


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
Williamsport Division

VIKTOR VIKTOROVICH SHNEGELBERGER :
Petitioner :
 : Case No.
v. :
 :
LEONARD ODDO, Warden, :
Moshannon Valley Processing Center; :
TODD LYONS, ICE Director; KRISTI :
NOEM Secretary, U.S. Department :
of Homeland Security. :
Respondents. :

FILED
WILLIAMSPORT
DEC 08 2025
PER _____
DEPUTY CLERK

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

COMES NOW, Petitioner Viktor Viktorovich Shnegelberger,  respectfully files petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner seeks immediate release from immigration detention because there is no significant likelihood of removal in the reasonably foreseeable future, rendering his continued detention unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is detained in the Middle District of Pennsylvania at Moshannon Valley Processing Center, Venue is proper in this district¹.

¹ *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004)

PARTIES

Petitioner VIKTOR SHNEGELBERGER is a native of Tajikistan who is stateless, under a final order of removal. Respondent LEONARD ODDO, Warden, Moshannon Valley Processing Center and Petitioner's immediate custodian at the time of filing this petition. Respondent TODD LYONS, Immigration and Customs Enforcement (ICE), Director, and oversees immigration detention decisions and KRISTI NOEM is Secretary, U.S. Department Homeland Security, which is the supervising agency over ICE.

FACTUAL ALLEGATIONS

The Petitioner entered the United States in December 2007 as a sixteen-year-old, on a visitor's B-2 visa, and became a lawful permanent resident in June 2008 based on his mother's marriage to a U.S. citizen. In January 2010, the Petitioner was arrested for possession of marijuana and drug paraphernalia and thereafter pleaded guilty to violating 35 Pa. Stat. §§ 780-113(a)(31)¹ and (32). In April 2015, the Petitioner plead guilty to violating 35 Pa. Stat. § 780-113(a)(16) and 75 Pa.C.S. § 3802(d)(3), the substance involved was cocaine. As a result, the Department of Homeland Security initiated removal proceedings based on his § 780-113(a)(16) conviction, and ordered the Petitioner removed from the United States.

The Petitioner was previously detained by ICE for fourteen (14) months from November 16, 2016, to January 18, 2018, when ICE attempted removal to Tajikistan. The Petitioner was released on a \$7,500 bond in 2018. Approximately a year and a half later the Petitioner was then re-detained for about seven (7) months and then released on a \$12,000 bond.² Petitioner was born in Kazakhstan and moved to Tajikistan when he was three (3) years old. The Petitioner did not gain Kazakh citizenship at birth because his mother was not Kazakh. The Petitioner also did not gain

¹ This conviction did not render the Petitioner removable as it fell into the exemption for a single offense involving possession for one's own use of 30 grams or less of marijuana. See 8 U.S.C. § 1227(a)(2)(B)(i)

² Exhibit "A" Declaration of Petitioner No. 1

Tajik citizenship because his mother never registered him under the Tajik laws of citizenship. Tajikistan did issue the Petitioner a passport without citizenship as he was a minor child of a Tajik citizen when he came to the United States. During the Petitioner's two prior ICE detentions Tajikistan refused to issue travel documents as the Petitioner is not their citizen.³

Since his release, Petitioner complied with all ICE reporting requirements. At his most recent check-in, despite Tajikistan's continued refusal to issue travel documents, ICE re-detained him on November 20, 2025, at about 9:30 AM. The Petitioner received a Notice of Revocation of Release soon after lunch about four (4) hours later 12:30 PM and was later moved to Philadelphia Federal Detention Center. The Petitioner has been moved to, as is presently incarcerated in Moshannon Valley Processing Center.

LEGAL CLAIMS

I. Due Process Violation: Untimely Notice and Failure to Provide the Required Informal Interview

Under 8 C.F.R. § 241.4(l), ICE must provide written notice of the reasons for revocation "upon revocation," and must "promptly" afford the noncitizen an informal interview so that he can respond to those reasons. None of that occurred here.

The Petitioner appeared for his regular check-in at 8:30 AM on November 20, 2025. ICE immediately arrested him and allowed only two very brief calls, one to arrange for his truck to be picked up, and another simply to tell his mother he had been detained. He was not given an opportunity to call counsel, add money to his phone account, or otherwise prepare any response to ICE's actions.⁴ About four (4) hours later, after lunch, ICE served a written notice of revocation stating that ICE believed there was a "significant likelihood of removal in the reasonably foreseeable

³ Exhibit "A" No. 4

⁴ Exhibit "A" No. 7

future” under 8 C.F.R. § 241.13 and advising that he “will promptly be afforded an informal interview” to respond to the reasons for revocation. No such interview ever occurred.⁵

Instead, ICE transferred him the same day to the Federal Detention Center in Philadelphia, where he had no ability to make phone calls or place funds on his account. He remained completely unable to contact anyone, including legal counsel for the next five days. He was not able to make a call until November 25, 2025 after being transferred to Moshannon Valley Ice Processing Center. During the entire period in which he was supposed to receive an “informal interview” and be allowed to respond to ICE’s stated grounds for revocation he was entirely cut off from communication and unable to prepare or present any rebuttal.⁶

This sequence denies both the regulations and constitutional due process. In the recent Order of Supervision revocation decisions such as *Funes Gamez v. Francis et al*, No. 1:2025cv07429 - (S.D.N.Y. 2025), *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137 (W.D.N.Y. 2025), and *Zhu v. Genalo*, No. 1:25-cv-06523 (S.D.N.Y. Oct. 2025, courts found violations where ICE provided late notice or obstructed access to counsel even for a matter of hours. Here, ICE’s notice came only after taking Petitioner into custody, and the promised interview never occurred at all.⁷ The subsequent five-day period during which he was unable to contact anyone rendered the notice meaningless, deprived him of any real opportunity to be heard, and prevented him from challenging ICE’s claim of a “significant likelihood of removal,” particularly given his long history of statelessness and ICE’s repeated inability to secure travel documents.

The result is a clear violation of both § 241.4(l) and the Due Process Clause. The Petitioner never received the meaningful, timely process that the regulation and the Constitution require.

II. Violation of Due Process Under *Zadvydas v. Davis*

⁵ Exhibit “A” No. 8

⁶ Exhibit “A” No. 10

⁷ Exhibit “A” No. 9

Under *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001), post-order detention is presumptively reasonable for six months. Thereafter, if removal is not likely in the reasonably foreseeable future, continued detention violates due process.

Petitioner’s prior detention exceeds this period. Tajikistan has not changed its refusal to issue travel documents, and Petitioner’s re-detention is merely a continuation of his prior custody. Aggregating his prior and current detention, he has been held for years beyond the presumptively reasonable *Zadvydas* period. Continued detention violates his Fifth Amendment substantive due process rights.

III. Violation of Procedural Due Process Under 8 C.F.R. § 241.4(l)(1) and (2) — Persuasive Authority from *Zhu v. Genalo* (S.D.N.Y. 2025)

ICE re-detained Petitioner without issuing a written “Notice of Revocation” for close to four (4) hours and Petitioner was not afforded an informal interview as required by 8 C.F.R. § 241.4(l)(1). The regulation mandates that an order of supervision may be revoked only by an authorized official and only after the alien is notified of the intent to revoke and given an opportunity to respond. Further as shown above the petitioner was left incommunicado for five (5) days.

In *Zhu v. Genalo*, No. 1:25-cv-06523 (S.D.N.Y. Oct. 2025), the Southern District of New York considered a nearly identical factual situation and found that ICE’s failure to provide notice or an interview before re-detention violated procedural due process.

Although not binding precedent, the court’s reasoning is persuasive and applies squarely here; Petitioner was released under supervision after ICE concluded that removal was not foreseeable. The Petitioner remained compliant for years, and was suddenly re-detained

with no notice or hearing. The revocation of his supervision is therefore unlawful and unconstitutional.

8 C.F.R. § 241.4(l)(1) – (2) state:

(l) Revocation of release —

(1) Violation of conditions of release. Any alien described in paragraph (a) or (b)(1) of this section who has been released under an order of supervision or other conditions of release who violates the conditions of release may be returned to custody. Any such alien who violates the conditions of an order of supervision is subject to the penalties described in section 243(b) of the Act. Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.

(2) Determination by the Service. The Executive Associate Commissioner shall have authority, in the exercise of discretion, to revoke release and return to Service custody an alien previously approved for release under the procedures in this section. A district director may also revoke release of an alien when, in the district director's opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner. Release may be revoked in the exercise of discretion when, in the opinion of the revoking official:

- (i) The purposes of release have been served;
- (ii) The alien violates any condition of release;
- (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or
- (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.

The Petitioner's incarceration violates his due process rights as the Respondent DHS violated his due process right, by failing to follow their own rules, specifically the Petitioner was NOT upon revocation notified of the reasons for revocation of his release or parole. The Petitioner was NOT afforded an initial informal interview promptly after his return to service custody to afford the

Petitioner an opportunity to respond to the reasons for revocation stated in the notification.

In addressing the factors under § 241.4(l)(2), the only one that may apply to the Petitioner is:

(iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien.

There is no indication that Tajikistan has changed its position on issuing the Petitioner, who is not a citizen of Tajikistan a travel document, as such the revocation of Petitioner's release is not "appropriate to enforce a removal order or to commence removal proceedings against an alien." The DHS has not met any of the § 241.4(l)(2) factors to revoke the Petitioner's release, as he complied with conditions of his release and the other factors do not apply to him. As such the Petitioner's custody is a violation of both § 241.4(l)(1) and (2).

IV. Alternative Due Process Claim for Bond Hearing

The Petitioner is entitled to an immediate bond hearing because his post-removal detention is now prolonged under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Third Circuit requires individualized review once detention becomes unreasonable. The Petitioner has already spent approximately twenty-one months in ICE custody under the same final order of removal—fourteen months from 2016–2018 and seven months thereafter. Those prior periods count toward the *Zadvydas* reasonableness inquiry because they involved the same removal order, the same removal efforts, and the same inability to obtain travel documents. See *German Santos v. Warden*, 965 F.3d 203, 210 (3d Cir. 2020)⁸; *Chavez-Alvarez v. Warden*, 783 F.3d 469, 478 (3d Cir. 2015)⁹.

ICE has twice attempted to remove Petitioner, and Tajikistan has twice refused travel documents. The Petitioner is stateless, has no nationality, and there is no evidence removal is now

⁸ Explaining that due process requires a bond hearing when a noncitizen's detention has become unreasonably long.

⁹ "beginning sometime after the six-month time frame considered by *Demore v. Kim*, 538 U.S. 510 (2003), and certainly by the time [the alien] had been detained for one year, the burdens to [the petitioner's] liberties outweigh[] any justification for using presumptions to detain him without bond to further the goals of the statute. We conclude that the underlying goals of the statute would not have been, and will not now be undermined by requiring the Government to produce individualized evidence that [the petitioner's] continued detention was or is necessary."

more likely than during the previous failed attempts. For a stateless individual with repeated government refusals, removal is not reasonably foreseeable, making continued detention presumptively unconstitutional under *Zadvydas*.

Because the Government cannot rely on speculation to justify prolonged detention, due process requires a bond hearing where DHS must prove by clear and convincing evidence that continued detention is necessary. See *German Santos*, 965 F.3d at 213–14. Petitioner’s cumulative detention far surpasses the *Zadvydas* six-month period, and nothing in the record indicates a realistic prospect of removal. He is therefore entitled to a bond hearing without further delay.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to:


1. Issue a Writ of Habeas Corpus ordering his immediate release under appropriate supervision conditions; or
2. In addition, Petitioner requests release on the ground that ICE's re-detention violated procedural due process under 8 C.F.R. § 241.4(l)(1) and (2), as discussed in the persuasive authority of *Zhu v. Genalo* (S.D.N.Y. 2025);
3. In the alternative, order that Petitioner be provided a prompt bond hearing before an immigration judge or this Court, at which the government bears the burden of proving by clear and convincing evidence that Petitioner is a danger to the community or flight risk, consistent with *Chavez-Alvarez v. Warden*, 783 F.3d 469, 478 (3d Cir. 2015);
4. Grant such other and further relief as this Court deems just and proper.

Dated: November 30, 2025

Respectfully submitted,

Viktor Shnegelberger

Viktor Shnegelberger,


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