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Name: Nikolay Koreyev
 A Number: A# [REDACTED]
 Address: P.O. Box 6300
Florence, Arizona
85132

PRO SE

UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA

Name: Nikolay Koreyev

Petitioner,

v. R. Jones

Rasool Ice / E.R.O.D.H.S

Respondents.

Case No.

CV25-04880-PHX-DWL--DMF

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

Petitioner [name] Nikolay Koreyev petitions this Court for a writ of habeas corpus to remedy Petitioner's indefinite detention by Respondents.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction and may grant relief under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331 (federal question). This Court also has jurisdiction to hear this case under the Suspension Clause of Article I of the

1 United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001).

2 2. Because Petitioner challenges his or her custody, jurisdiction is proper in this
3 Court. While the courts of appeals have jurisdiction to review removal orders through petitions
4 for review, *see* 8 U.S.C. §§ 1252(a)(1) and (b), the federal district courts have jurisdiction under
5 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their
6 detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *Nadarajah v. Gonzales*, 443
7 F.3d 1069, 1075-76 (9th Cir. 2006).

8 3. Petitioner has exhausted any and all administrative remedies to the extent required
9 by law.

10 4. Venue is proper in the District of ~~Arizona~~ pursuant to 28 U.S.C §§
11 1391(b) and (e) because a substantial part of the events or omissions giving rise to these claims
12 occurred in this district. All material decisions have been made at the ~~Arizona~~ Field Office
13 of Immigration and Customs Enforcement (ICE), which has authority over the detention of
14 Petitioner and is located in this judicial district. *See, e.g., Salesh P. v. Kaiser*, No. 22-CV-03018-
15 DMR, 2022 WL 17082375, at *5 (N.D. Cal. Nov. 18, 2022) (holding the Northern District is the
16 proper forum for habeas petition filed by noncitizen detained at Golden State Annex facility
17 under the purview of the San Francisco FOD); *Ameen v. Jennings*, No. 22-CV-00140-WHO, 2022
18 WL 1157900, at *4-5 (N.D. Cal. Apr. 19, 2022) (collecting cases) (same); *Zepeda Rivas v.*
19 *Jennings*, 445 F. Supp. 3d 36, 39 (N.D. Cal. 2020) (same with regards to petitioners held at Mesa
20 Verde Detention Facility and Yuba County Jail under the purview of the San Francisco FOD).

21 **PARTIES**

22 5. Petitioner is a noncitizen who is currently detained by Immigration and Customs
23 Enforcement (ICE) at the [name of detention facility] Central Arizona Florence
24 in [city, state] Florence, Arizona correctional complex

25 6. Respondent Field Office Director for the Arizona Field Office of ICE ("A-Z
26 FOD") has the authority to order Petitioner's release or continued detention. As such, Respondent
27 A-ZFOD is a legal custodian of Petitioner.
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7. Respondent Director of ICE ("ICE Director) is the head of ICE, an agency within the United States Department of Homeland Security that detains and removes certain noncitizens. Respondent ICE Director is a legal custodian of Petitioner.

8. Respondent Secretary of the United States Department of Homeland Security ("DHS Secretary") is responsible for the implementation and enforcement of the immigration laws and oversees ICE. As such, Respondent DHS Secretary has ultimate custodial authority over Petitioner.

9. Respondent Attorney General of the United States ("U.S. A.G.") is the head of the United States Department of Justice, which oversees the immigration courts. Respondent U.S. A.G. shares responsibility for enforcement of the immigration laws with Respondent DHS Secretary.

10. All Respondents are sued in their official capacities.

FACTUAL ALLEGATIONS

11. Petitioner [name] Nikolay Koreyev was born in [country] Soviet Union.

12. Petitioner entered the United States on or about [date] May 30 1991.
Petitioner's immigration history is as follows: Refugee status.

13. Petitioner's criminal history is as follows: attempted murder and burglary.

14. Petitioner was detained by Immigration and Customs Enforcement on or about

1 [date] 5.16.2025 Petitioner has remained in ICE custody since that date.

2 15. An Immigration Judge ordered Petitioner removed from the United States on or
3 about [date] September 10 2000. Petitioner [circle one] DID / DID NOT appeal
4 the Immigration Judge's decision to the Board of Immigration Appeals (BIA). The BIA dismissed
5 Petitioner's appeal on [date, if applicable] N/A

6 16. Petitioner received a document titled "Decision to Continue Detention" from ICE
7 on or about [date] August 16 2025. Petitioner received a second "Decision to
8 Continue Detention" from ICE on or about [date] November 16 2025.

9 17. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner.
10 Petitioner has cooperated with ICE in the following ways: I cooperated by taking
11 photos and the finger prints and answering all the questionnaire
12 forms.

13 18. Nonetheless, ICE has been unable to remove Petitioner from the United States.
14 ICE is unlikely to be able to remove Petitioner because: I entered the country
15 under Refugee status and no other country recognized me
16 as their citizen and the Soviet Union does not exist
17 anymore.

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20 LEGAL FRAMEWORK

21 19. In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8
22 U.S.C. § 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to
23 carry out removal. 533 U.S. 678, 689 (2001). Because of the "serious constitutional problem"
24 posed by indefinite detention, the Court read the statute to limit a noncitizen's detention to "a
25 period reasonably necessary to bring about that alien's removal from the United States." *Id.*

26 20. The Court also recognized six months as the "presumptively reasonable period" of
27 post-removal order detention. *Id.* at 701. After six months, once the noncitizen provides "good
28 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable

1 future," the burden shifts to the government to rebut that showing. *Id.* Moreover, "as the period of
2 prior postremoval confinement grows, what counts as the 'reasonably foreseeable future'
3 conversely would have to shrink." *Id.*

4
5 21. In *Clark v. Martinez*, the Supreme Court held that its ruling in *Zadvydas* applies
6 equally to noncitizens who have never been admitted to the United States. 543 U.S. 371 (2005).

7 **CLAIM FOR RELIEF**

8 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT**

9 22. The foregoing allegations are realleged and incorporated herein.

10 23. Petitioner's continued detention is unlawful and violates 8 U.S.C. § 1231(a)(6) as
11 interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period of
12 detention has expired and Petitioner has provided good reason to believe that his or her removal is
13 not significantly likely to occur in the reasonably foreseeable future. Therefore, Respondents lack
14 authority to continue detaining Petitioner.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

- 17 a. Assume jurisdiction over this matter;
- 18 b. Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause
19 why the writ of habeas corpus should not be granted;
- 20 c. Grant the writ of habeas corpus and order Petitioner's immediate release from
21 custody;
- 22 d. Grant any other and further relief as the Court deems just and proper.

23 Date: 11.24.2025

24 Signature: _____

25 Petitioner

UNITED STATES DISTRICT COURT
for the DISTRICT of Arizona

Nikolay Koreyev
Petitioner

v.

R. Jones
Rasool Ice/E.R.O D.H.S
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
Personal Information

1. (a) Your full name: Nikolay Koreyev
- (b) Other names you have used: _____
2. Place of confinement: _____
- (a) Name of institution: Central Arizona Florence Correctional complex
- (b) Address: P.O. Box 6300
Florence, Arizona 85132
- (c) Your identification number: A# [REDACTED]
3. Are you currently being held on orders by:
 - Federal authorities
 - State authorities
 - Other - explain: Ice E.R.O D.H.S Final order of removal
4. Are you currently:
 - A pretrial detainee (waiting for trial on criminal charges)
 - Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 - If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____
 - Being held on an immigration charge
 - Other (explain): Post. Removal order detention

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 - How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings

Other (explain): Im challenging my continued detention for another 180 days like I have done in the past!

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: TO. US district court

401 W. Washington st. Phoenix AZ 85003

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

(d) Date of the decision or action: September 10, 2000

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

- Yes
- No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

- Yes
- No

If "Yes," provide:

- (a) Date you were taken into immigration custody: May 16, 2025
- (b) Date of the removal or reinstatement order: September 10, 2000
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes
- No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Zadvydas v. Davis 533 U.S. 678, 20112001

"Zadvydas claim"

(a) Supporting facts (Be brief. Do not cite cases or law.):

I am filling a Habeas petition under Zadvydas v. Davis, 533 U.S. 678 20112001, Because I received a Final order of removal 25 years ago.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

GROUND TWO:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

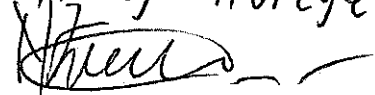
15. State exactly what you want the court to do: Good reason to believe that my removal therefore respondents lack authority to continue detaining petitioned prayer for relief wherefore, petitioner respectfully requests that the court grant the following relief. Assume Jurisdiction over this matter; B issue an order pursuant to 28 U.S.C. 2243 directing respondents to show cause why the writ of Habeas Corpus should not be granted; C grant the writ of Habeas corpus and order Petitioners immediate release from ICE custody; D. Issue a court order directing respondents to send a notice to Every detainee (who received a deportation order) that when Ice request travel document from their country and to inform detainees whether travel document has been issued or not. E grant any other and further relief as the Court deems Just and Proper.

Date: November 24, 2025

11.24.2025

Respectfully submitted

Nikolay Koreyev



Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11-24-2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Nikolay Koreyev
(Name of alien(s) in proceedings)

~~_____~~
(A Number of alien(s) in proceedings)

CERTIFICATE OF SERVICE

On 12.10.2025 I Nikolay Koreyev
(date) (printed name of person signing below)

served a copy of this Petition for a writ of Habeas corpus
(type of document)

and any attached pages to Motion to request for appointed lawyer
(name of party served)

at the following address: TO US district court
401 W. Washington st. Phoenix AZ 85003
(address of party served)

P.O. Box 6300 Florence, AZ 85132
(address of party served)

by: Mail
(method of service - for example, overnight courier, hand-delivery, first-class mail, ICE OPIA eService)

[Signature] 12.10.2025
(signature) (date)

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Name: Nikolay Koreyev
A Number: A# [REDACTED]
Address: P.O. Box 6300
Florence, Arizona
85132

PRO SE

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Name: Nikolay Koreyev

Petitioner,

v R. Jones
Rasool
ICE / E.R.O D.H.S

Respondents.

Case No.

MOTION FOR APPOINTMENT OF
COUNSEL PURSUANT TO 18
U.S.C. § 3006A

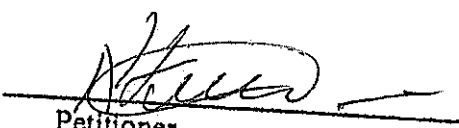
Petitioner (name) Nikolay Koreyev has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's indefinite detention by Respondents. Petitioner was detained by Immigration and Customs Enforcement (ICE) on or about [date] 5.16.2025. Petitioner has remained in ICE custody since that date. An Immigration Judge ordered Petitioner removed and Petitioner's removal order became final on or about [date] September 10, 2000, but ICE has been unable to remove Petitioner.

1
2 In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8 U.S.C. §
3 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to carry out
4 removal. 533 U.S. 678, 689 (2001). After six months of presumptively-reasonable detention, if
5 the noncitizen provides good reason to believe that removal is not reasonably foreseeable, the
6 burden shifts to the government to rebut that showing. *Id.* at 701.

7 Petitioner moves the Court to appoint counsel to represent Petitioner in this case. The
8 Court may appoint counsel in a habeas action when the "interests of justice so require." 18 U.S.C.
9 § 3006A(a)(2)(B). Here, Petitioner has a strong chance of success on the merits because
10 Petitioner has been held for longer than six months since being ordered removed and Petitioner's
11 country still refuses to accept him or her. However, given the complexity of the law on
12 immigration detention and Petitioner's status as a detained immigrant, Petitioner would have
13 great difficulty presenting the case without the assistance of counsel. For these reasons, Petitioner
14 respectfully requests that the Court appoint counsel.

15 Date: 11.24.2025

16 Signature: _____

17 
18 _____
19 Petitioner
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