

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Andrey Nossov

Petitioner

v.

Warden of Clinton County Correctional Facility, Brian McShane, Todd Lyons, Kristi Noem and Pamela Bondi

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 25-cv- (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: Andrey Nussov
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Clinton County PA Correctional Facility (ICE)
(b) Address: 58 Pine Mountain Road, McElhatton, PA 17748
(c) Your identification number: A
3. Are you currently being held on orders by:
[checked] Federal authorities [] State authorities [] Other - explain:
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:
[checked] Being held on an immigration charge
[] Other (explain):

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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)
- 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*): _____

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

- (a) Name and location of the agency or court: United States Immigration
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
Petitioner is challenging his detention in ICE Custody
- (d) Date of the decision or action: _____

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: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

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(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: _____

(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: _____

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(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: _____
- _____

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

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

- Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/01/2025

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

- Yes No

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: _____

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- (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.

GROUND ONE: Prolong Detention without Adequate Bond Hearing

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

Violation of the Fifth Amendment Procedural Due Process; Detained for many months without constitutionally complaint bond hearing. no hearing where government bears clear and convincing evidence burden

U.S. Court of Appeals Third Circuit 4 Factor test analysis

See attached memorandum of alw.

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

Yes

No

GROUND TWO: Unconstitutional Continued Detention

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

Violation of Fifth Amendment Substantive Due Process

Detention must bear reasonable relation to purpose; asylum seeker with no criminal history; strong family ties, every incentive to appear; detention not reasonably related to a legitimate purpose.

See attached memorandum of law.

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

Yes

No

GROUND THREE: Impairment of Access to Counsel

Violation of Fifth Amendment Due Process and Sixth Amendment Right to Counsel.

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

Entitled to meaningful opportunity to consult counsel; telephone restricted to 15 minutes / week. No

Russian language platform; impaired ability to gather evidence and communicate with witnesses.

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

Yes

No

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GROUND FOUR: Punitive Conditions of Confinement.

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

Violation of Fifth Amendment Due Process

Civil detainees entitled to non-punitive conditions; 23 hour lockdown; comingling with convicted inmates;
inadequate medical attention; when detention looks penal, it tilts scales toward unreasonableness.

(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: Exhaustion explanation. Immigration Court lacks authority for bond hearings under Section 1225(b);
Constitutional claims agency cannot resolve; irreparable harm.

Request for Relief

15. State exactly what you want the court to do: (A) writ for immediate release; (b) bond hearing within seven (7) days.
(c) declare unconstitutional; and (d) award attorneys fees and costs.

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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: 12/31/2025

Signature of Petitioner

/s/Jonathan J. Sobel, Esquire

Signature of Attorney or other authorized person, if any