

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
(Phoenix Division)**

ANGELINA MAMEDOVA,)
 Petitioner,)
 vs.)
 KRISTI NOEM, in her official capacity as)
 Secretary of the United States Department of)
 Homeland Security; UNITED STATES)
 DEPARTMENT OF HOMELAND SECURITY;)
 PAMELA BONDI, in her official capacity as)
 Attorney General of the United States;)
 TODD LYONS, in his official capacity as Director)
 of U.S. Immigration and Customs Enforcement;)
 JOHN E. CANTÚ, in his official capacity as Field)
 Office Director, Phoenix Field Office, U.S.)
 Immigration and Customs Enforcement,)
 Enforcement and Removal Operations;)
 FRED FIGUEROA, in his official capacity as)
 Warden of the Eloy Detention Center;)
 Respondents.)

Case No: 2:25-cv-04619-DWL--JZB

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 AND
EMERGENCY REQUEST FOR IMMEDIATE RELEASE**

INTRODUCTION

1. Petitioner, Angelina Mamedova, has been detained by Immigration and Customs Enforcement at the Eloy Detention Center since approximately October 19, 2024.
2. Her order of removal became administratively final after the Board of Immigration Appeals dismissed her appeal, and she subsequently filed a petition for review with the United States Court of Appeals for the Ninth Circuit.

3. On October 29, 2025, the Ninth Circuit granted a stay of removal in her case.
4. Because the petition for review remains pending, Petitioner cannot be removed at this time, and the length of appellate review is expected to take a substantial period.
5. Petitioner seeks a writ of habeas corpus challenging the duration of her detention and requests release from custody while her petition for review proceeds.

JURISDICTION

6. Petitioner is currently in the custody of the United States Department of Homeland Security and is detained by Immigration and Customs Enforcement at the Eloy Detention Center in Eloy, Arizona, within the jurisdiction of this Court.
7. An Immigration Judge ordered Petitioner removed in March 2025, and the Board of Immigration Appeals dismissed her appeal in July 2025. Petitioner thereafter filed a petition for review with the United States Court of Appeals for the Ninth Circuit.
8. On October 29, 2025, the Ninth Circuit granted a stay of removal pending resolution of Petitioner's petition for review. As a result, the Department of Homeland Security is legally prohibited from executing Petitioner's removal while judicial review remains ongoing.
9. Under 8 U.S.C. § 1231(a)(1)(B)(ii), when a court of appeals reviews a removal order and issues a stay, the statutory removal period does not begin until the court issues its final order. Accordingly, the ninety-day removal period described in § 1231(a)(1) has not yet commenced in Petitioner's case.
10. Petitioner brings this action pursuant to 28 U.S.C. § 2241 challenging the lawfulness and constitutionality of her continued civil immigration detention, which has become

prolonged while her petition for review remains pending and removal is legally impossible due to the stay.

11. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within this District and alleges that her detention violates the Fifth Amendment to the United States Constitution and exceeds the lawful authority of the Executive.
12. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act.
13. Habeas jurisdiction is proper regardless of whether Petitioner's detention is characterized as arising under 8 U.S.C. § 1226 or § 1231, because federal courts retain authority to review the legality and constitutionality of prolonged civil immigration detention, particularly where removal is not reasonably foreseeable due to a court-ordered stay.
14. The Court has authority to grant the relief requested pursuant to 28 U.S.C. § 2241(c)(3), Article I, Section 9 of the United States Constitution, and 28 U.S.C. § 1651.

VENUE

15. Venue is proper in this District because Petitioner is detained at the Eloy Detention Center in Eloy, Arizona, which is located within the jurisdiction of the United States District Court for the District of Arizona.
16. Venue is also proper pursuant to 28 U.S.C. § 1391(e), as Respondents are officers or agencies of the United States acting in their official capacities, and a substantial part of the events giving rise to this action occurred within this District.

PARTIES

17. Petitioner, Angelina Mamedova, is a citizen of Russia. She is currently detained by Immigration and Customs Enforcement at the Eloy Detention Center in Eloy, Arizona. She is in the custody and under the direct control of Respondents and their agents.
18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the United States Department of Homeland Security. In this capacity, she is responsible for the administration and enforcement of the immigration laws of the United States and has ultimate authority over Petitioner's detention.
19. Respondent United States Department of Homeland Security is the federal agency charged with enforcing federal immigration laws and overseeing the detention of noncitizens, including Petitioner.
20. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. In this role, she oversees the Department of Justice and the Executive Office for Immigration Review, which adjudicates immigration matters, including Petitioner's.
21. Respondent Todd Lyons is sued in his official capacity as Director of U.S. Immigration and Customs Enforcement. He is responsible for nationwide ICE operations, including immigration detention, and is a legal custodian of Petitioner.
22. Respondent John E. Cantú is sued in his official capacity as the Field Office Director for the Phoenix Field Office of Immigration and Customs Enforcement, Enforcement and Removal Operations. He oversees local detention operations for the Eloy Detention Center and has authority to release individuals in ICE custody, including Petitioner.

23. Respondent Fred Figueroa is sued in his official capacity as the Warden of the Eloy Detention Center. He has immediate physical custody of Petitioner pursuant to a contract with Immigration and Customs Enforcement and is a legal custodian of Petitioner.

STATEMENT OF FACTS

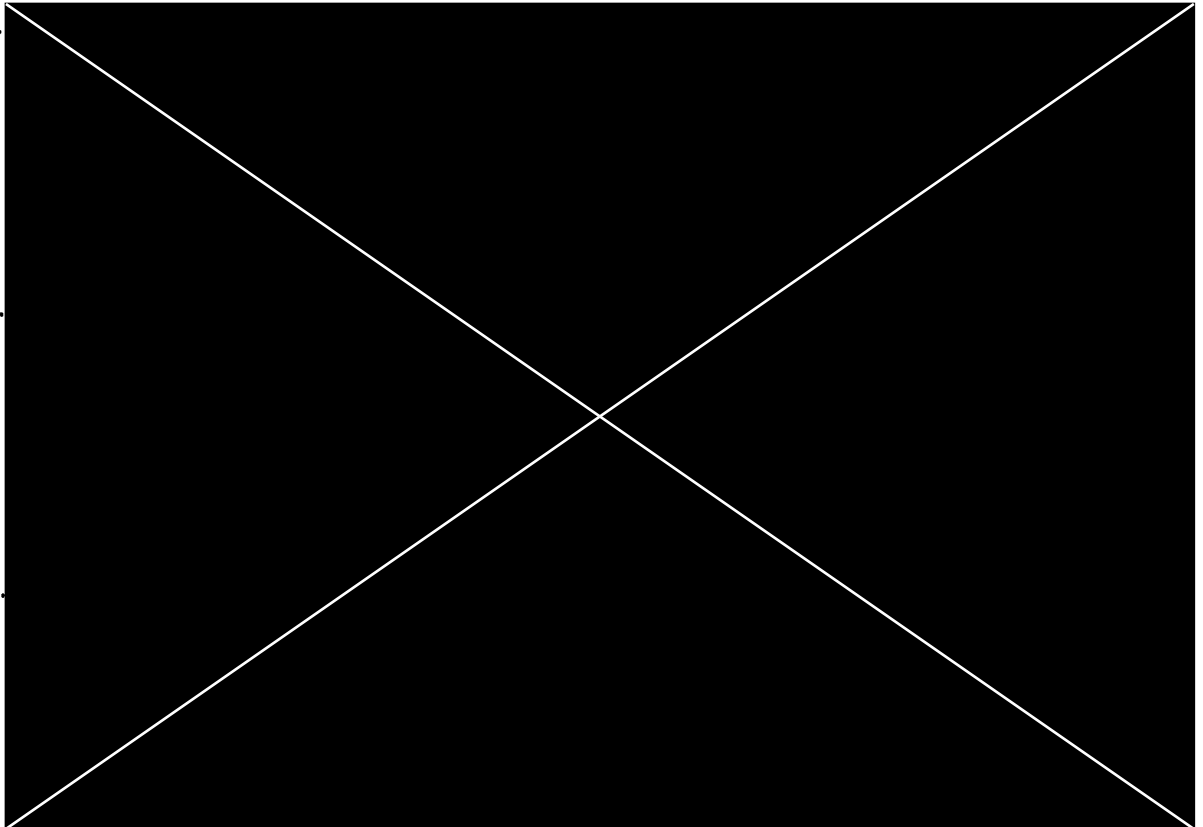
24. Petitioner, Angelina Mamedova, is a native and citizen of the Russian Federation. She is 28 years old and previously resided in the Samara Region of Russia.

25. Petitioner built her professional career internationally as a digital marketing and fashion professional. Her work required her to live in several countries, including Indonesia and Australia, where she managed online branding and content for clients. Her work was not political in nature, and she did not consider herself a public figure.

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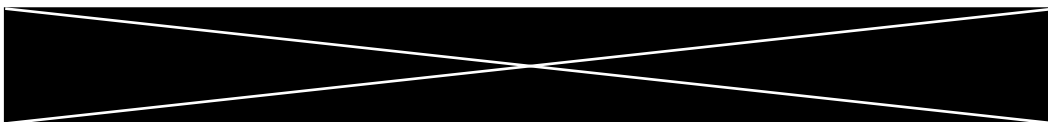
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33. Petitioner arrived in the United States and sought protection via asylum. She passed her credible fear interview, provided documentary evidence supporting the threats against her, and submitted copious amounts of evidence to support her claim of persecution, including providing examples of [REDACTED]

34. Petitioner pursued asylum, withholding of removal, and protection under the Convention Against Torture before the Immigration Judge. Her claims were denied in March 2025.

35. Petitioner appealed to the Board of Immigration Appeals, which dismissed her appeal in July 2025. Petitioner then filed a timely petition for review with the United States Court of Appeals for the Ninth Circuit.

36. While her Ninth Circuit case was pending, Petitioner learned that 



37. On October 29, 2025, the Ninth Circuit granted Petitioner's motion for a stay of deportation. Petitioner is therefore protected from removal while the petition for review is pending.

38. Petitioner's petition for review remains pending in the Ninth Circuit. Current processing times indicate that it may take up to three years for the petition to be fully briefed, considered, and resolved.

39. Petitioner has been detained by Immigration and Customs Enforcement for many months and is currently held at the Eloy Detention Center in Eloy, Arizona. She has remained in continuous immigration custody throughout her proceedings.

40. Petitioner has no criminal history, has complied fully with ICE requirements, and has not engaged in any action to delay or obstruct the removal process.

41. Because the Ninth Circuit stay remains in effect, the Department of Homeland Security cannot remove Petitioner to Russia until the court of appeals issues its final order.

LEGAL ARGUMENT

The Fifth Amendment Prohibits Arbitrary Civil Immigration Detention

42. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens subject to removal proceedings and those with administratively final removal orders. The Supreme Court has repeatedly emphasized that “freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies equally to individuals detained under the immigration laws because immigration detention is civil, not criminal. See *Reno v. Flores*, 507 U.S. 292, 306 (1993). Although Congress may authorize limited civil detention in the immigration context, that authority is constrained by the Constitution’s substantive limits on the government’s power to restrain liberty.
43. The Supreme Court’s decisions establish that civil detention may be justified only so long as it bears a reasonable relation to its permissible purposes. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). When the justification for civil detention dissipates, further confinement becomes punitive in nature and violates due process. See *Foucha v. Louisiana*, 504 U.S. 71, 82–83 (1992) (holding that civil detention cannot be maintained once the basis for detention no longer exists). In the immigration context, the permissible purpose of detention is ensuring appearance and effectuating removal; detention must end when removal cannot reasonably occur. See *Demore v. Kim*, 538 U.S. 510, 528–29 (2003). In *Demore*, the Court upheld the constitutionality of brief mandatory detention only after emphasizing that detention was typically limited to the period of the removal proceedings and lasted a very limited time.

44. These principles apply with heightened force in post-order detention, where a noncitizen has already completed administrative proceedings and remains detained solely to effectuate removal. When detention extends far beyond the time reasonably necessary to accomplish removal, due process concerns become acute, and the government must provide compelling justification for continued custody. See *Zadvydas*, 533 U.S. at 690 (“[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”).
45. Petitioner’s order of removal became administratively final when the Board of Immigration Appeals dismissed her appeal in July 2025, and she has remained in immigration detention for a substantial period of time since the Immigration Judge’s initial denial in March 2025. During this period, her detention has continued while removal has been legally barred by a court-ordered stay and judicial review remains pending. Detention that persists for an extended duration under circumstances where removal cannot be effectuated, and where delays are not attributable to the noncitizen, is precisely the type of prolonged civil confinement the Supreme Court has warned may violate the Constitution.

Statutory Framework for Post-Order Detention

42. Congress structured the post-order detention scheme in 8 U.S.C. § 1231, establishing a mandatory ninety-day “removal period” during which the government must detain the individual and make efforts to effectuate removal. 8 U.S.C. § 1231(a)(1)(A). The Supreme Court in *Zadvydas* recognized that this period is intended to allow DHS a reasonable time to coordinate removal, secure travel documents, and arrange transportation. 533 U.S. at 682–83.

43. Section 1231(a)(1)(B) specifies when the ninety-day removal period begins. One of the statutory triggers—§ 1231(a)(1)(B)(ii)—provides that if a noncitizen has filed a petition for review and the court of appeals has issued a stay of removal, the removal period does not begin “until the date of the court’s final order.” This statutory language reflects Congress’s recognition that when a stay is in effect, removal is legally impossible, and DHS’s detention authority must be evaluated accordingly. See *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008).
44. Because the Ninth Circuit granted Petitioner a stay of deportation on October 29, 2025, the statutory removal period has not yet begun. Under the plain language of § 1231(a)(1)(B)(ii), the removal period will not commence until the Ninth Circuit issues a decision resolving her petition for review. Until that time, DHS is legally prohibited from removing her. Thus, the statutory scheme itself recognizes that Petitioner is not presently removable.
45. Section 1231(a)(6) authorizes continued detention only insofar as it remains tied to the purpose of effectuating removal and only where removal is reasonably foreseeable. The Supreme Court has made clear that this authority is not unlimited and must be construed in light of constitutional constraints. In *Zadvydas v. Davis*, the Court held that prolonged detention raises serious constitutional concerns when it ceases to bear a reasonable relation to the government’s ability to carry out removal. 533 U.S. at 682.
46. The statutory framework therefore offers no support for prolonged detention where removal cannot occur due to legal barriers, including a court-ordered stay. Congress did not authorize DHS to maintain custody for the duration of multi-year appellate proceedings where removal is legally barred and judicial review remains ongoing,

particularly where the noncitizen is pursuing bona fide legal claims that bear directly on the validity of the removal order.

Zadvydas Limits the Duration of Post-Order Immigration Detention

47. In *Zadvydas*, the Supreme Court confronted the question of how 8 U.S.C. § 1231(a)(6) should be interpreted to avoid serious constitutional concerns. To preserve the statute's constitutionality, the Court construed the provision to authorize detention only for the period "reasonably necessary" to effectuate removal. 533 U.S. at 689. The Court explained that civil immigration detention must remain closely tied to its regulatory purpose and may not be prolonged once that purpose can no longer be served.
48. The Supreme Court identified six months as a presumptively reasonable period of civil immigration detention, after which continued confinement becomes constitutionally suspect absent a significant likelihood of removal in the reasonably foreseeable future. 533 U.S. at 701. Although this benchmark arose in the context of post-order detention, courts routinely rely on it as a constitutional measure of reasonableness whenever detention becomes extended and removal is not realistically attainable.
49. Petitioner has now been continuously detained by immigration authorities for close to one year. This period of civil confinement began during her removal proceedings, continued through the completion of administrative review, and has persisted into the current phase of judicial review. The duration of Petitioner's detention, considered as a whole, far exceeds what the Supreme Court has described as brief or incidental in the civil immigration context.

50. Since October 29, 2025, the Ninth Circuit's stay of removal has legally prohibited the government from executing Petitioner's removal while judicial review is pending. When a court of appeals issues a stay, removal is not merely delayed but is legally barred. Courts have consistently recognized that where removal is foreclosed by a judicial stay, the government cannot demonstrate that removal is significantly likely in the reasonably foreseeable future. See, e.g., *Clark v. Martinez*, 543 U.S. 371, 378 (2005) (holding that § 1231(a)(6) must be interpreted consistently to avoid indefinite detention).
51. Following *Zadvydas*, federal courts have granted habeas relief where prolonged detention results from delays attributable to government processes, diplomatic obstacles, or judicial review, including court-ordered stays. These decisions reflect the principle that civil detention may not continue solely because the government must wait for external processes to conclude, particularly where those processes are likely to require substantial time.
52. In Petitioner's case, the non-foreseeability of removal is underscored by both the court-ordered stay and the posture of her case before the Ninth Circuit. While the grant of a stay reflects the court's determination that Petitioner met the standards for interim relief, removal remains legally impossible during appellate review, which is expected to take a substantial period of time. This legal barrier to removal, combined with the length of Petitioner's detention to date and newly developed evidence bearing on her protection claims, including the issuance of an arrest warrant by Russian authorities, reinforces that her continued confinement has become constitutionally unreasonable.

Petitioner's Detention Has Become Prolonged and Unlawful

52. Petitioner's order of removal is administratively final, yet the government cannot effectuate her removal because the Ninth Circuit stay remains in effect. As a result, Petitioner remains detained despite the existence of a legal barrier that prevents removal from occurring at any point while judicial review is pending. Her continued confinement under these circumstances has become prolonged and indeterminate.
53. Considering current Ninth Circuit timelines, Petitioner's appeal may not be resolved for up to three years. During this period, removal is legally impossible under the stay. Courts have repeatedly held that detention cannot lawfully continue when removal cannot occur within any reasonably foreseeable time frame. See *Zadvydas*, 533 U.S. at 701.
54. Petitioner's case presents additional indicators that removal is not reasonably foreseeable: the Ninth Circuit granted a stay after reviewing her claims; her petition challenges the foundational legal findings of the Immigration Judge and the Board; and new evidence has emerged, including the arrest warrant issued by Russian authorities, further supporting her claims for protection. These factors underscore the strength of her pending appeal and confirm that her removal is not imminent.
55. Detention under these circumstances loses its connection to any permissible purpose. When a noncitizen cannot physically be removed, the government may not continue to confine her solely based on the existence of a removal order or the pendency of judicial proceedings. Prolonged detention with no path to removal is precisely what the Supreme Court deemed unconstitutional in *Zadvydas* and what courts have consistently rejected in post-order detention challenges.

Count One

Violation of the Due Process Clause of the Fifth Amendment

56. The Due Process Clause prohibits the government from detaining a person where such detention no longer bears a reasonable relation to its permissible purpose. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
57. Petitioner has now been detained for an extended period of time in connection with her removal proceedings and subsequent judicial review. Her order of removal became administratively final in July 2025, yet she remains confined even though the Department of Homeland Security is legally prohibited from removing her while the Ninth Circuit stay of removal remains in effect.
58. Because the Ninth Circuit granted a stay on October 29, 2025, removal cannot lawfully occur until the petition for review is resolved. Current Ninth Circuit timelines indicate that such resolution may take up to three years. During this period, removal is not reasonably foreseeable.
59. Continued detention under these circumstances is not reasonably related to the statutory purpose of securing removal and has become excessive, arbitrary, and punitive in violation of the Due Process Clause. See *Foucha v. Louisiana*, 504 U.S. 71, 82–83 (1992); *Jackson v. Indiana*, 406 U.S. 715, 738 (1972).
60. Because there is no significant likelihood that Petitioner can be removed in the reasonably foreseeable future, her continued detention violates the Due Process Clause of the Fifth Amendment.

Count Two

Violation of 8 U.S.C. § 1231(a)

52. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.
53. The Immigration and Nationality Act limits the government's authority to detain a noncitizen under 8 U.S.C. § 1231(a)(6) to circumstances where detention remains tied to the purpose of effectuating removal. As the Supreme Court explained in *Zadvydas v. Davis*, "[o]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." 533 U.S. 678, 699 (2001).
54. Because the Ninth Circuit has issued a stay of removal, creating a legal barrier to removal, and because appellate review may require years to complete, there is no significant likelihood that Petitioner can be removed in the reasonably foreseeable future.
55. The government's continued detention of Petitioner therefore exceeds its statutory authority under 8 U.S.C. § 1231(a), as detention under that provision may not continue when removal cannot be effectuated.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and exceeds Respondents' statutory authority under 8 U.S.C. § 1231(a)(6);

- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (4) Award Petitioner attorney's fees and costs to the extent permitted by law, including under the Equal Access to Justice Act; and
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

s/ Laureen Anderson
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