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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AIEKO GACHECHILADZE,)
)
 Petitioner,)
)
 v.)
)
 Bobby Thompson, Warden, South Texas ICE)
 Processing Center; **Miguel Vergara,** *Field Office*)
 Director of Immigration & Customs Enforcement,)
 Enforcement And Removal Operations San Antonio)
 Field Office, **Todd Lyons,** Acting Director, ICE,)
 Kristi Noem; Secretary of the U.S.)
 Department of Homeland Security; and **Pamela**)
 Bondi, Attorney General of the United States,)
 in their official capacities,)
)
 Respondents.)
 _____)

Case No. 26-cv-00165

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

1. Petitioner, Aieko Gachechiladze, is a native and citizen of Georgia who is currently detained by U.S. Immigration and Customs Enforcement at South Texas Detention Facility in Pearsall, Texas. Mr. Gachechiladze has been in ICE custody since August 31, 2024. On October 7, 2025, An Immigration Judge granted Mr. Gachechiladze Withholding of Removal under the Immigration and Nationality Act (INA), recognizing that he faces clear probability of torture if returned to Georgia. Despite this protection order, ICE has had him detained him without any lawful basis or foreseeable prospect of removal. Immigration and Customs Enforcement (ICE) refuse to release

Mr. Gachechiladze, claiming that it is looking for alternative countries of removal despite knowing that he lacks citizenship in or a connection to any other country.

2. Petitioner challenges his continued detention by ICE even after being granted Withholding of Removal under the Immigration and Nationality Act (INA). Absent an order from this Court, Petitioner will remain indefinitely detained without lawful justification and continue to suffer irreparable harm to his liberty and well-being despite final determination of his removal proceedings.

3. Mr. Gachechiladze's continued detention is arbitrary, unlawful and unconstitutional.

he requests that this Court order his immediate release from ICE custody under reasonable conditions of supervision. Accordingly, to vindicate Petitioner's Constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

4. Mr. Gachechiladze is detained pursuant to 8 U.S.C. § 1231, which governs the detention of non-citizens with a final order of removal that has been withheld or deferred by an IJ. due to a substantial risk of persecution or torture in their home country. 8 U.S.C. § 1231(a)(1)(B)(i). Mr. Gachechiladze's removal order and accompanying relief grant became final when ICE failed to timely appeal his relief grant. 8 C.F.R. § 1241.1.

5. Mr. Gachechiladze's continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable. He cannot be deported to his home country of Georgia because he was granted Withholding of Removal under the Immigration and Nationality Act (INA) with respect to that country. 8 C.F.R. § 1208.17. ICE's half-hearted attempts to remove Mr. Gachechiladze to a random collection of unspecified alternative countries—to which he has no

ties, and which have no policy or history of accepting non-citizen deportees—are speculative and futile.

6. Furthermore, the ICE San Antonio Field Office’s across-the-board detention of Mr. Gachechiladze and similarly situated individuals without prompt, individualized determinations of whether they should remain detained is inconsistent with ICE’s own long-standing policy, thereby violating the Administrative Procedure Act (APA) and due process. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

JURISDICTION AND VENUE

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

8. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas*, 533 U.S. at 687. Federal courts also have federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Respondents’ continued detention has adversely and severely affected Petitioner’s liberty and freedom.

9. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at South Texas Detention Facility in Pearsall, Texas. Furthermore, a substantial part of the events or omissions giving rise to this action occurred and continue to occur at ICE's San Antonio Field Office in San Antonio, Texas within this division.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

12. Petitioner is native and citizen of Georgia who was granted Withholding of Removal under the Immigration and Nationality Act (INA) Petitioner is currently detained at South Texas Detention Facility in Pearsall, Texas. He is in the custody, and under the direct control, of Respondents and their agents.

13. Respondent Bobby Thompsen is the Warden of South Texas Detention Facility, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S.

Immigration and Customs Enforcement to detain noncitizens. Respondent is a legal custodian of Petitioner.

14. Respondent, Miguel Vergara, is sued in his official capacity as the Field Office Director of the San Antonio Field Office of U.S. Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release him.

15. Respondent Todd Lyons is sued in his official capacity as the acting director of Immigration and Customs Enforcement, (ICE). In this capacity, Respondent oversees ICE, the component agency responsible for Petitioner's detention. Respondent is a legal custodian of Petitioner.

16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act. Respondent is a legal custodian of Petitioner.

17. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.

STATEMENT OF FACTS

1. Petitioner is a 29-year-old citizen of Georgia who has resided in the United States since 2024. He fled his country of origin due to a legitimate and well-founded fear for his life arising from [REDACTED]

[REDACTED] He was granted Withholding of

Removal under the Immigration and Nationality Act (INA) on October 7, 2025 after an Immigration Judge determined that he could not be safely returned to Georgia. He has litigated his immigration case while continuously being detained for nearly two years, without the benefit of release at any stage of the proceedings. Throughout this period, he has complied with all court requirements and pursued relief through lawful means. Petitioner has a sister residing in the United States, who is herself seeking asylum and lacks the support of immediate family members in this country. Petitioner's continued detention prevents family reunification and deprives his sister of essential familial support during her own pending immigration proceedings. Given that Petitioner has been granted withholding of removal, has no criminal history, and poses no danger to the community or risk of flight, his continued detention serves no legitimate governmental purpose and instead imposes unnecessary and ongoing hardship inconsistent with the protections afforded by the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

2. Arrival in the United States: Petitioner entered the United States on or about August 31, 2024 seeking safety and protection from harm in Georgia. Petitioner was taken into custody by the Department of Homeland Security ("DHS") and has remained continuously detained since that date, without any period of release.

2. Basis for Fear and Past Persecution: Petitioner cannot return to Georgia because he suffered past persecution and faces a serious risk of torture or death if

returned. In Georgia, Petitioner was subjected to detention, kidnapping, physical abuse, and repeated threats of death at the hands of government forces. The persecution was motivated by his political opinion and membership, specifically his support of the United National Movement (UNM), the largest opposition political party in Georgia.

3. Detention by ICE: Petitioner has been detained by the Department of Homeland Security continuously since his arrival in the United States on August 31, 2024. He has remained in immigration custody throughout the entirety of his removal proceedings and has never been released, despite diligently pursuing all available forms of relief while detained.

4. Grant of INA Withholding: On October 7, 2025, an Immigration Judge granted Petitioner withholding of removal under the Immigration and Nationality Act after finding that Petitioner met the heightened burden of proof required to establish that his life or freedom would be threatened if returned to Georgia. This grant reflects the Court's determination that Petitioner's fear of persecution is credible and that he cannot be safely removed to his country of origin.

5. Ongoing Detention Despite Protection: Despite being granted withholding of removal, Petitioner remains in DHS custody. He has vigorously litigated his immigration case while detained for nearly two years, complying with all court requirements and pursuing relief solely through lawful channels. His continued detention persists notwithstanding the absence of any individualized finding that he poses a danger to the community or a risk of flight.

6. Harm from Detention: Petitioner has no criminal history in the United States or in his country of origin and has never been arrested, charged, or convicted of any crime. His prolonged detention is purely civil in nature yet has become punitive in effect, depriving him of liberty despite the Immigration Court's determination that he cannot be removed to Georgia.

7. Community and Family Ties: Petitioner has an immediate family member in the United States, specifically his sister, who is currently seeking asylum. Petitioner's continued detention prevents reunification with his close family member and interferes with his ability to provide lawful familial support. Family unity is a recognized interest protected by the Due Process Clause, and Petitioner's prolonged confinement, despite his grant of withholding of removal, absence of any criminal history, and lack of an individualized finding that he poses a danger or flight risk, does not reasonably further any legitimate governmental objective.

LEGAL FRAMEWORK

1. Petitioner's detention is governed by federal law, including §§ 1226 and 1231, and by 18. the Constitution's Fifth Amendment, which guarantees that no person shall be deprived of liberty without due process of law. Under 8 U.S.C. § 1231(a)(1)(C), the government may not detain an individual indefinitely if removal is not reasonably foreseeable. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that prolonged detention of noncitizens whose removal is not reasonably foreseeable violates the Constitution. Individuals granted Withholding of Removal under the Immigration and Nationality Act (INA) cannot be lawfully removed to the country of concern, making detention without a lawful basis unlawful and indefinite.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6)

2. Petitioner realleges and incorporates by reference the paragraphs above. 8 U.S.C. §

1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for “a period reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689, 701. Petitioner’s continued detention has become unreasonable because his removal is not reasonably foreseeable. Therefore, His continued detention violates 8 U.S.C. § 1231(a)(6), and he must be immediately released.

COUNT II

ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A)

21. Petitioner realleges and incorporates by reference the paragraphs above. Courts must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). ICE has deviated from its own policy in continuing to detain Petitioner after he was granted immigration relief, without determining whether exceptional circumstances warrant his continued detention. This is arbitrary, capricious, and contrary to law in violation of the APA. As a remedy, this Court should conduct its own review of Petitioner’s custody or, least, order ICE to review Petitioner’s custody under the standard articulated in ICE policy.

COUNT III

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

22. Petitioner realleges and incorporates by reference the paragraphs above. ICE has violated Petitioner’s due process rights by denying him an individualized custody review to which he is entitled under ICE policy. As a remedy, this Court should conduct its own review of Petitioner’s custody or, at least, order ICE to review Petitioner’s custody under the standard articulated in ICE policy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this petition should not be granted in three days;
- c. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- d. Order Petitioner's immediate release; Alternatively, review Petitioner's custody under the standard articulated in ICE policy, or order ICE to review Petitioner's custody accordingly;
- e. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- g. Grant any further relief this Court deems just and proper.

Dated: January 14, 2026

Respectfully submitted,




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

I represent Petitioner, John F. Waldron, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 14nd day of January, 2026.



John F. Waldron