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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Viktor Lazarev,
12 Alien # 

Case No. 5:25-cv-03307

13 *Petitioner,*

14 v.

15 Pam Bondi, U.S. Attorney General;

16 Kristi Noem, Secretary of the U.S.
17 Department of Homeland Security;

18 Fereti Semaia, Warden of Adelanto ICE
19 Processing Center;

20 Ernesto Santacruz Jr., Acting ICE Field
21 Office Director of the Los Angeles Field
22 Office,

23 *Respondents*
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VERIFIED PETITION
FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241

IMMIGRATION HABEAS
CASE

I. INTRODUCTION

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2 1. Viktor Lazarev (Petitioner) by and through his undersigned counsel, hereby
3 files this petition for a writ of habeas corpus challenging his unlawful
4 detention without a fair bond hearing. Petitioner is in the physical custody of
5 Respondents at the Adelanto ICE Processing Center in Adelanto, California.
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8 2. Petitioner was detained by Immigration and Customs Enforcement (ICE) on
9 October 14, 2025 while executing Operation At Large, their immigration
10 enforcement operation. On October 15, 2025 Petitioner was placed into
11 removal proceedings pursuant to 8 U.S.C. § 1229a and charged as removable
12 under 8 U.S.C. § 1227(a)(1)(B) for having remained in the United States for
13 longer than permitted.
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16 3. On October 31, 2025, Petitioner received a bond hearing in the Adelanto
17 Immigration Court. At that bond hearing, bond was denied on the
18 determination that Petitioner is a flight risk. Although a bond hearing
19 purporting to comport with 8 U.S.C. § 1226(a) was held, this bond hearing did
20 not meet the minimal due process required for the government to continue to
21 detain Petitioner. Petitioner is being unlawfully detained without a fair bond
22 hearing.
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25 4. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
26 released unless Respondents provide a constitutionally compliant bond hearing
27 under 8 U.S.C. § 1226(a).
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II. JURISDICTION

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5. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and Article I, Section 9, clause 2 of the United States Constitution (the Suspension Clause).
 6. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
 7. Jurisdiction is not precluded under 8 U.S.C. § 1226(e). The Ninth Circuit has clarified that, while § 1226(e) limits judicial review of the government’s discretionary judgment regarding a noncitizen’s application for bond, that section does *not* strip federal courts of “traditional habeas jurisdiction,” or jurisdiction over constitutional claims or questions of law. *See, e.g., Martinez v. Clark*, 124 F.4th 775, 781 (9th 2024).
 8. Moreover, the *Martinez* court found that the determination whether a noncitizen is “dangerous” for detention purposes is a mixed question of law and fact and is reviewable as a question of law. *Id.* at 779 (quotations omitted). Like the “dangerousness” determination, the determination whether someone is a flight risk is a mixed question of law and fact – it requires the “application of a statutory legal standard ...to an established set of facts.” *Id.* (citing

1 *Wilkinson v. Garland*, 601 U.S. 209, 212 (2024)).

2 **III. VENUE**

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4 9. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
5 493- 500 (1973), venue lies in the United States District Court for the Central
6 District of California, the judicial district in which Petitioner is currently
7 detained.

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9 10. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
10 Respondents are employees, officers, and agencies of the United States, and
11 because a substantial part of the events or omissions giving rise to the claims
12 occurred in the Central District of California.

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14 **IV. PARTIES**

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16 11. Petitioner Viktor Lazarev is 32-year-old native and citizen of Russia. He was
17 arrested by Immigration and Customs Enforcement (ICE) agents on October
18 14, 2025 during Operation At Large. An Immigration Judge (IJ) conducted a
19 bond hearing on October 31, 2025 in which the IJ denied bond based on the
20 determination that Petitioner is a flight risk. Petitioner has resided in the
21 United States and the Oxnard area for more approximately eight (8) years.

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24 12. Respondent Pam Bondi, the Attorney General, is the highest-ranking official
25 within the Department of Justice (DOJ). Respondent Bondi is responsible for
26 the administration and enforcement of the immigration laws pursuant to 8
27 U.S.C. § 1103. Respondent Bondi is sued in her official capacity to the extent
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1 that 8 U.S.C. § 1102 gives her authority to interpret immigration law and
2 adjudicate removal cases.
3

4 13. Respondent Kristi Noem, the Secretary of the Department of Homeland
5 Security (DHS), is the highest-ranking official within the DHS. Respondent
6 Noem, by and through her agency for the DHS, is responsible for the
7 implementation of the INA, and for ensuring compliance with applicable
8 federal law. Respondent Noem is sued in her official capacity as an agent of
9 the government of the United States.
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11 14. Respondent Fereti Semaia is the warden at Adelanto ICE Processing Center.
12 He is in charge of Petitioner's place of custody. He is a legal custodian of
13 Petitioner and is sued in his official capacity.
14

15 15. Respondent Ernesto Santacruz Jr. is the Field Office Director of Immigration
16 and Customs Enforcement for Los Angeles, California. He oversees the
17 custody of all Immigration and Customs Enforcement detainees at the
18 Adelanto ICE Processing Center. Respondent Santacruz is a legal custodian of
19 Petitioner and is sued in his official capacity as an agent of the government of
20 the United States.
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V. STATEMENT OF FACTS

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2 16. Petitioner was born on  in Vladivostok, Russia. He is a native
3 and citizen of Russia.
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5 17. Petitioner entered the United States on or about October 17, 2017 with a
6 validly-issued B2 visitor visa. He was admitted into the United States at the
7 Los Angeles International Airport in Los Angeles, California. Under his B2
8 visa, Petitioner was permitted to stay in the United States until April 16, 2018.
9 After the expiration of his nonimmigrant status, Petitioner remained in the
10 United States and continues to reside here today.
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13 18. Petitioner has resided in the United States for approximately eight (8) years.
14 He established his life in Los Angeles, California. In 2019, Petitioner
15 registered a Limited Liability Corporation, ABC Global, LLC with the State of
16 California. His services consist of importing and exporting cars and auto parts.
17 On April 16, 2021, Petitioner married Ana Stupak. Ms. Stupak is a United
18 States citizen.
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21 19. In 2023, Homeland Security Investigations (HSI) Los Angeles began an
22 investigation against Petitioner for alleged export violations Bureau of Industry
23 and Security sanctions. Petitioner has been cooperative with this investigation
24 and even participated in an interview with Immigration and Customs
25 Enforcement during which he provided information regarding the cars in
26 question. This investigation has not resulted in any criminal convictions.
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1 20. Petitioner does not have any criminal history.

2 21. Petitioner was detained by immigration officials on October 14, 2025 in Long
3 Beach, California. He is currently detained at Adelanto ICE Processing Center
4 in Adelanto, California.
5

6 22. On October 15, 2025 Petitioner was placed into removal proceedings pursuant
7 to 8 U.S.C. § 1229a and charged as removable under 8 U.S.C. § 1227(a)(1)(B)
8 for having remained in the United States for longer than permitted.
9

10 23. The Adelanto Immigration Court scheduled his bond hearing for October 31,
11 2025. At that bond hearing, bond was denied on the determination that
12 Petitioner is a flight risk.
13

14 24. Although a bond hearing purporting to comport with 8 U.S.C. § 1226(a) was
15 held, this bond hearing did not meet the minimal due process required for the
16 government to continue to detain Petitioner. Petitioner is being unlawfully
17 detained without a fair bond hearing.
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20 **VI. LEGAL BACKGROUND**

21 25. Under Ninth Circuit precedent, while 8 U.S.C. § 1226(e) limits judicial review
22 of the government's discretionary judgment regarding a noncitizen's
23 application for bond, that section does *not* strip federal courts of "traditional
24 habeas jurisdiction," or jurisdiction over constitutional claims or questions of
25 law. *See, e.g., Martinez v. Clark*, 124 F.4th 775, 781 (9th 2024). Moreover,
26 the *Martinez* court found that the determination whether a noncitizen is
27
28

1 “dangerous” for detention purposes is a mixed question of law and fact and is
2 reviewable as a question of law. *Id.* at 779 (quotations omitted).

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4 26. Like the “dangerousness” determination, the determination whether someone
5 is a flight risk is a mixed question of law and fact – it requires the “application
6 of a statutory legal standard ...to an established set of facts.” *Id.* (citing
7 *Wilkinson v. Garland*, 601 U.S. 209, 212 (2024)).

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9 27. After confirming jurisdiction, the Court must review the constitutionality of
10 and questions of law related to the underlying bond proceedings, including
11 whether the bond hearing comported with the requirements of due
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13 28. During bond proceedings, an Immigration Judge should consider at a
14 minimum, “(1) whether [Petitioner] has a fixed address in the United States;
15 (2) [Petitioner’s] length of residence in the United States; (3) [Petitioner’s]
16 family ties in the United States, and whether they may entitle [Petitioner] to
17 reside permanently in the United States in the future; and (4) [Petitioner’s]
18 manner of entry into the United States.” *Matter of Dobrotvorskii*, 29 I&N Dec.
19 211, 212 (BIA 2025) (citing *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA
20 2006)).

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24 29. Failing to consider such factors amounts to a due process violation.

25 30. Moreover under the current administration, Article II Immigration Judges are
26 under immense political pressure to further the administration’s goal of
27 deporting non-citizens en masse. As a result, it is arguable impossible for
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1 individuals such as Petitioner to receive a bond hearing before a *neutral*
2 *arbiter* – a crucial requirement in order to preserve due process in bond
3 proceedings.
4

5 **VII. FIRST CLAIM FOR RELIEF**

6 **Petitioner’s Detention Violates His Fifth Amendment Right to Due Process**

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8 31. Petitioner incorporates by reference the allegations of fact set forth in the
9 preceding paragraphs.

10 32. The Government may not deprive a person of life, liberty, or property without
11 due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
12 from government custody, detention, or other forms of physical restraint—lies
13 at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533
14 U.S. 678, 690 (2001).
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17 33. Petitioner has a fundamental interest in liberty and being free from official
18 restraint.
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20 34. The Immigration Judge failed to provide a constitutionally adequate bond
21 hearing because he summarily denied bond based solely on an investigation,
22 without providing a reasoned consideration of all the factors relevant to
23 whether Petitioner is a flight risk. Namely, the Immigration Judge should have
24 considered, at a minimum, “whether [Petitioner] has a fixed address in the
25 United States; (2) [Petitioner’s] length of residence in the United States; (3)
26 [Petitioner’s] family ties in the United States, and whether they may entitle
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1 [Petitioner] to reside permanently in the United States in the future; and (4)
2 [Petitioner's] manner of entry into the United States.” *Matter of Dobrotvorskii*,
3 29 I&N Dec. 211, 212 (BIA 2025) (citing *Matter of Guerra*, 24 I&N Dec. 37,
4 40 (BIA 2006)).

6 35. Had the Immigration Judge considered all the factors, he would have found
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8 Petitioner not to be a flight risk. He would have seen that Petitioner has been
9 in the United States since 2017, and he has a fixed address. He would have
10 also found that Petitioner is married to a United States citizen. By virtue of
11 this marriage, Petitioner is eligible to pursue lawful permanent residence in the
12 United States. Petitioner was inspected and admitted into the United States.
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14 Although he overstayed, he has no other immigration violations on his record.

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16 36. The Immigration Judge's consideration of Petitioner's investigation was
17 cursory and dismissive, relying solely on that investigation for finding him to
18 be a flight risk. The court did not consider the fact that Petitioner was not
19 convicted of any criminal offense.

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21 37. Even the form order denying bond to Petitioner demonstrates that the bond
22 hearing failed to meet the basic requirements of due process. It reads,
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24 “Respondent failed to meet his burden to establish that he is not such a
25 substantial flight risk that bond should be denied.” *Id.* The term “such a
26 substantial flight risk” appears to be one wholly created by the presiding
27 immigration judge. The case law governing immigration bond asks if a
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1 detainee is a flight risk – there are no defined gradations of “substantial” or
2 “insubstantial” flight risks. *See e.g., Dobrotvorskii, 29 I&N Dec. at 212.*

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4 38. The Government’s detention of Petitioner without providing Petitioner a fair
5 bond redetermination hearing to determine whether he is a flight risk or danger
6 to others violates his right to Due Process.

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8 **VIII. SECOND CLAIM FOR RELIEF**

9 **Petitioner’s Detention Violates His Fourth Amendment Against Unreasonable**
10 **Seizure**

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12 39. Petitioner incorporates by reference the allegations of fact set forth in the
13 preceding paragraphs.

14 40. Subjecting an individual to an unreasonable arrest without probable cause is a
15 violation of the Fourth Amendment. *See, e.g., Sanchez v. Sessions, 904 F.3d*
16 *643 (9th Cir. 2018).*

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18 41. Petitioner has been cooperative during all stages of the HIS investigation
19 against him. He has not tried to flee or abscond. To the contrary, Petitioner
20 cooperated with Immigration and Customs Enforcement officers in scheduling
21 a meeting and answering questions regarding the investigation, the cars in
22 question, and how he acquired them. He did not present as a flight risk or a
23 danger, and his arrest by Respondents was unreasonable and constitutes a
24 violation of the Fourth Amendment.
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1 **IX. FOURTH CLAIM FOR RELIEF**

2 **Petitioner’s Detention Violates the Administrative Procedure Act, U.S.C. §**
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4 **706(2)**

5 42. Petitioner incorporates by reference the allegations of fact set forth in the
6 preceding paragraphs.

7
8 43. Under the Administrative Procedure Act, a court must “hold unlawful and set
9 aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
10 otherwise not in accordance with the law,” that is “contrary to constitutional
11 right [or] power,” or that is “in excess of statutory jurisdiction, authority, or
12 limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

13
14 44. Petitioner’s detention is arbitrary, capricious, an abuse of discretion, and
15 violates the INA and the Fourth and Fifth Amendments in violation of 5
16 U.S.C. § 706(2).

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18 **X. PRAYER FOR RELIEF**

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20 WHEREFORE, Petitioner respectfully requests that this Court take jurisdiction
21 over this matter and grant the following relief:

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23 a. Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner or
24 provide Petitioner with a constitutionally compliant bond hearing within
25 seven days;
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27 b. Award Petitioner attorney’s fees and costs under the Equal Access to Justice
28 Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis

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justified under law; and

c. Grant any other and further relief that this Court deems fit and proper.

RESPECTFULLY SUBMITTED this 8th day of December, 2025

/s/ Mackenzie Mackins
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(O) (818) 461-9462
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ATTORNEY FOR PETITIONER

1 **VERIFICATION**

2 I, Mackenzie Mackins, declare as follows:

3 I am an attorney admitted to practice law in the State of California.

4 Because many of the allegations of this Petition require a legal knowledge
5 not possessed by Petitioner, I am making this verification on his behalf.
6

7 I have read the foregoing Petition for Writ of Habeas Corpus and know the
8 contents thereof to be true to my knowledge, information, or belief.
9

10 I certify under penalty of perjury that the foregoing is true and correct, and
11 that this declaration was executed on December 8, 2025.
12

13
14 s/ Mackenzie Mackins
15 Mackenzie Mackins
16 Mackins & Mackins, PC
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21 **ATTORNEY FOR PETITIONER**
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 8, 2025, I served a copy of this Petition for Writ of Habeas Corpus by email to the following individual:

David M. Harris
Chief of the Civil Division
U.S. Attorney's Office
300 N. Los Angeles St., Ste. 7516
Los Angeles, CA 90012-3341
Email: David.M.Harris@usdoj.gov

s/ Mackenzie Mackins
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ATTORNEY FOR PETITIONER