

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

EKATERINA LEKSINA,
Plaintiff,

v.

SHAD RICE, Warden, South Louisiana
Immigration and Customs Enforcement
Processing Center;

BRIAN ACUNA, New Orleans Field
Office Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement;

KRISTI NOEM, Secretary, United States
Department of Homeland Security;

PAMELA BONDI, Attorney General of
the United States;

Respondents.

Case No.

Agency No. 241303236

**PETITION FOR WRIT OF HABEAS
CORPUS**

Expedited Hearing Requested

INTRODUCTION

1. Ekaterina Leksina, a native and citizen of Russia, was placed into removal proceedings on June 15, 2024, by the Department of Homeland Security as an arriving alien under section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA). Ms. Leksina was granted with Withholding of Removal under INA § 241(b)(3) on February 28, 2025, by an Immigration Judge

1 while in custody at the South Louisiana ICE Processing Center. She now remains detained at the
2 South Louisiana ICE Processing Center as an immigrant removed pursuant to 8 C.F.R. § 1231
3 (See Appendix A – Immigration Judge order, Sworn Statement and NTA).

4 2. Ms. Leksina has submitted numerous requests for a custody redetermination to U.S.
5 ICE Enforcement and Removal Operations (ERO). U.S. ICE ERO has denied the requests for
6 release citing a lack of community ties for Ms. Leksina. Ms. Leksina did not request a custody
7 review hearing before an immigration judge because she was told she was not eligible for bond
8 as an arriving alien.

9 3. At this time Ms. Leksina has already been detained for a period of sixteen months
10 total, including eight months after being issued an order of removal, and seven months (more
11 than 180 days) after her removal order became final. She is being held in conditions that are
12 inhumane and exacerbating her health issues, while she faces continued lengthy detention as ICE
13 fails to release her or remove her. Ms. Leksina suffers from severe hypertension and requires
14 daily medication. While in detention, Ms. Leksina has suffered several hypertensive episodes
15 where she cannot stand up and vomits. Moreover, Ms. Leksina has developed depression, anxiety
16 disorder, and insomnia while in detention, and has been prescribed medications for those
17 conditions as well. Ms. Leksina’s physical and mental health is a matter of grave concern and an
18 urgent circumstance for purposes of this petition for Writ of Habeas requesting immediate
19 release. (See Appendix C – Declaration of Ekaterina Leksina; Appendix D – Ms. Leksina health
20 records).

21 4. Ms. Leksina has now been subject to prolonged detention after being ordered removed,
without the rigorous review necessary under 8 U.S.C. 1231(a)(1)(A)); 8 CFR § 241.13 to sustain
such an unreasonable and unjustified detention in violation of the Due Process Clause of the

1 Fifth Amendment of the United States Constitution. U.S. Const. Amend. 5.

2 5. Accordingly, Ms. Leksina urgently petitions this Court for immediate release in
3 accordance with Ms. Leksina's Fifth Amendment Constitutional rights.

4 **JURISDICTION**

5 6. This action arises under the Constitution of the United States and the Immigration and
6 Nationality Act (INA), 8 U.S.C. § 1101 (INA § 101) *et seq.*

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

9 8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
10 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
11 § 1651.

12 **VENUE**

13 8. Venue is proper because Petitioner is detained at the South Louisiana Immigration and
14 Customs Enforcement Processing Center in Brasille, Louisiana, which is within the jurisdiction
of this District.

15 9. Venue is proper in this District because Respondents are officers, employees, or
16 agencies of the United States and the Petitioner resides in this District and no real property is
17 involved in this action. 28 U.S.C. § 1391(e).

18 **REQUIREMENTS OF 28 U.S.C. § 2243**

19 10. The Court must grant the petition for writ of habeas corpus or issue an order to show
20 cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28
21 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a

1 return “within *three days* unless for good cause additional time, not exceeding twenty days, is
2 allowed.” *Id.* (emphasis added).

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

7 **PARTIES**

8 12. Ms. Leksina is a citizen of Russia, granted withholding of removal under INA §
9 241(b)(3) and is currently detained pursuant to 8 U.S.C. § 1231, at South Louisiana Immigration
10 and Customs Enforcement Processing Center in Basille, Louisiana. She is in the custody, and
11 under the direct control, of Respondents and their agents.

12 13. Respondent Shad Rice is the Warden of South Louisiana Immigration and Customs
13 Enforcement Processing Center, and he has immediate physical custody of Petitioner pursuant to
14 the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and
is a legal custodian of Petitioner. Respondent Shad Rice is a legal custodian of Petitioner.

15 14. Respondent Brian Acuna is sued in his official capacity as the Director of the New
16 Orleans Field Office of U.S. Immigration and Customs Enforcement. Respondent Brian Acuna a
17 legal custodian of Petitioner and has authority to release her.

18 15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
19 Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for
20 the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S.
Immigration and Customs Enforcement, the component agency responsible for Petitioner’s

1 detention. Respondent Noem is a legal custodian of Petitioner.

2 16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of
3 the United States and the senior official of the U.S. Department of Justice (DOJ). In that
4 capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office
5 for Immigration Review (EOIR), which administers the immigration courts and the BIA.
6 Respondent Bondi a legal custodian of Petitioner.

7 **STATEMENT OF FACTS**

8 18. Petitioner, Ms. Leksina, is a 36-year-old citizen of the Russia who was granted with
9 withholding of removal by an immigration judge. Her claim for relief was based on a fear of
10 persecution on account of her sexual orientation as a lesbian in Russia.

11 19. On June 4, 2024, Ms. Leksina entered the U.S. without lawful status, where she was
12 detained by Immigration and Customs Enforcement. (See Appendix A)

13 20. In August of 2024, Ms. Leksina filed an application for asylum, withholding of
14 removal, and protection under the convention against torture before an immigration judge at the
15 South Louisiana ICE Processing Center.

16 21. Between August of 2024 and February of 2025, Ms. Leksina filed around ten requests
17 for parole to ICE via their detention mailbox, only two of which were met with written denials.
18 (See Appendix B). The denials stated that Ms. Leksina had insufficient community ties because
19 she has no relatives in the U.S. and was being sponsored by a non-profit organization called Casa
20 Marianella operating out of Austin, Texas.

21 22. Ms. Leksina did not file a request for a custody review hearing (bond) before a judge
because she was told by ICE officers that her request would be denied.

1 23. On February 28, 2025, an immigration judge granted Ms. Leksina's application for
2 withholding of removal under INA § 241(b)(3). This removal order became final on April 1,
3 2025. (See Appendix A).

4 24. During the first 90 days after the removal order became final, ICE did not remove
5 Ms. Leksina to a third country.

6 25. After 90 days after the removal order became file, ICE notified Ms. Leksina that she
7 would be eligible for a custody review by ICE on June 30, 2025. In preparation, Ms. Leksina
8 submitted a packet to ICE with proof of her current medical conditions, proof of her lack of
9 criminal history, and a letter from her non-profit sponsor. Upon review, ICE denied her request
10 for parole because she lacked community ties. (See Appendix B).

11 26. Since the denial of her release request in June of 2025, Ms. Leksina has requested
12 several other reviews of her custody status, all of which were denied. On August 1, August 5,
13 October 22, and October 27 of 2025, ICE responded to Ms. Leksina's request stating that there
14 was no update about a departure date. See Appendix C.

15 27. Currently, ICE continues to tell Ms. Leksina that they are attempting to deport her to
16 a third country. However, ICE has not provided information to Ms. Leksina about which
17 countries they have contacted, when they have reached out to these third countries, or if they
18 have received responses from these third countries. ICE has never provided Ms. Leksina with
19 any written documentation verifying which countries they are contacting for alternative removal
20 or otherwise updating Ms. Leksina with the status of their attempts.

21 28. Ms. Leksina has cooperated with ICE in their removal operation, and she has never
refused to give ICE any information or documents that they require to attempt to remove her. In

1 fact, Ms. Leksina has repeatedly asked ICE to remove her to any country except Russia because
2 she does not want to remain in detention.

3 29. Ms. Leksina remains in immigration detention at the South Louisiana ICE Processing
4 Facility, where she is suffering from problems with her mental and physical health. (See Exhibit
5 D). She has lost 20 pounds due to the lack of sufficient food provided to the detainees. She is
6 subjected to poor hygienic conditions as well as derogatory treatment by detention staff. Her
7 medical condition of hypertension has deteriorated while detained. She has undergone three
8 medication changes for her hypertension because of their ineffectiveness, and the staff has
9 refused to give her a blood pressure monitor. She has experienced around one or two
10 hypertensive episodes a month while in detention, during which she cannot walk and often
vomits.

11 30. In addition to her previously present hypertension, Ms. Leksina has developed
12 depression, anxiety, and insomnia while detained, and has been given medication, the dosage of
which has already been increased twice.

13 31. Ms. Leksina is being held in detention far past the 90-day statutory period after her
14 removal order. She has told ICE that she is willing to be deported to another country aside from
15 Russia and has cooperated fully with ICE's efforts to remove her to a third country. While she
16 does not have close family in the U.S., she has committed support from a reputable non-profit
17 organization that is willing to house her and help her get settled. Ms. Leksina has no criminal
18 history and has shown a willingness to cooperate with ICE and DHS. The lack of transparency in
19 ICE's attempts to remove Ms. Leksina have led her to believe she will not be removed any time
20 soon, and consequently she remains detained while suffering physically and emotionally. (See

1 Appendix D). Ms. Leksina’s detention is causing irreparable harm to her, and her release
2 becomes more urgent as her health declines.

3 **LEGAL FRAMEWORK AND ANALYSIS**

4 **I. Ms. Leksina was detained as an arriving alien upon entry into the United States
under 8 U.S.C. §1225(a)(1).**

5 32. An immigrant present in the U.S. who has not been admitted or who arrives in the
6 United States (whether or not at a designated port of arrival and including an alien who is
7 brought to the U.S. after having been interdicted in international or U.S. waters) shall be
8 deemed...an applicant for admission. 8 U.S.C. § 1225(a)(1). Furthermore, an immigrant who is
9 arriving in the U.S. is inadmissible under section 8 U.S.C. section 1182(a)(6)(C) or 1182(a)(7),
10 and shall be ordered removed without a further hearing *unless* an immigration officer determines
11 that the arriving alien has an intention to apply for asylum under 8 U.S.C. section 1158, in which
12 case they shall be referred to an interview by an asylum officer. 8 U.S.C. § 1225(b)(1)(A)(i) and
13 (ii). Ms. Leksina entered the U.S. near San Diego, California, and arrived without a visa or
14 other permission to enter. She was detained and expressed an intent to apply for asylum and was
15 then given a credible fear interview by an asylum officer, which she passed. She was then placed
16 into removal proceedings and charged as an arriving alien under INA § 212(a)(7)(a)(i)(I).
Therefore, as an immigrant who is considered arriving alien under 8 U.S.C. §1225, Ms. Leksina
was initially detained pursuant to 8 U.S.C. § 1225(b)(2)(A).

17 **II. Ms. Leksina is currently detained as an alien ordered removed under 8 U.S.C. §
18 1231.**

19 33. When an alien is granted with withholding-only relief, they may not be removed
20 to the designated country of removal, at least until conditions change in that country; the
noncitizen still may be removed at any time to another country. INA § 241, 8 U.S.C.A. § 1231.

1 The INA and the Due Process Clause of the Fifth Amendment all require that the Government
2 take precautions not to remove a noncitizen to a country where they face torture, persecution, or
3 death. *Id.*; U.S. Constitution, Amend. 5. Consequently, Ms. Leksina has a due process right to
4 meaningfully notice of any intended removal to a third-country so that she can present a fear-based
5 claim to an immigration judge before DHS deports her.

6 Generally, when an alien is ordered removed, the Attorney General shall remove the
7 alien from the U.S. within a period of 90 days. 8 U.S.C. § 1231(a)(1)(A). This 90-day period
8 may commence on the date the order of removal becomes administratively final, the date of a
9 review court's final order, or the date an alien is released from detention or confinement. 8
10 U.S.C. § 1231(a)(1)(B). If an alien is not removed within 90 days of the final removal order,
11 they may be subject to supervision under regulations prescribed by the Attorney General,
12 requiring that the alien appear before an immigration officer for identification, that they submit
13 any necessary medical examinations, and that they comply with other written restrictions or
14 requirements by the Attorney General. 8 U.S.C. § 1231(a)(3)(A-D). However, the 90 days
15 period may be extended, and the alien may remain in detention, if the alien fails or refuses to
16 make good faith efforts for travel or other documents necessary for departure, or otherwise
17 conspires to prevent their removal. 8 U.S.C. § 1231(a)(1)(C).

18 **III. Even as an arriving alien who has been ordered removed, Ms. Leksina is guaranteed**
19 **Due Process of Law under the Fifth Amendment of the United States Constitution.**

20 34. The Fifth Amendment of the United States Constitution guarantees that “No person
21 [...] shall be deprived of life, liberty, or property, without due process of law.” U.S. Const.
22 amend. 5. Critically, the United States Supreme Court has recognized that “freedom from
23 imprisonment—from government custody, detention, or other forms of physical restraint—lies at

1 the heart of the liberty that Clause protects” and that “aliens, even aliens whose presence in this
2 country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by
3 the Fifth and Fourteenth Amendments.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491,
4 150 L.Ed.2d 653 (2001); *Clerveaux v. Searls*, 397 F. Supp. 3d 299, 306–07 (W.D.N.Y. 2019)
5 quoting *Plyer v. Doe*, 457 U.S. 202, 210, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982).

6 35. In considering the statutorily mandatory detention of aliens under the various
7 provisions of the Immigration Nationality Act, Courts have found that “the Due Process Clause
8 is not offended by the mandatory detention of aliens—even lawful permanent resident
9 aliens—for the ‘*brief period necessary* for their removal proceedings,’ but due process maybe
10 implicated if that ‘continued detention be[comes] unreasonable or unjustified.’” *Clerveaux* at 397
11 *F. Supp. 3d 299, 307 (W.D.N.Y. 2019) quoting Demore v. Kim*, 538 U.S. 510, 513, 532, 123 S.Ct.
12 1708, 155 L.Ed.2d 724 (2003) (emphasis added); *see, also, Boumediene v. Bush*, 553 U.S. 723,
13 781, 128 S.Ct. 2229, 171 L.Ed.2d 41 (2008) (finding that the Constitution's separation-of-powers
14 structure, like the substantive guarantees of the Fifth and Fourteenth Amendments, protects
15 persons as well as citizens, foreign nationals who have the privilege of litigating in our courts
16 can seek to enforce separation-of-powers principles) (citing *see Yick Wo v. Hopkins*, 118 U.S.
17 356, 374, 6 S.Ct. 1064, 30 L.Ed. 220 (1886), *INS v. Chadha*, 462 U.S. 919, 958–959, 103 S.Ct.
18 2764, 77 L.Ed.2d 317 (1983).

19 Especially in Habeas petitions by immigrant detainees, the government must justify a
20 civil immigration detention by clear and convincing evidence because “[t]he Supreme Court has
21 consistently held the Government to a [higher] standard of proof ... where liberty is at stake.”
Velasco Lopez v. Decker, 978 F.3d 842, 856 (2d Cir. 2020). Accordingly, as an arriving alien
ordered removed and yet still detained under 8 U.S.C. § 1231, Ms. Leksina is protected by the

1 Fifth Amendment of the United States Constitution, and this Court must determine if her
2 continued detention after her removal order has become unjustifiably prolonged in violation of
3 her constitutional Due Process rights.

4 **IV. Ms. Leksina's detention pursuant to 8 U.S.C. §1231 has become unreasonably**
5 **prolonged in violation of her Fifth Amendment Constitutional Due Process Rights**
6 **under 8 CFR § 241.13 and *Zadvydas v. Davis***

7 36. In determining whether an alien ordered removed is being subjected to unlawfully
8 prolonged mandatory detention under 8 U.S.C. § 1231, the Supreme Court determined that the
9 post removal period described in 8 U.S.C. § 1231(a)(6) contained an implicit "reasonable time"
10 limitation which would be considered reasonable for the Government to make efforts to remove
11 an alien subject to detention. *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001). In *Zadvydas*, the
12 Supreme Court found that if an alien is not removed in the 90 days after a final removal order,
13 the statute "authorized further detention or supervised release, subject to administrative review,"
14 but that the statute, "read in light of the Constitution's demands, implicitly limits an alien's
15 detention period reasonably necessary to bring about that alien's removal from the United States,
16 and does not permit indefinite detention." *Zadvydas v. Davis*, 533 U.S. at 678, 689.

17 Subsequently, the Supreme Court held that the presumptively reasonable time period for
18 post-removal-order detention is six months. *Zadvydas v. Davis*, 533 U.S. at 700-701. After the
19 six-month period has passed, and if the alien has not been removed or released, an alien may
20 provide good reason to believe that there is "no significant likelihood of removal in the
21 reasonably foreseeable future," and in response the Government "must furnish evidence
sufficient to rebut that showing." *Zadvydas v. Davis*, 533 U.S. at 680. If the post-removal period
continues to grow, then what the alien must show as "reasonably foreseeable future" gets smaller.

1 *Zadvydas v. Davis*, 533 U.S at 701. The alien, or petitioner, bears the initial burden of
2 demonstrating that a likelihood of removal in the reasonably foreseeable future does not exist.
3 *Andrade v. Gonzales*, 459 F.3d 538 (5th Cir. 2006) (denying petitioner's due-process claim on the
4 grounds that he could not show that there was “no significant likelihood of removal in the
5 reasonably foreseeable future”); *see, also, Gonzalez v. Gills*, 2022 WL 1056099, at *1 (5th Cir.
6 2022) (petitioner failed to show there was no significant likelihood of his removal in the
7 reasonably foreseeable future when he impeded his removal).

8 If an adjudicating Court finds that removal is not reasonably foreseeable, the court
9 “should hold continued detention unreasonable and no longer authorized,” and if the court finds
10 that removal is foreseeable, the court should consider the risk of the alien's committing further
11 crimes as a factor potentially justifying continued confinement.” *Zadvydas v. Davis*, 533 U.S at
12 700. Notably, the Supreme Court found that among the two factors considered by the
13 Government in determining custody and release (flight risk and danger to the community), “ the
14 first justification—preventing flight—is weak or nonexistent where removal seems a remote
15 possibility at best.” *Zadvydas v. Davis*, 533 U.S at 690. However, generally, “dangerousness” and
16 “flight risk” are not part of the *Zadvydas* analysis. *Zadvydas v. Davis*, 533 U.S at 690-92
17 (explaining that the Court has “upheld preventive detention based on dangerousness only when
18 limited to especially dangerous individuals and subject to strong procedural protections.”).

19 Thus, under a *Zadvydas* habeas petition, the Government is afforded a presumption of six
20 months after a removal order is issued to effectuate the removal of a detained alien. After six
21 months, the detention is no longer presumed to be reasonable, and an alien can submit evidence
that there is no significant likelihood of removal in the reasonable future in support of their
request for release. The Government must respond with evidence to rebut the claim, and the

1 Court must determine whether removal is likely in the foreseeable future, or if there are special
2 circumstances warranting the continued detention.

3 The *Zadvydas* procedures have been set forth in 8 CFR § 241.13. An alien requesting
4 release from detention under 8 U.S.C. § 1231 may submit a written request to the ICE officer in
5 charge of custody review explaining why they believe there is no significant likelihood that they
6 will be removed in the reasonably foreseeable future and may include evidence of their
7 cooperation with the removal process. 8 CFR § 241.13(d)(1-d). If the alien submits a request in
8 writing for release under 8 CFR § 241.13(d), then the ICE officer in charge of custody review
9 shall issue written decision regarding the likelihood of removal in the foreseeable future. 8 CFR
§ 241.13(dg).

10 In applying the *Zadvydas* procedures and related factors set out in 8 CFR § 241.13, this
11 Court will find that Ms. Leksina's detention under 8 U.S.C. § 1231 has become unjustifiably
12 unreasonable and prolonged in violation of her due process rights.

13 ***a. Ms. Leksina has been detained for longer than the presumptively reasonable
six-months post-removal-order.***

14 37. An immigration judge issued a withholding of removal order for Ms. Leksina on
15 February 28, 2025. This order became final on April 1, 2025. During the first 90 days after her
16 final removal order, which ended on June 30, 2025, she was not removed to any country. The
17 180-day date after her final removal order fell on September 28, 2025. As of the writing of this
18 Petition, which occurred after September 28, 2025, Ms. Leksina is still detained at the South
19 Louisiana ICE Processing Center. During the six-month period ICE should have made
20 alternative-county removal determinations, with notice, as soon as practical after the 90-day

1 period, and they failed to do so. Therefore, Ms. Leksina's continued detention is no longer
2 presumptively reasonable. *Zadvydas v. Davis*, 533 U.S at 700-701.

3 ***b. Ms. Leksina has demonstrated that there is no significant likelihood of removal
4 in the foreseeable future.***

4 38. Ms. Leksina has complied with all requests from ICE to cooperate and facilitate her
5 removal to an alternate third country, as she cannot be removed to Russia per her withholding of
6 removal order. ICE is currently in possession of her passport, and Ms. Leksina has provided
7 them with other necessary biographical information, which they need to contact alternate third
8 countries for potential removal. Ms. Leksina has told ICE that she is willing to be removed and
9 even asked ICE to remove her to countries in Latin America as an alternative. Ms. Leksina has
10 not been the cause of any delays in ICE's attempt to remove her to an alternate country.

11 39. However, since April 1, 2025, although ICE has informed Ms. Leksina that they plan
12 to deport her to a third-alternate country, ICE has not given Ms. Leksina any specific information
13 about their attempts. Ms. Leksina has asked ICE officers which countries they are trying to
14 remove her to, and they have not provided her with any country names. ICE has not informed
15 Ms. Leksina, in writing or otherwise, with information about which countries they have reached
16 out to, the dates that they contacted these countries on, or the responses from these countries
17 regarding whether or not they will accept Ms. Leksina. While ICE made a custody determination
18 on June 30, 2025, in which they refused to her release her due to a lack of community ties, ICE
19 has not made any determination to Ms. Leksina directly regarding the likelihood that she will be
20 removed in the foreseeable future. Ms. Leksina made other requests for review of her removal
21 status, and ICE has responded that they have no updates regarding a future removal date as
recent as October 27, 2025. Ms. Leksina cannot meaningfully argue against ICE's efforts in

1 removing her because they have provided her with absolutely no information about any of their
2 removal attempts or contacts with other governments since April of 2025.

3 40. Ms. Leksina has met her burden to show that there is not a likelihood of removal in
4 the reasonably foreseeable future. *Andrade v. Gonzales*, 459 F.3d 538 (5th Cir. 2006). Based on
5 the amount of time that has passed since her final removal order, and the lack of evidence of
6 actual attempts by the Government to remove Ms. Leksina, there is good reason to believe that
7 she will not be removed in the foreseeable future. If the Government were successful in securing
8 an alternative country for removal, or even if they were in productive communication with
9 another government to secure Ms. Leksina's removal, they would have informed Ms. Leksina.
10 Therefore, the complete lack of transparency by the Government regarding their removal
11 attempts and responses from other countries strongly suggests that they have either not made
12 recent attempts to remove Ms. Leksina, or that no countries have been willing to accept her.

12 ***c. The Government has failed to rebut the claim that there is no significant
13 likelihood of removal of Ms. Leksina in the foreseeable future.***

13 41. The Government's response to Ms. Leksina's post-removal request for release was
14 issued on June 30, 2025, at the end of the 90-day period, and was denied because she lacked
15 "community ties." Since then, ICE has provided no information about their contacts with third
16 countries or attempts to remove Ms. Leksina. Their assertion that she lacks community ties,
17 however, is not sufficient to rebut Ms. Leksina's claim under *Zadvydas* because the Supreme
18 Court did not uphold being a flight risk as relevant to their analysis. *Zadvydas v. Davis*, 533 U.S.
19 at 690-692. In fact, the Supreme Court found "preventing flight" a weak or nonexistent
20 justification when dealing with cases where "removal seems a remote possibility." *Zadvydas v.
21 Davis*, 533 U.S at 690.

1 42. The Government has provided not one piece of concrete information to Ms. Leksina
2 which would indicate or prove that she will likely be removed in the foreseeable future. Their
3 most recent correspondence to Ms. Leksina stated that there are no updates about a deportation
4 fate. Therefore, at this point in time, the Government has not rebutted Ms. Leksina's claim that
5 she has no significant reasonable possibility of being removed in the foreseeable future.

6 ***a. The conditions of Ms. Leksina's conditions at the South Louisiana Immigration
7 and Customs Enforcement Processing Center violate her due process and
8 human rights.***

9 43. Ms. Leksina's personal experience in detention at South Louisiana is consistent with
10 outside reports about the conditions at this ICE processing facility (Appendix C). On October
11 16, 2025, The Guardian released a report of several queer and trans detainees who had been held
12 at the Basile South Louisiana ICE Processing center between 2023 and 2025, who described
13 suffering sexual assault, abuse, and medical neglect while detained."¹ Another report released in
14 2024 by the ACLU in 2024 described inhumane conditions in the South Louisiana facility, citing
15 lack of access to adequate sustenance and racist behavior by guards.² This ACLU report also
16 highlights the egregious pattern of ICE officials detaining immigrants long past their removal
17 orders in Louisiana facilities specifically.

18 Ms. Leksina describes unlivable conditions at South Louisiana, all of which are
19 exacerbating her health problems. See Appendix C. She received very little food which means

20 ¹ Queer and trans immigrants allege forced labor and sexual assault in Ice facility: 'I was treated worse than an
21 animal'. The Guardian. October 16, 2025. Maanvi Singh. Available at:
<https://www.theguardian.com/us-news/2025/oct/16/ice-immigration-queer-trans-louisiana> (Accessed: October 28,
2025).

² Inside the Black Hold: Systemic Human Rights Abuses Against Immigrants Detained and Disappeared in
Louisiana. ACLU, August 2024. Available at:
https://rfkhumanrights.org/wp-content/uploads/2024/08/Inside-the-Black-Hole_Systemic-Human-Rights-Abuses-Against-Immigrants-Detained.pdf (Accessed: October 28, 2025).

1 she is going hungry most days. Hygiene options are limited, and supplies for menstruation are
2 inadequate. Detainees like Ms. Leksina are forced outside during recreation time in the sun and
3 heat and are not allowed any protection from being burned. Ms. Leksina has experienced racist
4 remarks by guards and has witnessed dangerous altercations between inmates. Most impactful
5 is the lack of immediate and adequate medical aid, which Ms. Leksina requires for her
6 hypertension, depression, anxiety, and insomnia. Ms. Leksina is not allowed to have a blood
7 pressure monitor in her bunk, and so she has been unable to go seek medical help before a
8 debilitating episode strikes. When she has experienced these hypertensive episodes she cannot
9 walk and has vomited on the floor.

10 44. This Court should find that Ms. Leksina's nearly 16-month confinement under these
11 conditions without release or deportation violates her constitutional Due Process Rights.

12 **CLAIMS FOR RELIEF**

13 **Violation of Fifth Amendment Right to Due Process**

14 45. Petitioner restates and realleges all paragraphs as if fully set forth here.

15 46. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits
16 the federal government from depriving any person of "life, liberty, or property, without due
17 process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United
18 States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or
19 permanent." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001);
20 *Clerveaux v. Searls*, 397 F. Supp. 3d 299, 306–07 (W.D.N.Y. 2019) quoting *Plyer v. Doe*, 457
21 U.S. 202, 210, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982).

- 1 (5) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and
- 2 on any other basis justified under law; and
- 3 (6) Grant any further relief this Court deems just and proper.

4 Respectfully submitted,

5 /s/ Danielle Richardson
 6 Danielle Richardson WSBA #49642
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13 Dated: this 13th day of November 2025

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ekaterina Leksina, and submit this verification on her behalf. Petitioner is currently detained at the South Louisiana ICE Processing Center. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 13th day of November 2025

/s/ Danielle Richardson
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