

UNITED STATES DISTRICT
COURT MIDDLE DISTRICT
OF LOUISIANA

Kirill Savinov

Petitioner,

v.

Brian ACUNA, *in his official capacity as Field Office Director, New Orleans ICE Field Office*; Todd LYONS, *in his official capacity as Acting Director, ICE*; Kristi NOEM, *in her official capacity as Secretary, U.S. Department of Homeland Security*; Pamela BONDI, *in her official capacity as U.S. Attorney General; Executive Office For Immigration Review*; WARDEN, *in his official capacity as Warden of Louisiana State Penitentiary,*

Respondents.

Case No. _____

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner Kirill Savinov (“Petitioner” or “Mr. Savinov”) hereby petitions this Court for a writ of habeas corpus to remedy Petitioner’s unlawful detention by Respondents, and to enjoin Petitioner’s continued further unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

2. Mr. Savinov is a native and citizen of Russia. He fled his country in fear of repercussions from the Russian government over his protests of the Russian Military actions in

Ukraine. He entered the United States on or about March 11, 2023 and immediately sought asylum at the border between the United States and Mexico. He underwent a credible fear interview and filed an application for asylum, withholding of removal and relief under the Convention Against Torture.

3. On December 31, 2024, Immigration Judge Hasbrouk, sitting in the Lasalle Immigration Court in Jena, Louisiana, issued an order granting Mr. Savinov relief in the form of deferral of removal under the Conventions Against Torture while also ordering him removed to Russia.

4. Mr. Savinov has remained in detention in Louisiana following this order of removal as he has done since August of 2024.

5. At all relevant times, Petitioner has been in ICE custody. Respondent was transferred from the Central Louisiana ICE Processing Center in Jena, Louisiana to the Louisiana ICE Processing Center at the Louisiana State Penitentiary in Angola, Louisiana.

6. Petitioner is not a flight risk, is in no way a danger to national security or the community more generally. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). He therefore seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release him forthwith from their custody.

CUSTODY

7. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Louisiana ICE Processing Center at the Louisiana State Penitentiary in Angola, Louisiana. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

8. This action arises under the Constitution of the United States, 28 U.S.C. §2241(c)(1), and the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101 et seq. This Court has subject matter 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 the authority of the United States., and such custody is in violation of the Constitution, laws, or treaties of the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (“We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention.”); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (“at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.”) *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

VENUE

9. Venue lies in the United States District Court for the Western District of Louisiana, because Petitioner is currently detained in the territorial jurisdiction of this Court, at the Louisiana ICE Processing Center at the Louisiana State Penitentiary located at 18198 Tunica Trace, Bldg E, Angola, LA 70712. *See* 28 U.S. C. §1391.

EXHAUSTION OF REMEDIES

10. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. After the Supreme Court’s decision in *Zadvydas*, the Department of Justice issued regulations governing the custody of aliens removed. *See* 8 C.F.R. § 241.4. Petitioner’s removal order became administratively final on December 25, 2024. Upon information and belief, ICE decided, as part of any custody review, to continue detaining Mr. Savinov. The custody review regulations do not provide for appeal from a custody

review decision. *See* 8 C.F.R. § 241.4(d).

11. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

PARTIES

12. Petitioner Mr. Savinov is a national and citizen of Russia who entered the United States on or about March 11, 2023, was taken into custody on arrival to the United States, and has remained in ICE custody ever since. He was placed in removal proceedings, where he sought relief from removal in the form of asylum, withholding of removal, and relief under the Convention Against Torture. On December 31, 2024, he was granted deferral of removal under the Convention Against Torture while also ordering Mr. Savinov removed to Russia. He did not appeal the Immigration Court's decision, and his order became administratively final on January 30, 2025. Petitioner 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. Petitioner remains in ICE custody.

13. Upon information and belief, Respondent Warden is Warden of the Louisiana State Penitentiary, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

14. Respondent Brian Acuna is the Acting New Orleans ICE Field Office Director and therefore is responsible for ICE policies and operations in the New Orleans District, which stretches across Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. *See Vásquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

15. Respondent Todd Lyons is Acting Director of ICE. As the senior official performing the duties of Director of ICE, he is responsible for the administration and enforcement of the immigration laws and as such is a custodian of Petitioner. He is sued in his official capacity.

16. Respondent Kristi Noem is the United States Secretary of Homeland Security, which oversees ICE. As such, she is responsible for the administration and enforcement of the immigration laws, and is a custodian of Petitioner. She is sued in her official capacity.

17. 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 as exercised by the Executive Office for Immigration Review, pursuant to INA 103(g), 8 USC 1103(g), routinely transacts business in the Western District of Louisiana, is legally responsible for administering Petitioner's removal proceedings and the standards used in those proceedings.

STATEMENT OF FACTS

18. Petitioner Mr. Savinov is a national and citizen of Russia who fled his country in fear that he would face repercussions pertaining to his protests against the Russian military actions against Ukraine.

19. Mr. Savinov arrived in the United States on or about March 11, 2023 at or around Brownsville, Texas at a port of entry, where he applied for admission seeking protections.

20. Mr. Savinov Pleaded guilty to a case arising out of the sale and transportation of drugs in Tennessee on or about July 20, 2024. He was transferred to ICE custody by August of 2024.

21. On December 31, 2024, Immigration Judge Hasbrouck, sitting in Jena, Louisiana, granted Mr. Savinov's application for deferral of removal under the Convention Against Torture and ordered him removed to Russia.

22. Petitioner did not appeal, and his order of removal became administratively final on January 30, 2025.

23. While Mr. Savinov did plead guilty to the aforementioned criminal charges, the

sentence imposed was a \$2,000 fine and two years' probation. This sentence indicates that Mr. Savinov is not a danger to the community, or to national security, or that he poses a flight risk, particularly given that he did receive any form of incarceration.

24. In the months since, ICE has refused to release Mr. Savinov from custody, but has not identified a country of removal, requested his cooperation in any removal efforts, or otherwise taken a single step toward effectuating his removal.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

25. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. §1231(a)(6), when “read in light of the Constitution’s demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States.” 533 U.S. at 689. A “habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.” *Id.* at 699. If the individual’s removal “is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute.” *Id.* at 699-700. In *Clark v. Martinez*, 543 U.S. 371 (2005), the U.S. Supreme Court held that *Zadvydas* applies to aliens found inadmissible as well as removable.

26. In determining the length of a reasonable removal period, the Court adopted a “presumptively reasonable period of detention” of six months. *Id.* at 701. After six months, the government bears the burden of disproving an alien’s “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *See Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, *2-*3 (D. Mass. Oct. 19, 2001) (quoting and summarizing *Zadvydas*). Moreover, “for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydas*, 533 U.S. at 701. ICE’s administrative regulations also recognize that the HQPDU has a

six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. *See* 8 C.F.R. §241.4 (k)(2)(ii).

27. Respondent was taken into custody by ICE on or about August of 2024, more than one year ago. He was granted deferral of removal based on the Convention Against Torture on December 31, 2024, and his removal order became administratively final on January 30, 2025.

28. To date, despite its indications to the contrary, the government has taken no tangible steps remove Mr. Savinov to a third country. As described *supra*, ICE has not even identified a potential country of removal, let alone taken steps to ensure that he will be accepted and will not face persecution or torture in such a third country, as is required. As a result, the government cannot rebut the presumption "that there is no significant likelihood of removal in the reasonably foreseeable future." Any further detention of Mr. Savinov would thus violate the clear demands of due process, and he should be released forthwith.

CLAIMS FOR RELIEF

COUNT ONE STATUTORY VIOLATION

29. Petitioner re-alleges and incorporates by reference paragraphs 1 through 27 above.

30. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. Petitioner's ninety-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have both passed. Respondents are apparently unable to remove Petitioner to a third country. In *Martinez*, the U.S. Supreme Court held that the continued indefinite detention of someone like Petitioner under such circumstances is unreasonable and not authorized by 8 U.S.C. §1231(a)(6).

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

31. Petitioner re-alleges and incorporates by reference paragraphs 1 through 29 above.

32. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. *See e.g., Tam v. INS*, 14 F.Supp.2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

33. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest – to effect the alien's removal. *See Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due process rights were violated, and noting that “If deportation can never occur, the government's primary legitimate purpose in detention – executing removal – is nonsensical.”). Because Petitioner is unlikely to be removed, his continued indefinite detention violates substantive due process.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

34. Petitioner re-alleges and incorporates by reference paragraphs 1 through 32 above.

35. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. There is no administrative mechanism in place for the Petitioner to obtain a decision from a neutral arbiter or appeal a custody decision that violates *Martinez*. *See generally* 8 C.F.R. §212.12. A number of courts have identified a substantial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to constitutionally high

levels. *See, e.g., Phan v. Reno*, 56 F. Supp. 2d 1149, 1157 (W.D. Wash. 1999) (“INS does not meaningfully and impartially review the Petitioners’ status.”); *St. John v. McElroy*, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (“Due to political and community pressure, INS, an executive agency, has ever incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they may continue to pose a danger to the community.”); *see also Rivera v. Demore*, No. C 99-3042 THE, 199 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that aliens release determination be made by impartial adjudicator due to agency bias).

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Order Respondents to show cause why the writ should not be granted “within three days unless for good cause additional time, not exceeding twenty days, is allowed,” and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243;
- 3) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, under reasonable conditions of supervision;
- 4) Order Respondents to refrain from transferring the Petitioner out of the jurisdiction of the ICE New Orleans Field Office Director during the pendency of these proceedings and while the Petitioner remains in Respondent’s custody;
- 5) Enjoin Respondents from removing or transferring Petitioner to a third country without notice and an opportunity to seek relief from removal to that country before an Immigration Judge;
- 6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 7) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

ATTORNEYS FOR PETITIONER

Dated: January 13, 2026

By: /s/David Rozas
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VERIFICATION OF COUNSEL

I, David Rozas, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

//s David J. Rozas
David Rozas

CERTIFICATE OF SERVICE

I, David J. Rozas, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent by mail to those indicated as non-registered participants on January 13, 2026.

/s/ David J. Rozas

David J. Rozas