appeal because Petitioner’s immigration file was an “electronic file” and Petitioner had submitted his appeal via paper application instead of using the EOIR ECAS electronic filing system. *See Exhibit 2, Notice of Rejection of Appeal.*

6. Upon receipt of the BIA’s Notice of Rejection of Appeal, on August 15, 2025, Petitioner’s immigration counsel re-filed the appeal electronically and included a Motion to Accept Late Filing pursuant to 8 C.F.R. § 1003.38(b). The BIA accepted his appeal and issued a Notice

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<sup>1</sup> DHS may, in its discretion, allow an individual who may be inadmissible or otherwise ineligible for admission into the United States, to be admitted into the United States for a temporary period for urgent humanitarian reasons or significant public benefit. See INA section 212(d)(5); see also [https://www.uscis.gov/humanitarian/humanitarian\\_parole](https://www.uscis.gov/humanitarian/humanitarian_parole) (last reviewed 10/31/2025).

of Receipt of Appeal on August 18, 2025. *See* Exhibit 3, Notice of Receipt of Appeal. The appeal remains pending. *See* Exhibit 4, ECAS Screenshot of Petitioner's BIA Appeal.

7. On October 14, 2025, at approximately 5:00 a.m., ICE Enforcement and Removal Operations ("ERO") officers arrested Petitioner outside his home in Chicago, IL and remanded him into custody pending his removal to Russia or Ukraine.

8. ICE ERO held the Petitioner in the Broadview ICE processing facility in the Broadview suburb of Chicago. On October 16, 2025, Petitioner was transferred from the Chicago ICE office to the Clay County Jail in Brazil, Indiana. On or about October 18, 2025, Petitioner was transferred to the Miami Correctional Facility in Bunker Hill, Indiana. *See* Exhibit 5, Form I-860.

9. Petitioner does not know the reason for his arrest and detention, as no DHS officials have provided him with any documentation. Petitioner recalls that an ICE ERO officer "showed him an order" but did not allow him to review it, did not translate it to him in Russian, nor allow him to send a copy to his immigration attorney.

10. Respondents, on information and belief, now wish to treat the Petitioner as having a final order of removal, notwithstanding the BIA's acceptance and docketing of the pending appeal, thereby ignoring the statute, the regulations, and Congressional mandates to hold in custody, and then deport, someone who is not subject to being detained or being removed. Such actions are unlawful and unconstitutional.

11. The plain language of the regulations makes clear that a Notice of Appeal filed within 30 days of the immigration judge's decision renders the removal order non-final until the BIA acts. *See* 8 CFR 1003.6(a); *see also* 8 C.F.R. § 1003.38(b). Even a facially untimely appeal that is accompanied by a Motion to Accept Late/Untimely Filing is considered pending until the BIA rules on that motion. *See Matter of Lopez*, 22 I&N Dec. 16 (BIA 1998) (the BIA must

determine timeliness before the order becomes final). Because the BIA has accepted the filings into its electronic docket, the agency has asserted jurisdiction, and removal cannot lawfully proceed. See *Nken v. Holder*, 556 U.S. 418, 421 (2009) (BIA appeal suspends finality until resolved).

12. Respondents, on information and belief, are detaining Petitioner as having entered the United States without admission or inspection under 8 U.S.C. § 1182(a)(6)(A)(i) or under 8 U.S.C. § 1182(a)(7)(A).

13. Respondents, on information and belief, are alleging Petitioner is an “arriving alien” who is an “applicant for admission” and is therefore subject to mandatory detention under INA § 235, 8 U.S.C. § 1225 and the recent BIA precedent case, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

14. Petitioner is not an applicant for admission. He was admitted as a humanitarian parolee pursuant to INA § 212(d)(5) and issued an I-94, Arrival/Departure Record as evidence of his admission.

15. ICE’s authority to detain individuals derives either from 8 U.S.C. § 1226 (pre-final order) or 8 U.S.C. § 1231 (post-final order). Since the Petitioner’s removal order is not final, and there have been no material changes in Petitioner’s circumstances justifying detention, ICE’s detention under 8 USC § 1226 is unlawful.

16. ICE did not make any individualized custody determination as required under 8 U.S.C. § 1226(a). Therefore, the detention is *ultra vires*, without statutory authority, and violates the Suspension Clause and Due Process Clause.

17. Despite detaining Petitioner, ICE has not demonstrated any significant likelihood that Petitioner will be removed to Russia or Ukraine in the reasonably foreseeable future.

Petitioner's ongoing detention violates the pre-removal-period detention statute, 8 U.S.C. § 1226, the post-removal-period detention statute, 8 U.S.C. § 1231(a)(6), and the Due Process clause of the Fifth Amendment to the U.S. Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (finding that prolonged detention of someone who could not be removed would violate due process).

18. This action seeks habeas, declaratory, and injunctive relief to find that Respondents' actions were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. ICE acted impermissibly and unlawfully when they arrested and detained Petitioner contrary to his pending appeal before the BIA and his initial admission to the United States on humanitarian parole under INA § 212(d)(5), 8 U.S.C. § 1182. Petitioner is not removable from the United States and Respondents' detention of him is in violation of law.

19. Petitioner respectfully requests that this Court issue a writ of habeas corpus and order his immediate release.

## II. JURISDICTION

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

21. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 et. seq. (declaratory action), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

22. 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., the Administrative Procedure Act, 5 U.S.C. § 701, et. seq., and the All Writs Act, 28 U.S.C. § 1651.

23. This Court is not deprived of jurisdiction by 8 U.S.C. § 1252, INA § 242. See e.g., *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (finding that INA § 242 does not bar a claim challenging agency authority that does not implicate discretion). Generally, a narrower construction of jurisdiction-stripping provision is favored over the broader one, as reflected by the “familiar principle of statutory construction: the presumption favoring judicial review of administrative action.” *Kucana v. Holder*, 558 U.S. 233, 251, 130 S. Ct. 827, 839 (2010). Absent “clear and convincing evidence” of congressional intent specifically to eliminate review of certain administrative actions, the above-cited principles of statutory construction support a narrow reading of the jurisdiction-stripping language of 8 U.S.C. § 1252(a)(2)(B)(ii). *Id.*, at 251-252. See also, *Geneme v. Holder*, 935 F.Supp.2d 184, 192 (D.D.C. 2013) (discussing *Kucana*'s citation to a presumption favoring judicial review of administrative action when the statute does not specify discretion.)

24. 8 U.S.C. § 1252(a)(5), INA § 242(a)(5), provides that “a petition for review filed with an appropriate court of appeals in accordance with this section, shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act[.]” As the present action is **not** an action to review a removal order but an action challenging the unlawful conduct of DHS in unlawfully arresting, and detaining Petitioner contrary to his pending BIA appeal, this Court retains original jurisdiction under the APA, 28 U.S.C. §2241, and 28 U.S.C. § 1331, as well as for declaratory relief under 28 U.S.C. § 2201.

### III. VENUE

25. Venue is proper because Petitioner is detained at the Miami Correctional Facility in Bunker Hill, Indiana, which is within the jurisdiction of this District.

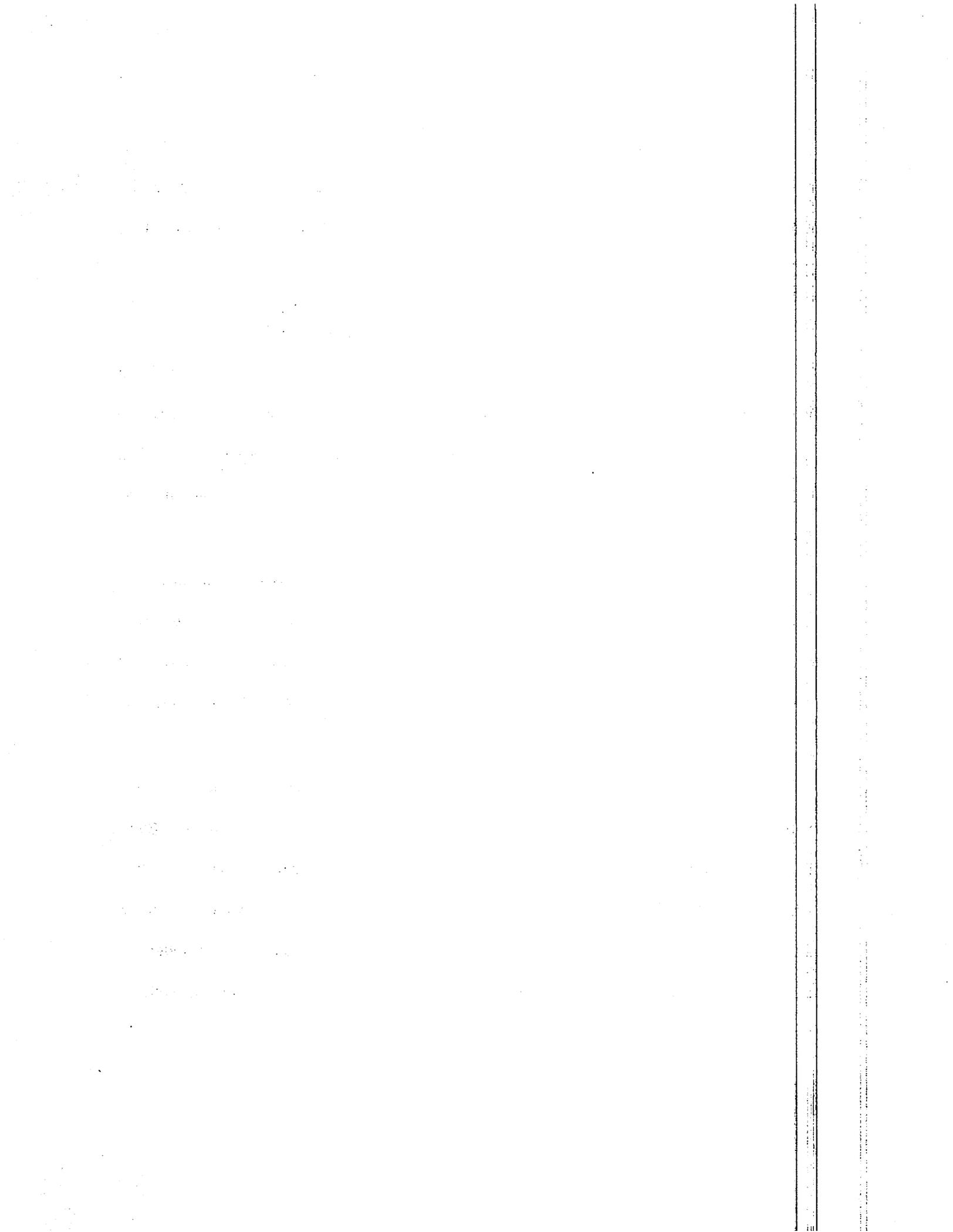
26. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States reside and a substantial part of the events or omissions giving rise to his claims occurred in this District. No real property is involved in this action. 28 U.S.C. § 1391(e).

**IV. REQUIREMENTS OF 28 U.S.C. § 2243 AND  
APPLICATION FOR AN ORDER TO SHOW CAUSE**

27. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

28. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

29. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court issue an order to all Respondents requiring them to show cause why the Petitioner’s Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and the Declaratory Judgment Act, 28 U.S.C. § 2201 should not be granted and why Respondents should not be ordered to release Petitioner from detention.



30. Pending adjudication of these claims, Petitioner asks for an order enjoining Respondents from transferring Petitioner from the jurisdiction of the Chicago Field Office of the Immigration & Customs Enforcement (“ICE”) Office of Enforcement and Removal Operations (“ERO”) and this District.

## V. PARTIES

31. Petitioner is currently detained in the Miami Correctional Facility in Bunker Hill, Indiana. He was arrested and detained on October 14, 2025, by ICE ERO in Chicago, IL, outside his home. His application for asylum is currently on appeal, pending with the BIA.

32. Respondent Brian English is the Warden of the Miami Correctional Facility. He has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent English is the legal custodian of Petitioner. Respondent English’s office is located at 3038 W 850 S, Bunker Hill, IN 46914.

33. Respondent Sam Olson is the Field Office Director of the Chicago Field Office, Immigration and Custom’s Enforcement, which has jurisdiction over Indiana ICE Enforcement and Removal Operations (ERO). Respondent Olson is a legal custodian of Petitioner and has authority to release him. Respondent Olson’s office is located at 101 W Ida B Wells Drive, Suite 400, Chicago, IL 60605.

34. Respondent Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him. Respondent Lyons’ office is located at 500 12th St. SW, Washington, DC 20536.

35. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent Noem is responsible for

the implementation and enforcement of the Immigration and Nationality Act (“INA”) pursuant to 8 U.S.C. § 1103(a); oversees U.S. Immigration and Customs Enforcement (“ICE”), the component agency responsible for Petitioner’s arrest and detention; supervises Respondent Olson; and she is legally responsible for the pursuit of Petitioner’s detention and removal. As such, Respondent Noem is a legal custodian of Petitioner. Respondent Noem’s office is located in the United States Department of Homeland Security, Washington, District of Columbia, 20528.

36. Respondent Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States Department of Justice. In this capacity, Respondent Bondi is responsible for representing the United States in legal matters, supervise and direct the administration and operation of the Department of Justice’s many agencies, which include the Executive Office of Immigration Appeals (“EOIR”) and the Office of Immigration Litigation (“OIL”). Respondent Bondi’s office is located in the United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, District of Columbia, 20530.

## VI. LEGAL BACKGROUND

37. “In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). This fundamental principle of our free society is enshrined in the Fifth Amendment’s Due Process Clause, which specifically forbids the Government to “deprive[]” any “person . . . of . . . liberty . . . without due process of law.” U.S. Const. amend. V. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) (“[A]liens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness

encompassed in due process of law”). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 678.

38. The Supreme Court, thus, “has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection,” including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); see also *Salerno*, 481 U.S. at 755 (requiring individualized hearing and strong procedural protections for detention of people charged with federal crimes); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (same for civil commitment for mental illness); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997) (same for commitment of sex offenders).

39. For decades, the immigration system has implemented this balance through a network of three mutually exclusive detention statutes.

40. First, at the border, individuals “seeking admission” who are placed into removal proceedings are subject to detention without a bond hearing under 8 U.S.C. § 1225(b)(2).<sup>2</sup> See *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (describing § 1225 as relating to “borders and ports of entry”). These individuals may request release through humanitarian parole under 8 U.S.C. § 1182(d)(5)(A).

41. Second, the INA 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 referred to under § 1225(b)(2).

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<sup>2</sup> Separately, there is also a limited subset of individuals in and around the border who may be placed into the Expedited Removal process and are subject to mandatory detention under 8 U.S.C. § 1225(b)(1). See *Make the Road N.Y. v. Noem*, No. 25-190, 2025 WL 2494908, at \*23 (D.D.C. Aug. 29, 2025).

42. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

43. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

44. 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 which was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

45. 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).

46. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

47. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

48. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without

inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

49. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). There, the BIA held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

50. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

51. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

52. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted.

53. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the

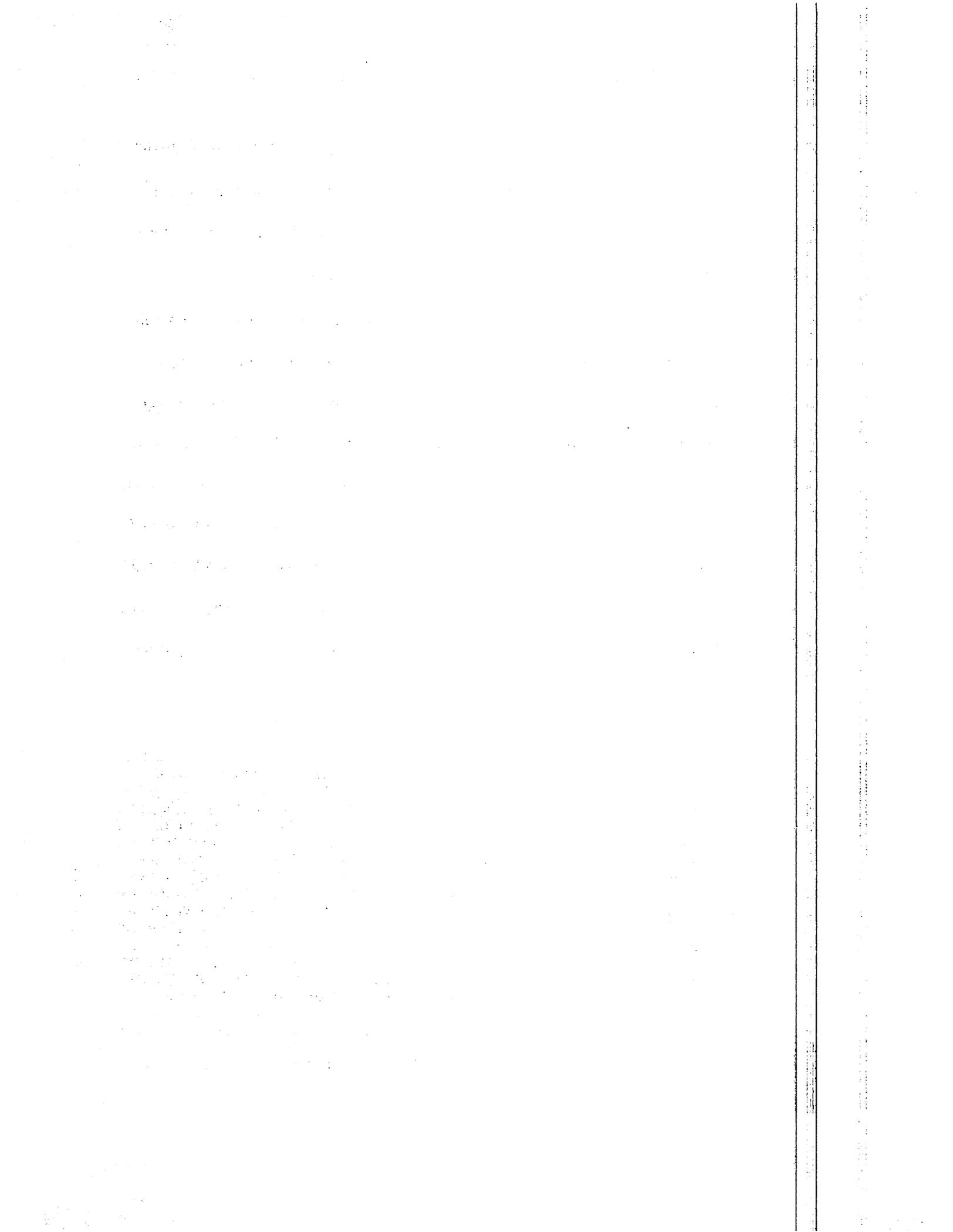
statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.<sup>3</sup>

54. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

55. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also *Gomes*, 2025 WL 1869299, at \*7. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission *or parole*.

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<sup>3</sup> See, e.g., *Alejandro v. Olson*, No. 1:25-cv-02027-JPH-MKK (S.D. Ind. Oct. 11, 2025); *B.D.V.S. v. Forestal*, No. 1:25-cv-01968-SEB-TAB (S.D. Ind. Oct. 8, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-01774-SEB-MJD, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *Ochoa Ochoa v. Noem*, No. 25 C 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025) (Jenkins, J.), *H.G.V.U. v. Smith*, No. 25 C 10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2020) (Coleman, J.), *Mariano Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025) (Alonso, J.), and *G.Z.T. v. Smith*, No. 25 C 12802 (N.D. Ill. Oct. 21, 2025) (Ellis, J.), *Corona Diaz v. Olson, et al.*, No. 25-cv-12141 (N.D. Illinois 2025), *Belsai v. Bondi, et al.*, No. 25-cv-3862 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, --- F.Supp.3d ---, 2025 WL 2712417 (N.D. Iowa Sept. 23, 2025); *Salazar v. Dedos*, No. 1:25-cv-00835-DHU-JMR, 2025 WL 2676729 (D. N.M. Sept. 17, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at \*9 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at \*8 (D. Mass. July 7, 2025).



56. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. That statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a [] [noncitizen] seeking to enter the country is admissible.” *Jenning v. Rodriguez*, 583 U.S. 281, 287 (2018).

57. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who has already entered, was granted parole, and was residing in the United States at the time they were apprehended.

## VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

58. Exhaustion is not required of this claim. *See Gonzalez v. O’Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004). Exhaustion is not required in four (4) circumstances: (1) When delay would cause undue prejudice; (2) When the agency lacks the ability or competence to resolve the dispute; (3) When exhaustion would be futile because the agency has already decided the issue; and (4) When substantial constitutional questions are raised. *Id.* (citing *Iddir v. INS*, 301 F.3d 492, 498 (7th Cir. 2002)). This claim falls into three of the four exceptions to exhaustion.

59. First and foremost, delay would cause undue prejudice to Petitioner as, per *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA held that under the “plain language” of INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), IJs categorically lack jurisdiction to conduct bond hearings for noncitizens deemed “present in the United States without admission,” even in cases where the Department of Homeland Security (DHS) has elected to place such individuals into

removal proceedings under INA § 240. *Id.* at 229. The BIA’s decision recharacterizes § 235(b)(2)(A) as a sweeping “catch-all” detention mandate for virtually all applicants for admission not subject to expedited removal under § 235(b)(1). *Id.* at 219-220. In doing so, the BIA selectively relies on *Jennings v. Rodriguez*, 583 U.S. 281, 299 (2018), to claim that detention under § 235(b)(2)(A) must continue “until removal proceedings have concluded.” *Id.* at 225.

60. For the same reason explained above, this claim falls into two (2) other exceptions: the agency lacks the ability or competence to resolve the dispute and exhaustion would be futile because the agency has already decided the issue.

61. Since the IJ is not empowered to overrule BIA precedent, particularly with respect to case law that is so recent, it would be futile to require Petitioner to first seek custody redetermination before the IJ. It must be further stressed that the reasoning explained above represents a striking departure from decades of agency practice and jurisprudence. For years, DHS and the immigration courts have recognized the authority of IJs to conduct custody redetermination hearings in precisely these circumstances. The BIA’s sudden and disingenuous reinterpretation of the statute disregards both its own precedent and the constitutional concerns raised by prolonged detention without individualized review. By invoking “plain language” now—after years of contrary interpretation—the agency effectively insulates detention decisions from meaningful administrative review.

62. Accordingly, the Petitioner has no further recourse within the immigration court system or the BIA. The exhaustion requirement is therefore satisfied. In light of the BIA’s denial of IJ jurisdiction to hear custody redetermination requests, habeas corpus is the only mechanism available to challenge Respondent’s ongoing detention and to vindicate constitutional rights at stake.

63. Nor does 8 U.S.C. § 1226(e) bar review of this claim. Supreme Court and Seventh Circuit precedent establish that § 1226(e) does not strip district courts of habeas jurisdiction over challenges to the government's detention authority under the statute. *See Jennings*, 138 S. Ct. at 841 (citing *Demore v. Kim*, 538 U.S. 510, 516 (2003)); *see also Parra v. Perryman*, 172 F.3d 954, 957 (7th Cir. 1999). This claim fits comfortably within that description. Furthermore, even if those cases did not leave this court's habeas jurisdiction intact, the Constitution itself would. *See* U.S. Const., Art. I, § 9, cl.2; *see also Boumediene v. Bush*, 553 U.S. 723, 792-93 (2008) (attempts to strip habeas jurisdiction that do not leave an adequate alternative are inoperative).

64. Because the IJ currently lacks jurisdiction to evaluate Petitioner's custody determination, Petitioner asks this Court to do so, and order that he be released immediately.

## VIII. CLAIMS FOR RELIEF

### Count I - Violation of Fifth Amendment Rights to Due Process

65. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

66. Petitioner has a fundamental liberty interest of being free from official restraint.

67. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

68. Petitioner has followed the legal requirements to avail himself of the asylum process under the Immigration and Nationality Act (INA), including the procedural requirements for appealing the decision of an immigration judge. Indeed, the BIA acknowledged this when it accepted and docketed his appeal under the relevant law and regulations.

69. Despite each of these things, Respondents never alerted Petitioner to any issues or concerns at any point prior to their unlawful detention and threats to remove him and dissolve his rights unilaterally, without notice and without justification.

70. Respondents' efforts to now unilaterally and without due process strip him of those benefits is unlawful under the Fifth Amendment of the Constitution.

71. Respondents cannot effectuate unilateral termination of his pending BIA appeal, without proper procedures consistent with the Due Process clause. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 n.8 (1954).

72. Procedural due process requires, in most cases, a hearing of some kind. *Mathews v. Eldridge*, 424 U.S. 319, 332-333, 96 S.Ct. 893, 901-902 (1976). The process due depends on three factors:

[f]irst, the private interest that will be affected by the official action; second, 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 finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

*Id.* 424 U.S. at 335, 96 S.Ct. at 903.

61. Instead, Respondents have acted with complete disregard to due process by unlawfully detaining him under a threat of removal. Such unlawful actions threaten Petitioner's interests in his interim benefits in the short term and his asylum filings in the long term.

62. Given the Petitioner's rights and interests, the Government's interests, and the cost and availability of alternate means of protecting the Government's objectives, the procedures employed by the Government violated the Due Process clause of the Fifth Amendment.

## **Count II -Violation of the Immigration and Nationality Act and Implementing Regulations**

63. The allegations in the above paragraphs are realleged and incorporated herein.

64. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

65. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all alleged noncitizens residing in the United States who are alleged to be subject to the grounds of inadmissibility. As relevant here, it does not apply to those who are alleged to have previously entered the country and have resided in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such alleged noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

### **Count III – Violation of Immigration Bond and Detention Regulations**

66. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

67. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond and bond redetermination.*” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who are alleged to have entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

68. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice

of applying § 1225(b)(2) to individuals like Petitioner.

69. The application of § 1225(b)(2) to Petitioner unlawfully mandates their continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

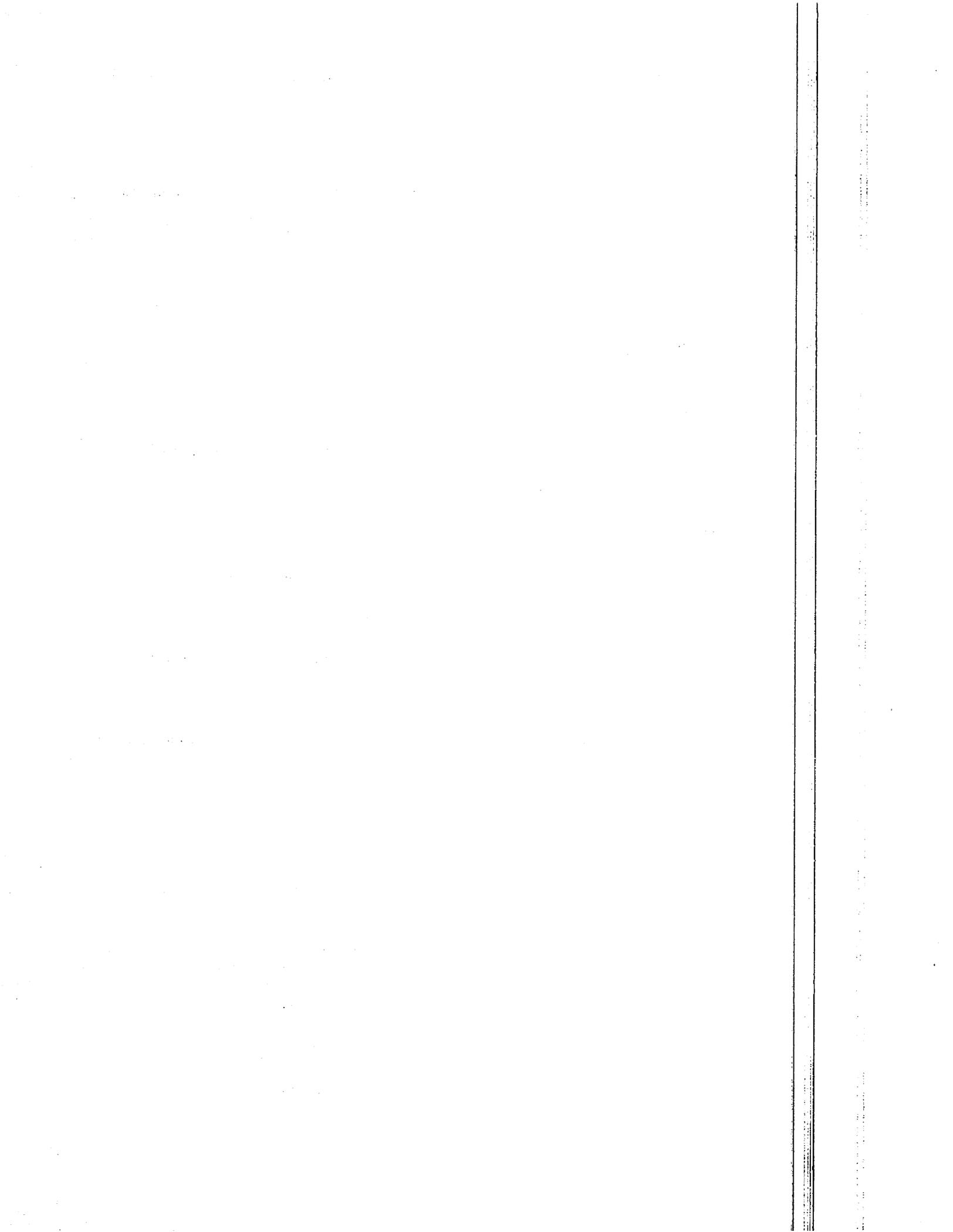
### IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Honorable Court:

1. Assume jurisdiction over the matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within 3 days.
3. Declare that Petitioner's detention is unlawful;
4. Enjoin Respondents from transferring the Petitioner outside the jurisdiction of the Northern District of Indiana pending the resolution of this case;
5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 8 U.S.C. § 2412, and on any other basis justified under law; and
7. Grant any further relief this Court deems just and proper.

Respectfully submitted,

*/s/ Julia Sverdloff*  
Julia Sverdloff\* (IL #6294598)  
(NJ #037362007; NY #4649844)  
Sverdloff Law Group, PC  
120 S State Street, Suite 200  
Chicago, IL 60603  
Ph. 312-238-9090  
julia@sverdlofflaw.com



/s/Kristen E. Coffey

Kristen E. Coffey, IN #34544-49  
Panyard Holton Immigration, LLC  
P.O. Box 24447  
Indianapolis, IN 46224  
P: 317.755.1278  
C: 317.520.2887  
F: 317.755.1872  
kristen@panyardholtonimmigration.com

*Attorneys for the Petitioner*

Dated: November 3, 2025

\*Motion for admission *pro hac vice* forthcoming

**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed relevant documentation of the events described in this Petition and Complaint reasonably available to me prior to and at the time of filing. On the basis of those documents and discussions with individuals whom Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

/s/ Julia Sverdloff  
Julia Sverdloff

/s/Kristen E. Coffey  
Kristen E. Coffey

**TABLE OF EXHIBITS IN SUPPORT OF PETITION**

<b>Exhibit</b>	<b>Exhibit Name</b>
1	Petitioner's I-94, Record of Entry/Admission
2	BIA Notice of Rejection of Appeal
3	BIA Notice of Receipt of Appeal
4	ECAS Screenshot of Petitioner's pending BIA Appeal
5	Form I-860

 For: SERGEI VASENIN



**U.S. Customs and Border Protection**  
Securing America's Borders

**Most Recent I-94**

Admission (I-94) Record Number : 

Most Recent Date of Entry: 2022 October 22

Class of Admission : DT

Admit Until Date : 10/21/2023

Details provided on the I-94 Information form:

Last/Surname : VASENIN

First (Given) Name : SERGEI

Birth Date : 

Document Number : 

Country of Citizenship : Russia

[Get Travel History](#)

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

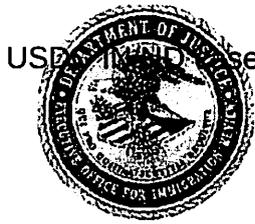
CBP No. 7520-0114  
Expiration Date: 10/31/2022

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)



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*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

Sverdloff, Julia  
Gordon Sverdloff Immigration, LLC.  
120 S. State Street  
Suite 200  
Chicago, IL, 60603

DHS/ICE Office of Chief Counsel - CHI  
55 EAST MONROE, SUITE 1400  
Chicago, IL 60603

Name: VASENIN, SERGEI



Type of Proceeding: Removal

Date of this notice: 8/11/2025

Type of Appeal:

Filed By: Alien

#### REJECTION OF APPEAL

This notice is to inform you that the appeal received by the Board of Immigration Appeals (Board or BIA) in the above-referenced case on 8/8/2025 is being rejected for the following reason (s):

- o Electronic Filing Required. The Record of Proceedings (ROP) is an electronic ROP (eROP). You did not electronically submit this filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1).

#### PLEASE NOTE

If you correct and refile this appeal, YOU MUST ATTACH THIS REJECTION NOTICE to your submission.

We have returned your appeal and all attachments to you for timely correction of the defect(s). THIS DOES NOT EXTEND THE ORIGINAL 30-DAY TIME LIMIT within which you must file your appeal. Where a stay attached to the filing of an appeal, there is no automatic stay of removal beyond the 30-day limit unless an appeal is properly filed at the Board. For more information on automatic stays and discretionary stays of removal, see Chapter 6 (Stays and Expedited Requests) of the EOIR Policy Manual, Part III: BIA Practice Manual available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Your appeal must be RECEIVED at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is NOT sufficient to simply mail the appeal and assume that your appeal will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your appeal.

If you file your corrected appeal after the original time limits, your corrected appeal must be accompanied by a written motion entitled "MOTION TO ACCEPT LATE APPEAL" and comply

USDOJ INND case 3:23-cv-00895-DRL-SJ document 1-2 filed 11/05/23 page 2 of 5  
generally with the rules and procedures for filing. Your motion to accept your untimely appeal must clearly establish both diligence in the filing of the notice of appeal and that an extraordinary circumstance prevented timely filing. The motion should also be supported by affidavits, declarations, and other evidence.

### **FILING INSTRUCTIONS**

If you have any questions about how to file something at the Board, please review the Board's Practice Manual contained within EOIR's Policy Manual and found on EOIR's website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

If you correct and resubmit this appeal, YOU MUST ATTACH THIS REJECTION NOTICE to your submission.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the EOIR Policy Manual, Part III: BIA Practice Manual.

### **FILING INSTRUCTIONS -- IMPORTANT REMINDER**

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the FILING ADDRESS: section below is encouraged to ensure timely filing.

### **FILING ADDRESS:**

Board of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

**Userteam:**

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

OMB# 1125-0002  
Notice of Appeal from a Decision of an  
Immigration Judge

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):  
Vasenin, Sergei; 

For Official Use Only

**!** **WARNING:** Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am  the Respondent/Applicant  DHS-ICE (Mark only one box.)

3. I am  DETAINED  NOT DETAINED (Mark only one box.)

4. My last hearing was at Immigration Court - Chicago, Illinois (Location, City, State)

5. **What decision are you appealing?**

*Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).*

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated 07/10/2025.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated \_\_\_\_\_ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court?  Yes.  No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated \_\_\_\_\_.

*(Please attach a copy of the Immigration Judge's decision that you are appealing.)*

6. **State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.**

1. The immigration judge committed legal and factual errors in denying asylum, withholding, and CAT.
2. The denial of the respondent's application for asylum was not supported by the substantial evidence introduced in this case.
3. The immigration judge's factual findings were not supported by the substantial evidence in this case.
4. The immigration judge unreasonably denied the respondent's claim due to a lack of an objective basis for the claim.
5. Other errors of law and/or fact may become apparent upon review of the transcript, and respondent reserves the right to argue those issues in his appeal brief.

The respondent is filing a Motion to Accept Untimely Filing alongside his Notice of Appeal. The Board should exercise its discretion in certifying Respondent's Notice of Appeal for the reasons stated therein.

*(Attach additional sheets if necessary)*

**! WARNING:** You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals?  Yes  No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?  Yes  No
9. If you are unrepresented, do you give consent to the BIA Pro Bono Project to have your case screened by the Project for potential placement with a free attorney or accredited representative, which may include sharing a summary of your case with potential attorneys and accredited representatives?  Yes  No  
*(There is no guarantee that your case will be accepted for placement or that an attorney or accredited representative will accept your case for representation)*

**! WARNING:** If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

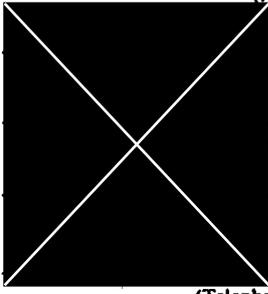
If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

10. **Print Name:** Sergei Vasenin

11. **Sign Here:**   08/15/2025  
 Signature of Person Appealing (or attorney or representative) Date

12. **Mailing Address of Respondent(s)/Applicant(s)**

Vasenin Sergei  
(Name)

 (Address)

(Room Number)

(City, State, Zip Code)

(Telephone Number)

11. **Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)**

Julia Sverdloff  
(Name)

120 South State St  
(Street Address)

Suite 200  
(Suite or Room Number)

Chicago, IL 60603  
(City, State, Zip Code)

(312) 238-9090  
(Telephone Number)

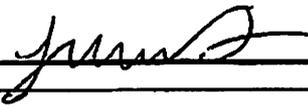
**NOTE:** You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

**NOTE:** If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

13. **PROOF OF SERVICE (You Must Complete This)**

I Julia Sverdloff (Name) mailed or delivered a copy of this Notice of Appeal  
 on 08/15/2025 (Date) to Assistant Chief Counsel DHS-ICE (Opposing Party)  
 at 55. E. Monroe St., Suite 1400, Chicago, IL 60603. (Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

**SIGN HERE** → X  Signature

**NOTE:** If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

**WARNING:** If you do not complete this section properly, your appeal will be rejected or dismissed.

**WARNING:** If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

**HAVE YOU?**

- Read all of the General Instructions.
- Provided all of the requested information.
- Completed this form in English.
- Provided a certified English translation for all non-English attachments.
- Signed the form.
- Served a copy of this form and all attachments on the opposing party, if applicable.
- Completed and signed the Proof of Service
- Attached the required fee payment receipt, fee, or Fee Waiver Request.
- If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS**

Sverdloff, Julia  
Gordon Sverdloff Immigration, LLC.  
120 S State Street  
Suite 200  
Chicago, IL 60603

DHS/ICE Office of Chief Counsel - CHI  
55 EAST MONROE, SUITE 1400  
Chicago, IL 60603

Name:  
VASENIN, SERGEI



Riders:

Date of Notice: 08/18/2025

**FILING RECEIPT FOR APPEAL OR MOTION**

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 08/15/2025, in the above-referenced case, filed by the Respondent

Additional Comments  
N/A

**WARNING FOR APPEALS:**

**Departure.** If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

**Proof of posting voluntary departure bond.** If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

**Autostay Bond Appeals.** Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

**Form EOIR-27.** If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

**WARNING FOR MOTIONS:**

**Stay of removal.** Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

**Form EOIR-27.** If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

**FILING INSTRUCTIONS:**

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Accepted by: GaddyC

CC

[◀ Back to Cases](#)

VASENIN, SERGEI

**BIA Information**

Select a case to view details and file documents

- ▼ **Removal**      **Charging Doc. Date:** Case Completed  
10/22/2022
- Case Appeal**      **Filed on Date:** Case Pending  
08/15/2025

End of list. Please file a Form EOIR-27 or EOIR-28 using "Appearances" link in the header to view additional cases.

**BIA Case Type:** Case Appeal  
**Filed On Date:** 08/15/2025  
**Alien Name:** VASENIN, SERGEI  
**Appeal Due Date:** 08/11/2025  
**Alien Brief Due Date:** -- N/A --      **Alien Brief Filed On Date:** -- N/A --  
**DHS Brief Due Date:** -- N/A --      **DHS Brief Filed On Date:** -- N/A --  
**BIA Decision Date:** -- N/A --      **BIA Decision:** Pending

**BIA Actions**

**eROP Documents**

**Document Filters**

View All   
  Filter at the Court   
  Filter at the BIA

Actions	Document Type	Filed Date ▼	Filed At	Filed By	Document Status
	Form I-830, Notice to EOIR: Alien Address	10/29/2025	BIA	DHS	Accepted
	I-830, Notice to EOIR: Alien Address	10/28/2025	Court	DHS	Accepted
	Other Motion	10/17/2025	BIA	Respondent Rep	Accepted
	Motion to Stay of Deportation or Removal	10/17/2025	BIA	Respondent Rep	Accepted
	Fee Receipt	09/30/2025	BIA	Respondent Rep	Accepted
	Filing Receipt for an Appeal/Motion	08/18/2025	BIA	BIA	Accepted
	Form EOIR-27, Enter Appearance and / or UPDATE Attorney Address	08/15/2025	BIA	Respondent Rep	Accepted
	Form EOIR-27, Enter Appearance and / or UPDATE Attorney Address	08/15/2025	BIA	Respondent Rep	Accepted
	Case Appeal	08/15/2025	BIA	Respondent Rep	Accepted
	Fee Receipt	08/15/2025	BIA	Respondent Rep	Accepted

Total Count: 29

« Previous 1 **2** 3 Next »

**NOTICE TO EOIR: ALIEN ADDRESS**

Date: 10/28/2025  
To: Enter Name of BIA or Immigration Court I-830 Chicago Immigration Court-Clark Street  
Enter BIA or Immigration Court Three Letter Code@usdoj.gov CHD  
From: Enter Name of ICE Office ERO CHICAGO FIELD OFFICE  
Enter Street Address of ICE Office 101 W. IDA B. WELLS DRIVE SUITE 4000  
Enter City, State and Zip Code of ICE Office CHICAGO, IL 60605  
Respondent: Enter Respondent's Name Vasenin, Sergei  
Alien File No: Enter Respondent's Alien Number 

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:  
Enter Name of Institution where Respondent is being detained \_\_\_\_\_  
Enter Street Address of Institution where Respondent is being detained \_\_\_\_\_  
Enter City, State and Zip code of Institution where Respondent is being detained \_\_\_\_\_  
Enter Respondent's Inmate Number \_\_\_\_\_  
His/her anticipated release date is Enter Respondent's Anticipated Release Date. \_\_\_\_\_

Detained by ICE on **Enter Date Respondent was Detained by ICE at:** 10/19/2025  
Enter Name of ICE Detention Facility where Respondent is being detained MIAMI CORRECTIONAL CENTER  
Enter Street Address of ICE Detention Facility where Respondent is being detained 3038 W 850 S  
Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained Bunker Hill, IN 46914

Detained by ICE and transferred on **Enter Date Respondent was transferred to:** \_\_\_\_\_  
Enter Name of ICE Detention Facility where Respondent has been transferred \_\_\_\_\_  
Enter Street Address of ICE Detention Facility where Respondent has been transferred \_\_\_\_\_  
Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred \_\_\_\_\_

Released from ICE custody on the following condition(s):  
 Order of Supervision or Own Recognizance (Form I-220A)  
 Bond in the amount of Enter Dollar Amount of Respondent's Bond \_\_\_\_\_  
 Removed, Deported, or Excluded  
 Other \_\_\_\_\_

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:  
Enter Respondent's Street Address \_\_\_\_\_  
Enter Respondent's City, State and Zip Code \_\_\_\_\_  
Enter Respondent's Telephone Number (including area code) \_\_\_\_\_  
 I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.  
ICE Official: Enter Your First, Last Name and Title ERA HARVEY MARTIN

EOIR - 1 of 1

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sergei Vasenin

DEFENDANTS

BRIAN ENGLISH, as Warden, Miami Correctional Facility; SAM OLSON, Chicago Field Office Director, ICE Enforcement and Removal Operations;

(b) County of Residence of First Listed Plaintiff Cook Co, IL (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number) Julia Sverdloff, Sverdloff Law Group, PC, 120 S State Street, Suite 200, Chicago, IL 60603; 312-238-9090; Kristen E. Coffey, Panyard Holton Immigration, LLC, PO Box 24447, Indianapolis, IN 46224, 317-755-1278

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: Petitioner for Habeas in ICE custody at Miami Co Correctional

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/03/2025 SIGNATURE OF ATTORNEY OF RECORD /s/ Julia Sverdloff; /s/ Kristen E. Coffey

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**USDC IN/ND case 3:25-cv-00895-DRL-SJF document 1-6 filed 11/03/25 page 2 of 2**  
**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.