

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
GEORGIA

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

MIKHAIL IVANOVICH KORCHAK

A- 

Petitioner,

v.

Sean Ervin, Director of Atlant Field Office  
Of Enforcement and Removal Operations;  
U.S. Immigration and Customs  
Enforcement; Department of  
Homeland Security; Jason Streeval,  
Warden of Stewart Detention Center

Respondents.

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No. XX-XX-XXX

DEC 08 2025

By: KEVIN P. WEIMER, Clerk  
Deputy Clerk



1:25-CV-7018

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus filed on behalf of MIKHAIL KORCHAK, A-  
 seeking relief to remedy his unlawful detention. Respondents are detaining Mr.  
KORCAHK pending the execution of his final removal order. Mr. KORCHAK has fully  
cooperated with Respondents in their efforts to remove him. To date, Respondents have been  
unable or unwilling to remove Mr. KORCHAK and thus, he has been detained for more than six  
(6) months. Mr. KORCHAK is not a flight risk or a danger to the community. Prior to his  
detention, he was reporting with the U.S. Immigration and Customs Enforcement (USICE) . His  
prolonged detention is no longer justified under the Constitution or the Immigration and  
Nationality Act (INA).

On or about May 30, 2025, Respondents, SEAN ERVIN, DIRECTOR OF ATLANTA  
FIELD OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS; U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT AND DEPARTMENT OF HOMELAND SECURITY;

JASON STEEVAL, WARDEN OF STEWART DETENTION CENTER arrested Mr. KORCHAK and placed him in the custody of Stewart Detention Center in Lumpkin, Ga. Mr. KORCHAK 's detention was for the purpose of executing his removal order. Respondent reviewed the custody status of Mr. KORCHAK and determined that he should be detained because of his conviction and because Respondent expected to obtain Mr. KORCHAK 's travel documents to execute his removal order. In 2019, when Respondent ordered the official order of the removal for Mr. KORCHAK , Respondent was met with challenges and eventually failure due to the fact Mr. KORCHAK is considered STATELESS and no travel documents could be obtained . In August of 2025, Respondent again determined that Mr. KORCHAK should continue to be detained because Respondent anticipates getting Mr. KORCHAK 's travel documents. In October of 2025, Respondents once again determined that Mr. KORCHAK should continue to be detained as travel was arranged. In November of 2025, Respondents lead Mr. KORCHAK along with many others to flight in Arizona, which, allegedly was to Poland with a final destination to the Ukrainian border. Mr. KORCHAK and a few others were turned away on site of the plane. Since then, from November 16, 2025, to December 3, 2025, Mr. KORCHAK has been shipped from Stewart Detention Center in Lumpkin, Ga to Port Isabelle in Texas then Florance Detention Center in Arizona to back to Port Isabelle in Texas to Elle Valle in Texas then to Winn Detention Center in Louisiana followed by Baker County Detention Facility in Sanderson, Fl back to Stewart Detention Center in Lumpkin, Ga . To date, the Respondents have not been able or are unwilling to remove Mr. KORCHAK.

Mr. KORCHAK has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents. Respondents, however, have not secured the necessary paperwork to remove Mr. KORCHAK. Mr. KORCHAK submits that his

detention is in violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. KORCHAK from their custody.

#### **CUSTODY**

1. Mr. KORCHAK is in physical custody of Respondents, Sean Ervin, Director of Atlanta Field Office of Enforcement and Removal Operations, Immigration and Customs Enforcement (USICE); the Department of Homeland Security (DHS); Jason Steeval, Warden of Stewart Detention Center. At the time of the filing of this petition, the Petitioner is detained at STEWART DETENTION CENTER in Lumpkin, Georgia . This detention center contracts with the DHS to detain aliens such as Petitioner. Mr. KORCHAK is under the direct control of Respondents and their agents.

#### **JURISDICTION**

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

3. Venue lies in the United States District Court for the Northern District of Georgia, the judicial district in which Petitioner, Mr. KORCHAK has been incarcerated the majority of his time since being arrested in May 30, 2025.

### **PARTIES**

4. Petitioner MIKHAIL IVANOVICH KORCHAK is a national and citizen the Soviet Union was accorded lawful permanent resident status on in 1991 and ordered removed on June 2019. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

5. Respondents are Sean Ervin, Director of Atlanta field Office of Enforcement and Removal Operations; U.S Immigration and Customs Enforcement(USICE); Department of Homeland Security; Jason Steeval, Warden of Stewart Detention Center in Lumpkin, Ga. Respondent is a custodial official acting within the boundaries of the judicial district of the United States Court for the Northern District of Georgia. Pursuant to Respondent orders, Petitioner remains detained.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7. Mr. KORCHAK has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. KORCHAK 's only remedy is by way of this judicial action.

### **STATEMENT OF FACTS**

10. Petitioner MIKHAIL IVANOVICH KORCHAK is a national and citizen of Soviet Union who was previously accorded lawful permanent resident status but was ordered removed in June 2019 due to a drug conviction.

11. The Soviet Union fell as a nation in 1991 right after Mr. KORCHAK's father brought their family over to seek relief, which has left Mr. KORCHAK labeled as STATELESS.
12. On or about May 30, 2025, Respondent and agents arrested Mr. KORCHAK. The reason for his arrest was to execute his removal order.
15. However, Respondents have been unable or unwilling to remove Mr. KORCHAK.
16. Mr. KORCHAK has fully cooperated with Respondents' efforts to obtain his travel documents.
17. Respondents have thrice reviewed Mr. KORCHAK's custody status and have determined that he should be detained because his removal is likely.
18. Mr. KORCHAK has now been in detention for more than six (6) months pending his removal. Respondents continue to detain Mr. KORCHAK even though it is now clear that Respondents cannot remove him.
19. Mr. KORCHAK is not a danger to the community or a flight risk. He has no pending criminal cases and he long ago completed his community supervision sentence relating to his drug conviction.
20. Mr. KORCHAK has deep roots in this community. He has five brothers who are now naturalized and are lawful permanent resident.
21. Prior to his arrest, Mr. KORCHAK was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.
22. Respondents' decision to detain Mr. KORCHAK are longer legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. KORCHAK's request for release.

**CLAIMS FOR RELIEF**

**COUNT ONE CONSTITUTIONAL CLAIM**

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.
24. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

**COUNT TWO STATUTORY CLAIM**

25. Petitioner alleges and incorporates by reference paragraphs 1 through 24 above.
26. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

**PRAYER FOR RELIEF**

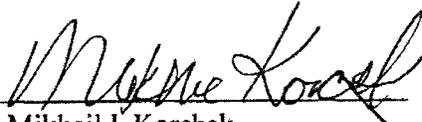
WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. KORCHAK on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

MIKHAIL IVANOVICH KORCHAK  
STEWART DETENTION CENTER  
146 CCA Rd  
Lumpkin, Ga 31815  
Phone: 423-883-5845  
Email: whitneyleighraley@icloud.com

**PETITIONER**

By:   
Mikhail I. Korchak  
A. 

Generated: Dec 9, 2025 2:00PM

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**U.S. District Court**

**Georgia Northern - Atlanta**

Receipt Date: Dec 9, 2025 2:00PM

MIKHAIL KORCHAK

Rcpt. No: 100023605

Trans. Date: Dec 9, 2025 2:00PM

Cashier ID: #BC (3381)

CD	Purpose	Case/Party/Defendant	Qty	Price	Amt
202	Writ of Habeas Corpus		1	5.00	5.00

CD	Tender			Amt
PC	Check/Money Order	#38074052428	12/4/2025	\$5.00
Total Due Prior to Payment:				\$5.00
Total Tendered:				\$5.00
Total Cash Received:				\$0.00

Comments: 1:25-CV-7018

When presenting a check as payment, you are authorizing the court to convert your payment to a one-time electronic funds transfer from your account. A \$53.00 returned check fee will be assessed for any check payment returned as uncollected.

JPB LRS 463 28:2241in

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CIVIL COVER SHEET FOR A PRISONER CASE

JUDGE \_\_\_\_\_ DIVISION Atlanta  
 MAG. JUDGE \_\_\_\_\_ IFP \_\_\_\_\_ FEE   
 DATE FILED 12/8/25 PREVIOUS CASES NO  
 NAME Mikhail I. Korchak ID # A   
 PRO SE  ATTORNEY \_\_\_\_\_  
 PLACE OF INCARCERATION Stewart Detention Center  
 CITY Cumpton STATE GA COUNTY Stewart

JURISD	NOS	CAUSE	DESCRIPTION
3	530	<u>28:2254</u>	Habeas action by a STATE prisoner challenging state convictions or sentence.
3	535	<u>28:2254d</u>	Habeas action by a STATE prisoner under a DEATH sentence. <u>SEND TO DISTRICT JUDGE.</u>
3	530	<u>28:2241st</u>	Habeas action by a STATE prisoner or detainee challenging matters other than conviction or sentence (e.g. parole revocation, loss of good time-credit, etc.)
2	530	<u>28:2241fd</u>	Habeas action by a FEDERAL prisoner or detainee challenging matters other than conviction or sentence (e.g. parole revocation, loss of good time-credit, etc.)
3	550	<u>42:1983pr</u>	STATE or FEDERAL prisoner civil rights action suing State officials not involving prison conditions. A/K/A BIVENS action.
2	550	<u>28:1331pr</u>	Prisoner civil rights action suing Federal officials not involving prison conditions. A/K/A BIVENS action.
3	555	<u>42:1983pr</u>	STATE prisoner civil rights action involving prison conditions.
2	555	<u>28:1331pr</u>	Prisoner civil rights action suing Federal officials involving prison conditions. A/K/A Bivens action.
2	540	<u>28:1346</u>	Prisoner Federal Tort Claim. (Against U.S.)
2	540	<u>28:1361pr</u>	Action to compel U.S. officer to perform a duty MANDAMUS.
4	540	<u>28:1332</u>	Any prisoner action based on diversity.
___	540	___	OTHER: _____

\_\_\_\_ DOCKET CLERK: Place cover sheet on top of docket sheet and file. FORWARD to Magistrate Judge Assigned for IFP and/or frivolity determinations.

\_\_\_\_ STAFF LAW CLERK:  
 \_\_\_ Pauper's affidavit insufficient or no affidavit  
 \_\_\_ Complaint or petition not signed or is incomplete  
 \_\_\_ No copies  
 \_\_\_ Other: \_\_\_\_\_