

for declaratory and injunctive relief, and accompanying motion for a preliminary injunction to order his release from indefinite detention in violation of the Immigration and Nationality Act (“INA”) and U.S. Constitution.

INTRODUCTION

1. Mr. Snetkov is a 43-year-old stateless man born in the Soviet Union in the city of Chişinău, in modern day Moldova. He fled Moldova as a religious refugee in 1997 when he was 14 years old and traveled from Moldova, via Moscow, to the U.S., where he has resided ever since. As a young man in the U.S., he was convicted of several crimes, including possession of stolen property, minor in possession of liquor, forgery and assault. He was ordered removed in 2007.

2. Immigrations and Customs Enforcement (“ICE”) has detained Mr. Snetkov four times for a total of 10 months and counting. Each time he was released on an Order of Supervision (“OSUP”) following a determination by Respondents that it was not significantly likely he would be removed from the United States in the reasonably foreseeable future, and that his continued detention would therefore be unlawful under the Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

3. Mr. Snetkov was detained for the fourth time at a routine ICE check-in on November 17, 2025. During his check-in, an officer told him, “You’re a criminal and you need to be locked up.” The officer provided no explanation for the re-detention, provided no documents explaining the re-detention, failed to conduct any interview of Mr. Snetkov and failed to ask any questions about the likelihood that he

would be removed to Moldova or any other country. Mr. Snetkov's attempts to ask questions were rebuked. When he tried to call his wife to let her know he was being detained, the officer took the phone from his hands and hung up.

4. Since his last conviction in 2008, Mr. Snetkov has turned his life around. He has not committed any crime, has found God, become a skilled welder, and started a family. In 2021, he married his wife, a U.S. citizen, who gave birth to the couple's U.S. citizen daughter that year. He has become a professional welder who takes part in welding competitions and is a member of Iron Workers Local 66. He is a born-again Christian and has found peace in gardening, which has become his favorite pastime. He attended check-ins regularly from 2011 to the present.

5. This Court can order Mr. Snetkov's release because (1) Respondents deprived him of his liberty without a hearing and revoked his OSUP without following the appropriate procedures, and (2) because Respondents have tried and failed three times to secure his removal to Moldova and have detained him for well over the six-month limit set by the Supreme Court in *Zadvydas*. The OSUP revocation violates Mr. Snetkov's constitutional and statutory rights under the Fifth Amendment, the Administrative Procedure Act and the *Accardi* doctrine, and his indefinite detention without a likelihood of removal violates the Fifth Amendment's substantive due process prohibition on indefinite detention.

JURISDICTION & VENUE

6. This action arises under the Suspension Clause, U.S. Const., Art. I, § 9, Cl. 2, and the Fifth Amendment to the United States Constitution, the

Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*, and the INA, 8 U.S.C. § 1101 *et seq.* and its implementing regulations.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 5 U.S.C. § 702 (APA), and Art. 1, § 9, Cl. 2 of the United States Constitution (the Suspension Clause). The government has waived its sovereign immunity pursuant to 5 U.S.C. § 702.

8. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. §2201.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 2241 because Petitioner is detained at South Texas ICE Processing Center in Pearsall, Texas, within the Western District of Texas.

PARTIES

10. **Petitioner Aleksandr Snetkov** is a longtime U.S. resident who was born in the Soviet Union and has lived in this country since age 14 when he fled Moldova. He is a stateless individual who is a citizen of no country. He has been detained at South Texas ICE Processing Facility in Pearsall, Texas since November 18, 2025. A devout Christian and active member of the Romanian Pentecostal Church, Mr. Snetkov is a skilled welder and resident of the San Antonio area.

11. **Respondent U.S. Department of Homeland Security (“DHS”)** is the federal agency responsible for implementing and enforcement the INA and is an agency within the meaning of the APA. 5 U.S.C. § 551(1). DHS oversees its component

agencies, including ICE, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services.

12. **Respondent Kristi Noem** is named in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any effort to confine and remove Petitioner; and as such is a custodian of Mr. Snetkov.

13. **Respondent Pamela Bondi** is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such is a custodian of Mr. Snetkov.

14. **Respondent Todd Lyons** is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement. As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Mr. Snetkov and to confine him pending removal. As such, he is a custodian of Mr. Snetkov.

15. **Respondent Sylvester Ortega** is named in his official capacity as Director of the ICE Dallas Field Office in San Antonio, Texas. In this capacity, he is responsible for the execution of immigration confinement and the institution of removal proceedings within west-central Texas, in which Mr. Snetkov is confined. As such, he is a custodian of Mr. Snetkov.

16. **Respondent Bobby Thompson** is named in his official capacity as the Warden of South Texas ICE Processing Center. In this capacity, he oversees the daily administration of the detention center in which Mr. Snetkov is in custody. As such, he is the immediate custodian of Mr. Snetkov.

FACTUAL ALLEGATIONS

I. Legal Background

A. The Government's Detention Authority

17. The statutory framework for removing individuals with final removal orders apprehended within the United States is found at 8 U.S.C. § 1231. Section 1231(a)(1) provides that non-citizens who have been issued final removal orders must be removed within 90 days, whereupon they must be released on supervision, subject to limited exceptions. 8 U.S.C. § 1231(a)(1)(A)-(C).

B. Limitations on Detention Under 8 U.S.C. § 1231

18. The Supreme Court has “read an implicit limitation” into the statute “in light of the Constitution’s demands,” and has held that a non-citizen may be detained only for “a period reasonably necessary to bring about that [non-citizen’s] removal from the United States.” *Zadvydas*, 533 U.S. at 689.

19. According to the Supreme Court, a period reasonably necessary to bring about the non-citizen’s removal from the United States is presumptively six months. *Id.* at 701. But detention is only lawful “*until* it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* (emphasis

added). When there is not a significant likelihood of removal in the reasonably foreseeable future, any continued detention is unlawful.

C. Process for Revoking Orders of Supervision

20. Non-citizens released following the 90-day “removal period” are “subject to supervision under regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3). The regulation relevant to supervised release on the basis that there is no significant likelihood of removal in the reasonably foreseeable future is found at 8 C.F.R. § 241.13.

21. Release under an order of supervision can be revoked for two reasons: (a) the non-citizen has violated a condition or release, 8 C.F.R. §241.13(i)(1), or (b) ICE determines that “on account of changed circumstances, . . . there is a significant likelihood that the [non-citizen] may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(2).

22. When ICE revokes an order of supervision, it must notify the non-citizen “of the reasons for revocation” and “promptly . . . afford the [non-citizen] an opportunity to respond to the reasons for revocation stated in the notification.” *Id.* § 241.13(i)(3).

II. Mr. Snetkov’s Case

A. Background

23. Mr. Snetkov was born in the Soviet Union in what is currently Moldova. In 1997, when Mr. Snetkov was 14 years old, he came to the United States with his mother and entered the United States lawfully as a refugee.

24. As a teenager and young adult, Mr. Snetkov was convicted for a series of crimes, including possession of stolen property, minor in possession of liquor, forgery and assault. After being released from criminal detention, he has been detained by ICE on three separate occasions: (1) in or around 2005 or 2006, when he was detained by ICE for six months and then released after Respondents were unable to remove him to Moldova, (2) in or around 2006 or 2007, when he was detained by ICE for another three months and then released for the same reason, and (3) in 2011, when he was detained for one week and then released on the current Order of Supervision. He was ordered removed by an Immigration Judge in 2007 but does not believe he was represented by counsel at that time.

B. The Revocation of Mr. Snetkov's Order of Supervision

25. Mr. Snetkov was most recently released from ICE custody on OSUP in 2011. Exh. A. He attended each subsequent check-in. On November 17, 2025, Mr. Snetkov attended his ICE check-in in San Antonio, Texas and was detained. Before the check-in, Mr. Snetkov was given no advanced notice that he would be detained. During the check-in, an officer told Mr. Snetkov that he would be detained because "you're a criminal and need to be locked up." Mr. Snetkov was provided with any notice as to the reasons for his re-detention, written or otherwise, nor provided any opportunity to respond to Respondent's decision to re-detain him.

26. Mr. Snetkov attempted to explain to the officer that he had been detained three times already for a total of 9 months and that Moldova had refused to

accept him each time, but the officer did not respond. When Mr. Snetkov called his wife, the officer took the phone out of his hand and hung up.

27. Respondents have made no attempt to remove him to Moldova since his detention in November 2025. In the month he has been detained, Respondents have not even asked Mr. Snetkov to sign a request for travel documents to Moldova.

CAUSES OF ACTION

Count I: Violation of the INA and Implementing Regulations

28 U.S.C. § 2241; 5 U.S.C. § 706(2); 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.4(l)

28. Petitioner realleges and incorporates by reference each and every allegation contained above.

29. The APA permits judicial review of agency actions. 5 U.S.C. § 702. It further empowers courts to “hold unlawful and set aside agency action[s]” that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] without observance of procedure required by law[.]” 5 U.S.C. § 706(2)(A)-(C).

30. The APA also empowers a reviewing court to “hold unlawful and set aside agency actions, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 702(2)(D).

31. Administrative agencies must abide by their own regulations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (per curiam) (“It is equally well established that it is a denial of due process for any government agency to fail to

follow its own regulations providing for procedural safeguards to persons involved in adjudicative processes before it.”).

32. Respondents revoked Mr. Snetkov’s order of supervision without determining that changed circumstances render his removal significantly likely in the reasonably foreseeable future and failed to provide him with notification for the reasons for the revocation or an opportunity to respond, as required by 8 C.F.R. § 241.13(i)(3). The officer who purported to revoke his OSUP did so without asking him any questions about Moldova and refused to consider his explanation that he had already been detained three times for nine months total, and that Moldova had refused to accept him on any of these occasions.

33. The only information the ICE agent provided Mr. Snetkov was that he was being re-detained because he is “a criminal” and “you need to be locked up.” This is not a valid reason for re-detention under 8 C.F.R. §241.13.

34. Having failed to provide Mr. Snetkov with the process mandated by its own regulations, the government revoked his supervision order in violation of his due process rights, rendering the revocation invalid.

35. Release is the proper remedy. Multiple courts have held that the government’s failure to follow its own immigration regulations may warrant the release of a detained noncitizen. *See, e.g., Bonitto*, 547 F. Supp. 2d at 756; *Zhu v. Genalo*, No. 1:25-cv-06523, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *Guillermo M.R. v. Kaiser*, No. 25-cv-05436-RFL, — F.Supp.3d —, 2025 WL 1983677 (N.D. Cal. July 17, 2025); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 165 (W.D.N.Y. 2025);

Rombot v. Souza, 296 F. Supp. 3d 383, 389 (D. Mass. 2017) (“While ICE does have significant discretion to detain, release, or revoke aliens, the agency must still follow its own regulations, procedures, and prior written commitments.”).

Count II: Fifth Amendment Procedural Due Process
28 .S.C. § 2241; U.S. Const. amend. V

36. Petitioner realleges and incorporates by reference each and every allegation contained above.

37. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

38. When the government interferes with a liberty interest, “the procedures attendant upon that deprivation [must be] constitutionally sufficient.” *Ky. Dep’t of Corr. v. Thompson*, 490 U.S. 454, 460 (1989). The constitutional sufficiency of procedures is determined by weighing three factors: (1) the private interest that will be affected by the official action, (2) the risk of erroneous deprivation of that interest through the available procedures, and (3) the government’s interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedures would entail.” *Mathews*, 424 U.S. at 335.

39. Mr. Snetkov has a strong liberty interest in his liberty from civil government custody that has increased in the years since his release. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1997) (“[I]ndividuals who have been released from custody,

even where such release is conditional, have a liberty interest in their continued liberty.”); *Trejo v. Warden of ERO El Paso E. Montana*, No. 25-cv-401, 2025 WL 2992187, at *7 (W.D. Tex. Oct. 24, 2025); *See also Lopez-Arevalo v. Ripa*, No. 25-cv-337, 2025 WL 2691828, at *10-11 (W. D. Tex. Sept. 22, 2025).

40. The revocation of Mr. Snetkov’s OSUP without either a hearing before or additional oversight from a neutral adjudicator created a high risk of erroneous deprivation—an erroneous deprivation that did, in fact, occur. *Villanueva v. Tate*, 25-cv-3364, 2025 WL 2774610, at *11 (S. D. Tex. Sept. 26, 2025) (holding that where government violates OSUP regulations, “[t]he risk of an arbitrary and erroneous deprivation...is undeniably significant.”)

41. The government has little to no interest in Mr. Snetkov’s re-detention without a hearing. Immigration detention must be “nonpunitive in purpose and effect.” *Zadvydas*, 533 U.S. at 690. When detention is not aimed at ensuring appearance at immigration proceedings or preventing danger to the community, it violates due process. *Id.* at 690-92. Furthermore, the government’s interest in preventing flight risk “is weak or nonexistent where removal seems a remote possibility at best.” *Id.* at 690. Here, the initial OSUP release only took place after the government determined Mr. Snetkov posed neither a danger to the community nor a flight risk, a determination that was proven correct by Mr. Snetkov’s 14 subsequent years of lawfulness and attendance at all ICE check-ins. 8 C.F.R. § 241.4(d). The government has no interest in revoking Mr. Snetkov’s OSUP for the

purported reason that he is a “criminal” who “needs to be locked up,” even though he has lived a lawful life for almost two decades.

42. Because Mr. Snetkov was summarily deprived of his strong liberty interest in his physical liberty by Respondents whose have little to no cognizable interest in such summary deprivations, Mr. Snetkov’s Fifth Amendment due process rights have been violated.

43. Because Respondents have custody over Mr. Snetkov in violation of his Fifth Amendment rights, the Court should issue a writ of habeas corpus directing Respondents to release him to safeguard his constitutional liberties.

Count III: Fifth Amendment Substantive Due Process
28 U.S.C. § 2241; U.S. Const. amend. V

44. Petitioner realleges and incorporates by reference each and every allegation contained above.

45. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V.

46. The “Due Process Clause applies to all persons within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 690. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Id.*

47. Detention for non-criminal purposes is only allowed “in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.*

(internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. *See id.* “[B]y definition, the first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility at best.” *Id.*

48. The Supreme Court has held that the INA “limits a[non-citizen’s] post-removal period detention to a period reasonably necessary to bring about that [non-citizen’s] removal from the United States. It does not permit indefinite detention.” *Id.* at 689; *see id.* at 699 (“Whether a set of circumstances amounts to detention within, or beyond, a period reasonably necessary to secure removal is determinative of whether the detention is, or is not, pursuant to statutory authority.”).

49. “[I]f removal is not reasonably foreseeable, the [habeas] court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699. This rule applies to both once-lawful permanent residents and inadmissible non-citizens. *See Clark v. Martinez*, 543 U.S. 371, 378 (2005).

50. Respondents have proven unsuccessful at removing Mr. Snetkov for 18 years. They have tried and failed three times to procure his removal to Moldova, a country of which he is not a citizen, and they have not even asked Mr. Snetkov to fill out a travel document request since he was detained in November 2025. Combined, he has been detained for a total of 10 months and counting, far longer than the six-month limit that the Supreme Court held was presumptively unlawful. *Zadvydas*, 533 U.S. at 701.

51. Immigration detention must be “nonpunitive in purpose and effect.” *Zadvydas*, 533 U.S. at 690. Upon Mr. Snetkov’s re-detention, the ICE agent explicitly described his purpose as punitive, stating, “You’re a criminal and you need to be locked up.”

52. Because Respondents have custody over Mr. Snetkov in violation of his Fifth Amendment rights, the Court should issue a writ of habeas corpus directing Respondents to release him to safeguard his constitutional liberties.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this action;
- (2) Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
- (3) Declare Petitioner’s detention by Respondents to be unconstitutional and in violation of the Immigration and Nationality Act;
- (4) Order Respondents to release Petitioner from their custody and prohibit his re-detention without compliance with 8 C.F.R. § 241.13(i);
- (5) Award reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- (6) Grant such further relief as this Court deems just and proper.

Dated: December 16, 2025

/s/ Rebecca Webber

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**Pro Hac Vice* forthcoming

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the factual statements in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.



Executed on this 16th day of December 2025.

/s/ Eric Lee
Eric Lee
Attorney for Petitioner Aleksandr
Snetkov