

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

VADIM IGOREVICH KARGUIN,)	
)	Case No. 25-5472
Petitioner,)	
)	PETITION FOR WRIT OF
v.)	HABEAS CORPUS
)	
RAYMOND THOMPSON, Warden, Joe)	
Corley Processing Center, BRET)	
BRADFORD, Houston Field Office)	
Director, TODD LYONS, Director,)	
U.S. Immigrations and Customs)	
Enforcement, and KRISTI NOEM, U.S.)	
Secretary of Homeland Security,)	
)	
Respondents.)	
)	

INTRODUCTION

1. Petitioner Vadim Igorevich Karguin is a Russian national with a final order of removal.
2. Petitioner’s removal order became administratively final on June 30, 2017 when his administrative appeal was dismissed by the Board of Immigration Appeals.
3. Petitioner has been detained since July 21, 2025 after voluntarily surrendering himself to immigration officials.
4. Whether judged from the date his removal order became final or the date that he was detained, the 90-day removal period provided by 8 U.S.C. § 1231(a)

has passed and Petitioner remains in detention in spite of his removal not being reasonably foreseeable.

5. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
6. Petitioner asks this Court to find that his detention is unlawful and order his release.

JURISDICTION

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
8. Venue is proper because Petitioner is detained in Houston, Texas, and on information and belief is detained in the Southern District of Texas.

THE PARTIES

9. The Petitioner, Vadim Igorevich Karguin, is a detained noncitizen currently being held in federal custody.
10. Respondent Bret Bradford is the Houston Field Office Director for U.S. Immigration and Customs Enforcement ("ICE") and is Petitioner's legal custodian.
11. Respondent Todd Lyons is the Director for U.S. Immigration and Customs Enforcement.
12. Respondent Kristi Noem is the Secretary of the Department of Homeland

Security (“DHS”).

13. Respondent Raymond Thompson is the Warden of the Montgomery Processing Center and is Petitioner’s immediate physical custodian.

14. All Respondents are named in their official capacities.

RELEVANT LEGAL CONTENTIONS

Post Removal Order Detention

15. An order of removal becomes final when the Board of Immigration Appeals completes their review or the time to seek review has expired. *Johnson v. Guzman Chavez*, 594 U.S. 523, 534–35 (2021).

16. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal during the 90-day “removal period,” which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i).

17. This period may be extended if the noncitizen fails or refuses to make timely application in good faith for travel or other documents necessary to effectuate their departure or conspires or acts to prevent their removal. 8 U.S.C. § 1231(a)(1)(C). It may also be extended if the noncitizen is removable for certain criminal offenses or a determination is made that they are a risk to the community or unlikely to comply with the order of removal. 8 U.S.C. § 1231(a)(6).

18. Even for those who “may” be detained beyond the initial removal period, the

regulations call for a custody review both prior to the expiration of the removal period and periodically thereafter. 8 C.F.R. §§ 241.4(k)

19. Beyond that point, the Government may in some situations continue detaining them for as long as is “reasonably necessary” to secure their removal. *Id.*; 8 U.S.C. § 1231(a)(6). But, under *Zadvydas*, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized.” 533 U.S. at 699.

20. The Supreme Court has recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

21. Although *Zadvydas* contemplated a presumptive six-month period in which post-order detention might be constitutionally permissible, that presumption is subject to rebuttal. *Id.* at 699; *see also Villanueva v. Tate*, 2025 WL 2774610, at *10 (S.D. Tex. Sept. 26, 2025) (“[T]he presumption of constitutionality during that six-month period is rebuttable.”).

22. Even during the presumptively reasonable six-month period, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized.” *Zadvydas*, 533 U.S. at 699.

Habeas Corpus

23. A petitioner is entitled to habeas relief if they demonstrate that their detention violates the United States Constitution or federal law. 28 U.S.C. § 2241; *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (“The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody.”); *Villanueva*, 2025 WL 2774610, at *4 (a habeas petitioner must show they are “in custody in violation of the Constitution or laws or treaties of the United States.”)(quoting 28 U.S.C. § 2241(c)(3)).
24. In a habeas proceeding the petitioner “bears the burden of proving that he is being held contrary to law; and because the habeas proceeding is civil in nature, the petitioner must satisfy his burden of proof by a preponderance of the evidence.” *Id.* (quoting *Skaftouros v. United States*, 667 F.3d 144, 158 (2d Cir. 2011); also citing *Bruce v. Estelle*, 536 F.2d 1051, 1058 (5th Cir. 1976)).
25. The writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)(citing U.S. Const., Art I, § 9, cl. 2).
26. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 20 U.S.C. § 2243. If an order to show cause is issued, Respondents must

file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” Id.

Due Process

27. The Due Process Clause of the Fifth Amendment guarantees that no person in the United States shall be deprived of liberty without due process. U.S. Const. amend. V. These substantive and procedural due process protections apply to all people, including noncitizens, regardless of their immigration status. *Trump v. J.G.G.*, 604 U. S. ---145 S. Ct. 1003, 1006 (2025) (*per curiam*) (“‘It is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings.” (quoting *Reno v. Flores*, 507 U.S. 292, 306, 113 S. Ct. 1439 (1993))).
28. The Due Process Clause provides heightened protection against government interference with certain fundamental rights—and freedom from detention lies at the heart of the Due Process Clause’s protections. *Zadvydas*, 533 U.S. at 690.
29. An agency’s failure to follow their own regulations may also constitute a denial of due process. *Francois v. Garland*, 120 F.4th 459, 465 (5th Cir. 2024); *Puertas-Mendoza v. Bondi*, No. SA-25-CA-00890-XR, 2025 WL 3142089, at *4 (W.D. Tex. Oct. 22, 2025)(citing same).

FACTS

30. Petitioner is a citizen and national of Russia who was issued a removal order on August 23, 2016 and said removal order became final on June 30, 2017 when his administrative appeal was dismissed. Exhibit 2—Removal Proceeding Summary.
31. On June 17, 2025, ICE issued a document entitled “Notice of Obligor to Deliver Alien” to Petitioner’s mother, instructing that she deliver Petitioner to the ICE New York Field Office or risk breaching the immigration bond she had posted. Exhibit 3—Notice to Obligor.
32. On July 21, 2025, Petitioner appeared at the ICE ERO New York Field Office and surrendered to authorities as instructed. Exhibit 1—Sworn Declaration of Vadim Igorevich Kargin.
33. He was detained immediately and later transferred to a detention center in Conroe, Texas. Exhibit 1, *supra*.
34. Petitioner has been continuously detained since July 21, 2025. Exhibit 1, *supra*
35. Petitioner has at all times complied with any effort to effectuate his removal, even attempting to complete a passport application he was unable to read and which was not translated for him. Exhibit 1, *supra*.
36. ICE has not conducted a custody review or served the results of any custody

review on Petitioner as required. Exhibit 1, *supra*.

37. Petitioner is currently in custody in the Southern District of Texas, and one or more of the Respondents is his immediate custodian. Exhibit 8—Detention Information.

38. On information and belief, Petitioner's removal is not likely in the reasonable, foreseeable future as ICE has not obtained a travel document from Russia or an agreement with and travel document for a third country and is unlikely to be able to do so.

CLAIMS FOR RELIEF

COUNT ONE

Unlawful Detention Beyond Removal Period

39. Petitioner incorporates paragraphs 1-38 by reference.

40. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day "removal period," which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i).

41. The Supreme Court has recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

42. Petitioner's removal order became final on June 30, 2017 and his 90-day

removal period ended on September 28, 2017. His 180-day *Zadvydas* presumptively reasonable period expired December 27, 2017.

43. Even if Petitioner's removal period is considered to start from the time his detention began, he is still outside the 90-day removal period.

44. Petitioner has established far more than a "good reason to believe" that there is no significant likelihood of his removal in the reasonably foreseeable future as (1) he does not have any document that would allow him to be repatriated to Russia; (2) no other country has agreed to accept him; and (3) even if such a country were identified, Petitioner would be entitled to apply for protection from removal to that country, a process that would take many months if not years to complete.

45. Under *Zadvydas*, Respondents cannot detain Petitioner indefinitely when it is not likely that they will even be able to obtain a travel document for him in the near future. Such detention violates both the statutory limitations of 8 U.S.C. § 1231(a)(6) and his constitutional due process rights.

46. As relief, Petitioner requests an order from this Court immediately releasing him from Respondents' custody and placing him under an order of supervision pursuant to 8 U.S.C. § 1231(a)(3).

COUNT TWO
Violation of Fifth Amendment Right to Due Process

47. Petitioner incorporates paragraphs 1-46 by reference.
48. On information and belief, Petitioner is currently being detained by federal agents contrary to the law and in violation of his constitutional rights to due process of law.
49. Petitioner's due process rights have been violated in that his custody has not been reviewed since he has been detained and, if any review has been conducted, he has not been informed and provided proper notice as required by the regulations.
50. Respondents are failing to follow their own regulations, consider the required factors, and conduct a custody determination that could result in Petitioner's release. Petitioner's detention could continue indefinitely if not periodically reviewed and Respondents have deprived Petitioner of due process by failing to provide even the meager process allowed for under the regulations.
51. This Court should find that Petitioner's due process rights have been violated and order his release from Respondents' custody.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;

- (2) Order that Petitioner shall not be transferred outside the Southern District of Texas;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days and setting an immediate hearing.
- (4) Declare that Petitioner's detention is unconstitutional.
- (5) Declare that Petitioner's due process rights have been violated.
- (6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Date: November 14, 2025

/s/ Amanda Waterhouse
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Attorney for Petitioner

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INDEX OF EXHIBITS

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Exhibit 4—Detention Information