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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MAKSIM GAVRIN,

Petitioner,

Case No.: 2:26-cv-308

v.

JAMAL L. JAMISON, *in his official capacity as the Warden of the Philadelphia Federal Detention Center*; MICHAEL T. ROSE, *in his official capacity as Acting Philadelphia Field Office Director for U.S. Immigration and Customs Enforcement*,

**PETITION FOR WRIT OF
HABEAS CORPUS**

Respondents.

1 INTRODUCTION

2 1. Petitioner Maksim Gavrin is in the physical custody of Respondents at the
3 Philadelphia Federal Detention Center (“FDC”). This case challenges Petitioner’s unlawful re-
4 detention by Respondents.

5 2. Petitioner entered the United States in or around San Ysidro, California on January
6 28, 2022, with the intent to seek asylum. The Department of Homeland Security (“DHS”) detained
7 him and subsequently released him on parole.

8 3. Petitioner subsequently filed a timely application for asylum.

9 4. In the over two years since his release, Petitioner has complied with the conditions
10 of his release set forth by Immigration and Customs Enforcement (“ICE”), including not having
11 any criminal contacts and attending all required appointments with ICE and hearings with the
12 Immigration Court.

13 5. Despite Petitioner’s compliance, on January 15, 2026, ICE re-detained him while
14 he was attending a routine check-in at the ICE Philadelphia Field Office. Petitioner was transferred
15 to the Philadelphia Federal Detention Center (“FDC”), where he remains detained today.

16 6. Before re-detaining Petitioner, Respondents did not provide him with any notice,
17 written or otherwise, regarding the basis for the revocation of his release on recognizance and his
18 re-detention. Similarly, Respondents failed to provide a hearing before a neutral decisionmaker,
19 where ICE would be required to justify the basis for Petitioner’s re-detention, or explain why
20 Petitioner presented new flight risk or danger to the community.

21 7. As several districts courts have recently held, due process demands that
22 Respondents provide such a hearing *prior* to the government’s decision to terminate a person’s
23 liberty—particularly where re-detention is concerned. *See O.F.B. v. Maldonado*, No. 25-cv-6336,
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1 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025); *E.A.T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-
2 1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, No.
3 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Kelly v. Almodovar*,
4 No. 25 CIV. 6448 (AT), 2025 WL 2381591 (S.D.N.Y. Aug. 15, 2025); *Duong v. Kaiser*, No. 25-
5 CV-07598-JST, 2025 WL 2689266 (N.D. Cal. Sept. 19, 2025); *Kumar v. Wamsley*, 2025 WL
6 2677089 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574 (W.D.
7 Wash. Oct. 7, 2025).

8 8. By failing to provide such a hearing prior to Petitioner’s re-detention, Respondents
9 have violated Petitioner’s constitutional due process rights. Here, a “post-deprivation hearing”
10 cannot serve as an adequate remedy, where Petitioner has already been erroneously deprived of
11 his liberty. *See E.A.T.-B.*, 2025 WL 2403130 at *6 (ordering immediate release because “a post-
12 deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact
13 and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, 2025 WL 2637663, at
14 *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574,
15 at *9 (relying on *E.A. T.-B.*). Accordingly, Petitioner seeks a writ of habeas corpus requiring that
16 he be immediately released from Respondents’ custody.

17 **JURISDICTION**

18 9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
19 Federal Detention Center in Philadelphia, Pennsylvania.

20 10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.
21 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the
22 Suspension Clause).

1 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment
2 Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

3 **VENUE**

4 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
5 500 (1973), venue lies in the United States District Court for the Eastern District of Pennsylvania,
6 the judicial district in which Petitioner currently is detained.

7 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
8 Respondents are employees, officers, and agencies of the United States, and because a substantial
9 part of the events or omissions giving rise to the claims occurred in the Eastern District of
10 Pennsylvania.

11 **REQUIREMENTS OF 28 U.S.C. § 2243**

12 14. The Court must grant the petition for writ of habeas corpus or order Respondents
13 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
14 order to show cause is issued, Respondents must file a return “within three days unless for good
15 cause additional time, not exceeding twenty days, is allowed.” *Id.*

16 15. Habeas corpus is “perhaps the most important writ known to the constitutional
17 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
18 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
19 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
20 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
21 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

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2 16. Petitioner Maksim Gavrin is a citizen of Russia who has been in immigration
3 detention since January 15, 2026.

4 17. Respondent Jamal L. Jamison is employed by the Federal Bureau of Prisons as
5 Warden of FDC, where Petitioner is detained. He has immediate physical custody of Petitioner.
6 He is sued in his official capacity.

7 18. Respondent Michael T. Rose is the Acting Director of the Philadelphia Field Office
8 of ICE’s Enforcement and Removal Operations division. As such, he is Petitioner’s immediate
9 custodian and is responsible for Petitioner’s detention and removal. He is sued in his official
10 capacity.

11 **LEGAL FRAMEWORK**

12 19. The INA prescribes three basic forms of detention for the vast majority of
13 noncitizens in removal proceedings.

14 20. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
15 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
16 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
17 while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject
18 to mandatory detention, *see* 8 U.S.C. § 1226(c).

19 21. Second, the INA provides for mandatory detention of noncitizens subject to
20 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
21 referred to under § 1225(b)(2).

22 22. Last, the INA also provides for detention of noncitizens who have been ordered
23 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
24

1 23. Section 1226(a) applies by default to all persons “pending a decision on whether
2 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
3 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].” Section 1226
4 “authorizes the Government to detain certain aliens already in the country pending the outcome of
5 removal proceedings,” including noncitizens “including noncitizens “who were inadmissible at the
6 time of entry.” *Jennings v. Rodriguez*, 583 U.S. 281, 288–89, 138 S.Ct. 830, 200 L.Ed.2d 122
7 (2018).

8 24. Further, once released, due process requires that a person like Petitioner receive a
9 hearing before a neutral decisionmaker to determine whether any re-detention is justified, and
10 whether the person is a flight risk or danger to the community.

11 25. “Freedom from imprisonment—from government custody, detention, or other
12 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
13 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As several courts have recently recognized, this is
14 the “the most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation
15 modified); *see also Ramirez Tesara*, 2025 WL 2637663, at *5 (stating that the petitioner had “an
16 exceptionally strong interest in freedom from physical confinement”).

17 26. Consistent with this principle, individuals released on parole or other forms of
18 conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408
19 U.S. 471, 482 (1972).

20 27. Such liberty is protected by the Fifth Amendment because, “although indeterminate,
21 [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully
22 employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released
23 individual] and often on others.” *Id.*

1 28. To guarantee against arbitrary re-detention and to guarantee the right to liberty, due
2 process requires “adequate procedural protections” that ensure the government’s asserted
3 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
4 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

5 29. Due process thus guarantees notice and an individualized hearing before a neutral
6 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
7 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is
8 the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation modified));
9 *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether
10 there is probable cause or reasonable ground to believe that the arrested parolee has committed . . .
11 a violation of parole conditions” and that such determination be made “by someone not directly
12 involved in the case” (citation modified)).

13 30. Several courts have recognized that these principles apply with respect to the re-
14 detention of the many noncitizens, whom DHS has recently begun taking back into custody,
15 merely to meet its daily arrest quotas. Such arbitrary re-arrests and re-detentions occur often after
16 such persons have been released for months and years.

17 31. For example, in *E.A. T.-B.*, the court applied the *Mathews v. Eldridge*, 424 U.S. 319
18 (1976), framework to hold that even in a case where the government argued mandatory detention
19 applied, a person’s re-detention required a hearing.

20 32. In applying the three *Mathews* factors, the court held that the petitioner had
21 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*, 2025 WL
22 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified).
23 The court further explained that even if detention was mandatory, the risk of erroneous deprivation
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1 of liberty without a hearing was high because a hearing serves to ensure that the purposes of
2 detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the
3 Court explained that “the Government’s interest in re-detaining non-citizens previously released
4 without a hearing is low: although it would have required the expenditure of finite resources
5 (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting
6 and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the
7 liberty interest at issue.” *Id.* at *5. As a result, the court ordered the petitioner’s immediate release.
8 *Id.* at *6.

9 33. Another court in the same district applied a similar analysis in *Ramirez Tesara*.
10 There, the court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled
11 to the “full protections of the due process clause.” 2025 WL 2637663, at *3. When examining the
12 value of additional safeguards, the court also noted that despite the government’s allegations of
13 ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain
14 Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports
15 with due process.’” *Id.* at *4 (quoting *E.A. T.-B*, 2025 WL 2402130, at *4). Finally, the court
16 reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.*
17 Accordingly, there too, the court ordered the petitioner’s immediate release. *Id.* at *5. 44. The
18 *Kumar* and *Ledesama Gonzalez* courts reached the same decision, again holding that all three
19 factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at *3–4;
20 2025 WL 2841574, at *7-9.

21 34. The decisions in *Ledesama Gonzalez*, *E.A. T.-B.*, *Ramirez Tesara* and *Kumar* are
22 consistent with many other district court decisions addressing similar situations. *See, e.g., O.F.B.*
23 *v. Maldonado*, No. 25-cv-6336, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025) (ordering immediate
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1 release due to lack of pre-deprivation hearing); *Valdez v. Joyce*, 2025 WL 1707737 (S.D.N.Y. June
2 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --
3 F. Supp. 3d --, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, 2025
4 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, 2025 WL 2420068 (E.D. Cal.
5 Aug. 21, 2025) (similar); *Rodriguez v. Kaiser*, 2025 WL 2855193 (E.D. Cal. Oct. 8, 2025), at *6
6 (similar).

7 35. The same framework and principles apply here and compel Petitioner's immediate
8 release.

9 **FACTS**

10 36. Petitioner is a 35-year-old citizen of Russia, who has continuously resided in the
11 United States with his family since January 28, 2022.

12 37. Upon Petitioner's entry at the southern U.S. border, DHS initially detained him and
13 subsequently released him on parole, deeming him to be neither a flight risk nor a danger to the
14 community.

15 38. DHS issued Petitioner a Notice to Appear ("NTA") in which he has been charged
16 with, *inter alia*, having applied for admission into the United States without a valid immigrant visa
17 or other valid entry document. *See* 8 U.S.C. § 1182(a)(7)(A)(i)(I). Upon issuance of this NTA,
18 Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a.

19 39. Petitioner subsequently filed a timely application for asylum based on persecution
20 in Russia.

21 40. Petitioner first resided in California, but later moved to Philadelphia, where he
22 currently resides.

1 41. On January 15, 2026, Petitioner was arrested by ICE officers while he was attending
2 a routine check-in at the Philadelphia ICE Field Office. Petitioner had been compliant with DHS's
3 conditions set forth during his entry and release into the United States in 2022.

4 42. Petitioner was not provided a particular reason for his arrest. Petitioner was brought
5 to the Federal Detention Center, where he remains detained today.

6 43. Prior to his re-detention, Petitioner was scheduled for a hearing in March 2027
7 before the Immigration Court. As he is now detained, his case will be placed on an accelerated
8 detained docket, leaving him little time to prepare his asylum case, and further posing significant
9 challenges regarding working with his immigration lawyer, gathering witnesses and obtaining
10 evidence from his home country. If this Court grants his release, his immigration case would revert
11 to the standard, non-detained docket in the Philadelphia Immigration Court, where he would have
12 a more complete meaningful opportunity to prepare and present his case.

13 44. Prior to Petitioner's arrest and re-detention by ICE, he was had steady employment
14 as a licensed CDL truck driver. Petitioner has applied for asylum and has obtained lawful work
15 authorization and a U.S. social security number. He maintains a fixed residence in Philadelphia,
16 Pennsylvania. Petitioner has not had any criminal contacts and has been an upstanding member of
17 his community since his arrival in the United States almost four years ago. As such, Petitioner is
18 neither a flight risk nor a danger to the community.

19 45. Prior to Petitioner's re-detention, Petitioner did not receive written notice of the
20 reason for his re-detention.

21 46. Prior to Petitioner's re-detention, Respondents did not assess whether Petitioner
22 presented a flight risk or a danger to the community, or whether his arrest was justified for another
23 reason.

1 47. Prior to Petitioner's re-detention, Petitioner never received a hearing before a
2 neutral decisionmaker to determine if his re-detention is justified.

3 48. As a result, Petitioner remains in detention. Without relief from this Court, he faces
4 the prospect of months, or even years, in immigration custody, separated from his work, family
5 and community.

6 **CLAIMS FOR RELIEF**

7 **COUNT I**

8 **Violation of Due Process Rights under the Fifth Amendment**

9 49. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

10 50. Petitioner has a fundamental interest in liberty and being free from official restraint.
11 *See Zadvydas*, 533 U.S. at 690.

12 51. Due process does not permit the government to strip Petitioner of his liberty without
13 written notice and a hearing before a neutral decisionmaker to determine whether re-detention is
14 warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487-88. Such written notice
15 and a hearing must occur *prior* to any re-detention.

16 52. Respondents revoked Petitioner's release and deprived him of liberty without
17 affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker
18 prior to his re-detention.

19 53. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth
20 Amendment.

21 **COUNT II**

22 **Violation of the INA**

1 54. Petitioner repeats, re-alleges, and incorporates by reference each and every
2 allegation in the preceding paragraphs as if fully set forth herein.

3 55. The mandatory detention provision at 8 U.S.C. section 1225 does not apply to all
4 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
5 relevant here, it does not apply to those who previously entered the country and have been residing
6 in the United States prior to their re-detention by Respondents. Petitioner is not “seeking admission”
7 at this time, and is subject to the provisions under section 1226(a).

8 56. The application of section 1225 to Petitioner unlawfully mandates his continued
9 detention and violates the INA.

10 **PRAYER FOR RELIEF**

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

- 12 a. Assume jurisdiction over this matter;
- 13 **b. Order that Petitioner shall not be transferred outside the Eastern District of**
14 **Pennsylvania while this habeas petition is pending;**
- 15 c. Issue an Order to Show Cause ordering Respondents to show cause why this
16 Petition should not be granted within three days as required by 28 U.S.C. § 2243;
- 17 d. Issue a Writ of Habeas Corpus requiring that Respondents **immediately release**
18 **Petitioner;**
- 19 e. Declare that Petitioner’s detention is unlawful;
- 20 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
21 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
22 law; and
- 23 g. Grant any other and further relief that this Court deems just and proper.
- 24

1 DATED this 18th Day of January, 2026.

2
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