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

11 VIKTOR, RUSSU, an Individual

12 Petitioner,

13 vs.

14 PAMELA BONDI, ATTORNEY
15 GENERAL OF THE UNITED STATES;
16 KRISTI NOEM, SECRETARY OF THE
17 UNITED STATE DEPARTMENT OF
18 HOMELAND SECURITY, TODD
19 LYONS, ACTING DIRECTOR OF
20 IMMIGRATION AND CUSTOMS
21 ENFORCEMENT; SEMAIA FERETI,
22 IMMEDIATE CUSTODIAN FOR
23 IMMIGRATION AND CUSTOMS
24 ENFORCEMENT AT THE ADELANTO
25 DETENTION CENTER

26 Respondents.

) Case No.: 5:250-cv-03327

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

) **EMERGENCY RELIEF**
) **REQUESTED**

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2 **I. INTRODUCTION**

3 1. Petitioner Viktor Russu (hereinafter “Petitioner” or “Mr. Russu”) is a citizen
4 and native of Ukraine, who has been residing in the U.S. since March 13, 2015.
5 Exhibit¹ 5 at page 69. He has never been convicted of any crime of offense. Mr.
6 Russu has been in immigration detention since August 27, 2025 and at the Adelanto
7 Detention Center since August 28, 2025 with no end in sight to his detention. Exhibit
8 1 at page 14; Exhibit 4 at page 53. **Mr. Russu is struggling with serious health**
9 **conditions, and he has been denied proper medical treatment and care while he**
10 **is being detained.** *Id.* The Immigration Judge denied him bond twice without
11 sufficient reason and ignored evidence of material change in circumstances that was
12 submitted with his recent bond motion. The Immigration Judge’s main reason for
13 denial of bond is based on alleged flight risk. Exhibit 2 at pages 19-44; Exhibit 6 at
14 pages 143-164.

15 2. Prior to his unlawful arrest and detention, Mr. Russu had an approved
16 Temporary Protected Status that was valid until April 19, 2025. Exhibit 5 at page 71.
17 At the time of his unlawful arrest and detention, Mr. Russu had a pending application
18 for the extension of his Temporary Protected Status as well as a pending asylum
19 application. Exhibit 5 at pages 73-75.

20 3. Mr. Russu’s continued detention without bond violates his rights under the Due
21 Process Clause of the Fifth Amendment of the U.S. Constitution and constitutes cruel
22 and unusual punish under the Eight Amendment of the U.S. Constitution as he is
23 being denied proper medical care for his serious medical conditions.

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25 _____
26 ¹ Reference to the Exhibits is to those filed concurrently as an attachment to this
27 petition and includes documents from the bond hearing with the Immigration Court.
28 Some of the documents submitted by Respondent to the Immigration are not include
to protect the privacy information of Mr. Russu’s minor niece and financial
information of private parties.

1 4. Mr. Russu implores the Court to order Respondents and those acting under
2 them for his immediate release on reasonable conditions.

3 **II. CUSTODY**

4 5. Mr. Russu is detained in the legal and physical custody of Respondents at the
5 Adelanto Detention Center in Adelanto, California, County of San Bernardino.

6 **III. JURISDICTION**

7 6. This action arises under the Constitution of the United States and the
8 Immigration and Nationality Act, 8 U.S.C. §1101 et seq.

9 7. Jurisdiction is proper under 28 U.S.C. §2241 (habeas corpus); 28 U.S.C. §1331
10 (federal question); 28 U.S.C. §1651 (All Writs Act), and U.S. Const. art. I, §9, cl. 2
11 (the Suspension Clause).

12 **IV. VENUE**

13 8. Venue is proper in this district under 28 U.S.C. §1391 as Respondent Semaia
14 Fereti is the legal custodian of Mr. Russu and a substantial part of the events took
15 place in this District.

16 **V. EXHAUSTION**

17 9. Mr. Russu has requested and was denied bond by the Immigration Judge twice,
18 on September 15, 2025 and November 21, 2025. Exhibit 2 at page 19-45; Exhibit 6
19 at page 143-164. Mr. Russu filed an appeal for his first bond denial with the Board of
20 Immigration Appeals on October 5, 2025, which continues to be pending. Exhibit 3
21 at page 47-49. Continuing to wait for a decision on his appeal with the Board of
22 Immigration Appeals would be futile due to his current health circumstances and
23 because the Immigration Court and the Board of Immigration Appeals do not have
24 authority to rule on constitutional questions. *Wang v. Reno*, 81 F.3d 808, 815-816
25 (9th Cir. 1996).

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1 **VI. THE PARTIES**

2 10. Petitioner Viktor Russu is a native and citizen of Ukraine. He was admitted
3 into the U.S. on a visitor's visa on or about March 13, 2015, and has been residing in
4 the U.S. since that date. Exhibit 5 at page 69. Mr. Russu has an asylum application
5 pending with the Immigration Court. He also has a Temporary Protected Status
6 extension application that is currently pending with USCIS. Exhibit 5 at pages 73-75.
7 His previous Temporary Protected Status application was approved from November
8 27, 2024 through April 19, 2025. Exhibit 5 at page 71. Mr. Russu has been in
9 immigration detention since August 27, 2025 and is currently detained at the
10 Adelanto Detention Center. Exhibit 1 at page 14; Exhibit 4 at page 53.

11 11. Respondent Pamela Jo Bondi is the Attorney General of the United States and
12 is responsible for the implementation and enforcement of the Immigration and
13 Nationality Act. Ms. Bondi is being sued in her official capacity.

14 12. Respondent Kristi Noem is the Secretary of the United States Department of
15 Homeland Security. She is responsible for enforcing laws under the Immigration and
16 Nationality Act. Ms. Noem is being sued in her official capacity.

17 13. Respondent Todd Lyons is the Acting Director of U.S. Immigration and
18 Customs Enforcement. He has authority to enforce laws pursuant to the Immigration
19 and Nationality Act, that are delegated to him by the Secretary of the United States
20 Department of Homeland Security, including the apprehension and detention of
21 noncitizens. Mr. Lyons is being sued in his official capacity.

22 14. Respondent Semaia Fereti is the immediate custodian of Petitioner at the
23 Adelanto Detention Center and is being sued in his official capacity.

24 **VII. STATEMENT OF RELEVANT FACTS**

25 **A. Background on Petitioner and his Detention**

26 15. Mr. Russu is a thirty nine-year-old native and citizen of Ukraine who was
27 admitted into the U.S. on a visitor's visa on March 13, 2025. He has been residing in
28 the U.S. since that date. Mr. Russu has an asylum application pending with the

1 Immigration Court and his next hearing is scheduled for December 29, 2025. He is
2 the applicant in a currently pending extension application for Temporary Protected
3 Status for which he was previously approved for Temporary Protected Status from
4 November 27, 2025 through April 19, 2025. Based on information and belief, Mr.
5 Russu has never been convicted of any crime or offense.

6 16. Prior to his detention, Mr. Russu was residing with and supporting his mother
7 and niece who entered the U.S. legally on Parole for Ukrainians to escape the
8 atrocities of war in Ukraine. Exhibit 5 at page 104. He was self-employed in the
9 transportation business at a company called Dena Logistic, Inc. that he co-owns with
10 a business partner. Exhibit 5 at pages 121-141.

11 17. On or about August 27, 2025, government agents apprehended Mr. Russu in
12 front of his home in Glendale, California, representing that they had a warrant for his
13 arrest. He was initially held at the Los Angeles ICE office for one day and
14 subsequently transferred to the Adelanto Detention Center where he is currently
15 located.

16 **B. Petitioner's First Bond Hearing**

17 18. On or about September 4, 2025, Mr. Russu, acting through counsel before the
18 bar, submitted a bond hearing request. He submitted evidence of a sponsor and
19 reference letters as well as his lawful entry into the U.S. and his efforts to obtain legal
20 status.


21 19. The bond hearing was scheduled and heard on October 15, 2025.

22 20. The government submitted an I-213 (Record of Deportable/Inadmissible
23 Alien), in which it was alleged that upon Mr. Russu's apprehension by the
24 government agents on August 27, 2025, he briefly fled and was apprehended a few
25 minutes later "without further incident." At this first bond hearing, the government
26 claims that it received an "anonymous tip" that purportedly attributed illegal activity
27 to Mr. Russu. Without sufficient or admissible evidence and over his counsel's
28 objection, the Immigration Judge admitted the I-213 and denied bond citing flight

1 risk and lack of sufficient sponsorship or family ties. Exhibit 2 at pages 19-44. The
2 Immigration Judge's ruling indicated that the denial of bond was not based on the
3 anonymous call.

4 21. On October 5, 2025, Mr. Russu's appealed the denial of his first bond which
5 is currently pending with the Board of Immigration Appeals. Exhibit 3 at pages 47-
6 49.

7 **C. Petitioner's Serious Illness and Hospitalization and his Second Bond**
8 **Hearing Request**

9 22. On October 24, 2025, Mr. Russu was hospitalized, after a medical
10 examination that he had been requesting for months, "because his pulse was 38 beats
11 per minute." Exhibit 1 at page 14. While hospitalized, he shared with the doctors
12 that he has  *Id.* He was given tests and some treatment and was
13 released from the hospital after 4 days with a promise that a cardiologist would see
14 him, a promise that never came to fruition. *Id.* Mr. Russu was not given any
15 medication for his current heart condition. *Id.* Upon his release from the hospital, Mr.
16 Russu requested his medical records, which were not provided to him. *Id.*

17 23. Mr. Russu's health has been deteriorating since his detention. According to
18 his declaration, he has "nose bleeds, headaches, nausea, dizziness" as well as near full
19 hearing loss, significant loss of weight, and continued low heartbeats. Exhibit 1 at
20 page 14. In her declaration to the Immigration Court, Mr. Russu's mother explained
21 that he suffered a cerebral hemorrhage in 2015. Exhibit 5 at page 104.

22 24. Since his detention, Mr. Russu has been submitting requests for medical
23 attention and healthy food to no avail. Exhibit 5 at pages 81-102.

24 25. On November 16, 2025, counsel before the bar filed a new bond motion
25 requesting a new bond hearing based on material change in circumstances relating to
26 Mr. Russu's hospitalization and illness; difficult his mother and niece who rely on
27 him were experiencing; a new financial sponsor who is a registered nurse, as well as
28 several letters from reputable individuals vouching for Mr. Russu's character, and

1 evidence of the business he co-owns. Exhibit 4 at pages 52-59; Exhibit 5 at pages
2 113-122.

3 26. The Immigration Judge denied the new bond motion without a hearing on
4 November 21, 2025 citing flight risk and labeling Mr. Russu's serious health
5 condition and lack of treatment as insufficient "hardship." Exhibit 6 at pages 143-
6 164.

7 27. Mr. Russu continues to languish in detention at the Adelanto Detention Center
8 with significant risk to his health and well-being.

9 **VIII. CLAIM FOR HABEAS CORPUS**

10 28. As set forth above, Mr. Russu is being held without bond in violation of Fifth
11 and Eight Amendments of the U.S. Constitution. He has been denied bond twice even
12 after he was hospitalized due to serious medical conditions.

13 29. The writ of Habeas Corpus is deeply rooted in the history of our country.
14 Historically, the writ of Habeas Corpus has served as a methodology of examining
15 the lawfulness of detention by the executive branch. *INS v. St. Cyr*, 533 U.S. 289,
16 302 (2001), abrogated on other grounds as stated in *Wilkinson v. Garland*, 601 U.S.
17 209, 218 (2024). The limitations placed by the Real ID Act of federal district
18 review do not "preclude habeas review over challenges to detention that are
19 independent of challenges to removal orders." *Hernandez v. Gonzalez*, 424 F.3d 42,
20 43 (1st Cir. 2005).

21 30. When a pretrial detention is not reasonably related to a legitimate government
22 goal, "a court permissibly may infer that the purpose of the governmental action is
23 punishment that may not constitutionally be inflicted upon detainees qua detainees."
24 *Bell v. Wolfish*, 441 U.S. 520, 539 (1979). This is particularly relevant to Mr.
25 Russu's case as the government's alleged flight risk concern can be mitigated by use
26 of ICE's Intensive Supervision Appearance Program ("ISAP") or other similar
27 means, rather than keeping Mr. Russu detained without bond when there is no history
28 of him failing to appear at Court hearings or immigration interviews. The single

1 alleged incident relied upon by the government during Mr. Russu's arrest is
2 insufficient to justify his continued detention.

3 31. *Coronel v. Decker*, 447 F.Supp.3d 274, 282-283 2020, U.S. Dist. LEXIS
4 53954, WL 1487274 (S.D.N.Y. 2020) is a case that was cited by Mr. Russu in
5 support of his second bond motion hearing and which stands for the holding that
6 when a detainee struggles with serious medical needs, his release from detention
7 upon reasonable bond will be justified. *Id* at 290. In Mr. Russu's case, the serious
8 risk of harm to his health support and justify his immediate release from detention.

9 32. The Immigration Judge's denial of Mr. Russu's second bond hearing was
10 prejudicial and violated Mr. Russu's constitutional rights. Specifically, the
11 Immigration Judge's consideration of the additional evidence submitted by Mr. Russu
12 was cursory and he failed to address the evidence submitted in support of Mr.
13 Russu's medical needs.

14 33. The Court should order Respondents to immediately release Mr. Russu from
15 detention upon reasonable conditions.

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PRAYER FOR RELIEF

Petitioner respectfully moves the Court to:

- (1) Assume jurisdiction over this matter and order Respondents not to transfer Petitioner to a different jurisdiction;
- (2) Issue an Order to Show Cause ordering Respondents;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from detention immediately and on reasonable terms, and
- (4) Grant any further relief that the Court finds just and proper.

DATED: December 9, 2025

/s/Nabil E. Chelico
Nabil E. Chelico

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1 **VERIFICATION BY SOMEONE ACTING ON BEHALF OF PETITIONER**

2 28 U.S.C. §2242

3
4 I am submitting this verification on behalf of the Petitioner because I am his
5 attorney. I have discussed with Petitioner the events described in this Petition. Based
6 on those discussions, I hereby verify that the statements made in the attached Petition
7 for Writ of Habeas Corpus are true and correct to the best of my knowledge.

8
9
10 Date: December 9, 2025

/s/ Nabil E. Chelico

Nabil E. Chelico