

JS 44 (Rev. 04/21)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

<p><b>I. (a) PLAINTIFFS</b></p> <p>Sergei Alekseev</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff: <u>Philadelphia</u> <i>(USE PLAIN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys (Form Name, Address, and Telephone Number): David M Bercovitch, Bercovitch Law Offices, 100 S Broad Street, Suite 1902, Philadelphia PA 19110; 215-220-6310 david@berclaw.com</p>	<p><b>DEFENDANTS</b></p> <p>Warden, Philadelphia Federal Detention Center, et al.</p> <p>County of Residence of First Listed Defendant: <u>Philadelphia</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known):</p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2"></th> <th>PTF</th> <th>DEF</th> <th colspan="2"></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td rowspan="2">Citizen of This State</td> <td rowspan="2"><input type="checkbox"/> 1</td> <td rowspan="2"><input type="checkbox"/> 1</td> <td rowspan="2">Incorporated or Principal Place of Business In This State</td> <td rowspan="2"><input type="checkbox"/> 4</td> <td rowspan="2"><input type="checkbox"/> 4</td> <td rowspan="2">Citizen of Another State</td> <td rowspan="2"><input type="checkbox"/> 2</td> <td rowspan="2"><input type="checkbox"/> 2</td> <td rowspan="2">Incorporated and Principal Place of Business In Another State</td> <td rowspan="2"><input type="checkbox"/> 5</td> <td rowspan="2"><input type="checkbox"/> 5</td> </tr> <tr> <td rowspan="2">Citizen or Subject of a Foreign Country</td> <td rowspan="2"><input type="checkbox"/> 3</td> <td rowspan="2"><input type="checkbox"/> 3</td> <td rowspan="2">Foreign Nation</td> <td rowspan="2"><input type="checkbox"/> 6</td> <td rowspan="2"><input type="checkbox"/> 6</td> </tr> </table>			PTF	DEF			PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)* Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i> <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p><b>INTELLECTUAL PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 850 Patent <input type="checkbox"/> 855 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 865 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 895 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 220 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p><b>CIVIL RIGHTS</b></p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>PRISONER PETITIONS</b></p> <p><b>Habeas Corpus:</b></p> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** *(Place an "X" in One Box Only)*


1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District *(specify)*     6 Multidistrict Litigation - Transfer     8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*  
28 U.S.C. 2241

**VI. CAUSE OF ACTION**  
 Brief description of cause  
Illegal detention of a foreign national by Immigration and Customs Enforcement

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.    **DEMANDS**    CHECK YES only if demanded in complaint  
**JURY DEMAND:**     Yes     No

**VIII. RELATED CASE(S) IF ANY** *(See instructions)*    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: January 23, 2026    SIGNATURE OF ATTORNEY OF RECORD: 

**FOR OFFICE USE ONLY**  
 RECEIPT = \_\_\_\_\_ AMOUNT = \_\_\_\_\_ APPLYING IFP = \_\_\_\_\_ JUDGE = \_\_\_\_\_ MAG JUDGE = \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia Federal Detention Center

RELATED CASE IF ANY: Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_

- 1. Does this case involve property included in an earlier numbered suit? Yes
- 2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes
- 3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes
- 4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes
- 5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes

I certify that, to the best of my knowledge and belief, the within case  is /  is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Wage and Hour Class Action/Collective Action
- 6. Patent
- 7. Copyright/Trademark
- 8. Employment
- 9. Labor-Management Relations
- 10. Civil Rights
- 11. Habeas Corpus
- 12. Securities Cases
- 13. Social Security Review Cases
- 14. Qui Tam Cases
- 15. Cases Seeking Systemic Relief \*see certification below\*
- 16. All Other Federal Question Cases. (Please specify): \_\_\_\_\_

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): \_\_\_\_\_
- 7. Products Liability
- 8. All Other Diversity Cases: (Please specify) \_\_\_\_\_

I certify that, to the best of my knowledge and belief, that the remedy sought in this case  does /  does not have implications beyond the parties before the court and  does /  does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.


None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

<b>Sergei Alekseev,</b>	:	
	:	Case No. <u>2:26-cv-462</u>
Petitioner,	:	
	:	<b>PETITION FOR WRIT OF</b>
v.	:	<b>HABEAS CORPUS</b>
	:	
<b>Warden,</b> Philadelphia Federal Detention Center,	:	
Philadelphia, PA,	:	
	:	
<b>David O'Neill,</b> Acting Field Office Director,	:	
Philadelphia Field Office Immigration and	:	
Customs Enforcement,	:	
	:	
<b>Kristi Noem,</b> Secretary U.S. Department of	:	
Homeland Security,	:	
	:	
<b>Pam Bondi,</b> Attorney General, U.S. Department	:	
of Justice,	:	
	:	
Executive Office for Immigration Review,	:	
	:	
Respondents.	:	

**INTRODUCTION**

1. Petitioner Sergei Alekseev (“Mr. Alekseev”), A#  seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging his current unlawful detention by Immigration and Customs Enforcement (“ICE”).

2. Mr. Alekseev does not raise any issues of removability or the merits and/or adjudication of immigration applications.

3. Respondents are detaining Mr. Alekseev as if he were subject to mandatory detention under INA § 235, 8 U.S.C. § 1225(b), notwithstanding that he was previously paroled

into the United States under INA § 212(d)(5). Respondents take the position that he is ineligible for a bond (custody redetermination) hearing before an Immigration Judge.

4. Mr. Alekseev is properly detained, if at all, under INA § 236(a), 8 U.S.C. § 1226(a), and therefore is entitled to a prompt custody redetermination (bond) hearing.

5. Petitioner's habeas corpus petition is challenging the legality of Mr. Alekseev's detention.

6. Absent an order from this Court, Mr. Alekseev will continue to be detained without the bond-hearing procedures Congress provided in § 1226(a).

7. Mr. Alekseev asks this Court to issue an Order to Show Cause, declare that § 1226(a) governs his detention, order Respondents to release Mr. Alekseev (or, in the alternative, order Respondents to provide him a prompt bond hearing before an Immigration Judge).

#### **JURISDICTION AND VENUE**

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).


10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

11. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. § 1252(b)(9), (f)(1), or 1226(e).

12. Venue is proper because Petitioner is detained at the Philadelphia Federal

Detention Center in Philadelphia, PA, which is within the jurisdiction of this District.

**PARTIES**

13. Petitioner Mr. Alekseev is a citizen and national of Russia (See attached **Exhibit A** “Asylum Declaration”). His A-Number is 

14. Mr. Alekseev is currently in civil immigration detention. ICE is holding Mr. Alekseev at the Philadelphia Federal Detention Center, 700 Arch Street, Philadelphia PA 19106 (See attached **Exhibit B** “ICE Inmate Locator”).

15. Respondent Warden, Philadelphia Federal Detention Center, Philadelphia, PA is Mr. Alekseev’s immediate custodian at the facility where he is confined and has day-to-day control over him.

16. Respondent David O’Neill, Acting Field Office Director, Philadelphia Field Office Immigration and Customs Enforcement (“ICE”) Enforcement and Removal Operations (“ERO”), is responsible for ICE detention operations and custody decisions in the Philadelphia area.

17. Respondent, Kristi Noem, Secretary of the U.S. Department of Homeland Security (“DHS”) is sued in her official capacity and has authority to effectuate the relief requested.

18. Respondent, Pam Bondi, Attorney General of the United States is sued in her official capacity and has authority to effectuate the relief requested.

19. Respondent Executive Office for Immigration Review (“EOIR”) is a federal government agency responsible for adjudicating immigration proceedings. EOIR has the authority to release and/or schedule a bond hearing for the unlawfully detained Petitioner Mr. Alekseev.

**FACTUAL BACKGROUND**

20. Upon information and belief, Mr. Alekseev was encountered by Border Patrol on or about March 18, 2023 at or near San Ysidro port of entry (See attached, **Exhibit C**, “Respondent’s Notice to Appear”).

21. DHS did not place Mr. Alekseev into expedited removal at the time of parole.

22. Instead, DHS permitted him to enter the United States under parole and to reside in the community pending further proceedings.

23. Upon information and belief, DHS issued a Notice of Custody Determination (Form I-286) stating that, pursuant to INA § 236 and 8 C.F.R. part 236, Mr. Alekseev would be released on his own recognizance pending removal proceedings.

24. Mr. Alekseev’s parole and release resulted in his physical presence in the United States for years before the January 21, 2026 arrest; he has consistently complied with DHS supervision, including required ICE ERO check-ins.

25. Mr. Alekseev was placed in removal proceedings in Executive Office of Immigration Review (EOIR) with the opportunity to present his case as to why he should not be ordered removed from the United States.

26. On March 12, 2024, Mr. Alekseev filed a Form I-589 application for asylum, withholding of removal and protection under the Convention Against Torture (See attached **Exhibit D**, “I-589 asylum application”).

27. For approximately three years after his entry, Mr. Alekseev resided in the United States and complied with immigration reporting requirements.

28. Upon information and belief, on January 21, 2026, Mr. Alekseev reported to an ICE check-in appointment at the ICE Philadelphia Field Office and was taken into ICE custody.

29. ICE subsequently transferred Mr. Alekseev to the Philadelphia Federal Detention Center in Philadelphia, PA (See attached **Ex B**).

30. Respondents have taken the unconstitutional and unlawful position that Mr. Alekseev is subject to mandatory detention under INA § 235, 8 U.S.C. § 1225(b), and therefore is not eligible for a bond hearing before the Immigration Court.

### **LEGAL FRAMEWORK**

#### 28 U.S.C. § 2241

31. This Court has authority to grant habeas relief under 28 U.S.C. § 2241, which empowers federal courts to issue the writ to a person “in custody” in violation of the Constitution or laws of the United States. A noncitizen held in immigration detention satisfies the “in custody” requirement, and § 2241 is the proper vehicle to challenge the fact and legality of detention and to seek release or other relief directed to the custodian.

#### 28 U.S.C. § 2243

32. 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).

33. 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).

**CLAIMS FOR RELIEF**

***COUNT I (Statutory/Ultra Vires) DHS lacks authority to detain under § 1225(b); detention is governed by § 1226(a); refusal to provide bond hearing violates the INA/regulations***

34. The averments contained in the preceding paragraphs one (1) through thirty-four (34) are incorporated by reference as if fully contained herein.

35. Section 1225(b) (INA § 235) governs inspection-related detention of noncitizens who are arriving at the border; Section 1226 (INA § 236) governs arrest, detention, and release of noncitizens who have entered the United States and are held pending a decision on removal. INA § 236(a), 8 U.S.C. § 1226(a).

36. This case involves a parolee who was inspected and paroled into the United States; once paroled, he is no longer in the process of "arriving" and the statutory detention authority, if any, is § 1226(a).

37. DHS previously exercised discretionary custody authority and released Mr. Alekseev into the community, including by issuing a custody determination reflecting release on recognizance.

38. Mr. Alekseev is in § 240 removal proceedings (as opposed to expedited removal proceedings) and has long been physically present in the United States for approximately three (3) years.

39. Respondents are attempting to reclassify Mr. Alekseev as subject to mandatory detention under § 1225(b) (INA § 235). However, this is inconsistent with the INA's text, structure, and purpose.

40. Detention of an individual paroled into the United States under INA § 212(d)(5) and later arrested in the interior is governed by INA § 236(a), 8 U.S.C. § 1226(a), not INA § 235(b), 8 U.S.C. § 1225(b).

41. Section 1225(b) is inspection-related detention authority that applies to arriving noncitizens in the border/inspection posture.

42. Here, DHS inspected Petitioner, granted parole, released him into the community for years, and then arrested him at an ICE check-in. That enforcement posture is governed, if at all, by § 1226(a), which provides for discretionary detention and release on bond or conditional parole pending a decision on removal. See 8 U.S.C. § 1226(a) (authorizing arrest and detention pending removal decision and permitting release on bond or conditional parole).

43. Courts have repeatedly held that noncitizens arrested in the interior after release into the community are detained under § 1226(a), not § 1225(b), and are entitled to the bond-hearing procedures Congress provided. See, e.g., *Coalition for Humane Immigrant Rights v. Noem*, --- F. Supp. 3d ----, 2025 WL 2192986 (D.D.C. Aug. 1, 2025) (staying DHS action that expanded expedited removal to noncitizens previously paroled into the United States, concluding plaintiffs showed substantial likelihood of success that DHS exceeded statutory authority); *Rodrigo A. Paz Hernandez v. Wofford*, No. 1:25-cv-00986-KES-CDB (E.D. Cal. Aug. 21, 2025), 2025 WL 2420390 (ordering immediate release and holding respondents may not re-detain absent a pre-deprivation bond hearing before a neutral arbiter at which the government must prove by clear and convincing evidence that detention is required); and *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (granting petitioners partial summary judgment that § 1226(a) governs and bond process applies). See also *Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639 (E.D. Pa. Nov. 13, 2025) (granting habeas); and *Alberto Picon v. O'Neill*, CV 25-6731, 2025 WL 3634212 (E.D. Pa. Dec. 15, 2025) (granting habeas and ordering immediate release).

44. Because § 1226(a) governs, Mr. Alekseev is entitled to a prompt bond (custody redetermination) hearing before an Immigration Judge pursuant to 8 C.F.R. § 236.1(d) and related regulations.

45. This Court should declare that § 1226(a) governs Mr. Alekseev's detention and order Respondents to release Mr. Alekseev unless and until such a hearing is provided.

***COUNT II (Due Process): Misclassification and categorical denial of any bond hearing deprives liberty without due process***

46. The averments contained in the preceding paragraphs one (1) – forty-six (46) are incorporated by reference as if fully contained herein.

47. Civil immigration detention must comport with due process. By holding Mr. Alekseev without any meaningful opportunity to seek release through the bond-hearing procedures Congress and the regulations provide under § 1226(a), Respondents are depriving him of liberty without due process of law.

48. Where a person has been living in the community pursuant to DHS release and is then taken into custody, due process at minimum requires a prompt hearing before a neutral adjudicator to assess flight risk and danger. See *Rodrigo A. Paz Hernandez v. Wofford*, No. 1:25-cv-00986-KES-CDB (E.D. Cal. Aug. 21, 2025), 2025 WL 2420390 (ordering immediate release and requiring, as a condition of any re-detention, a pre-deprivation bond hearing with a clear-and-convincing burden on the government).

49. Consistent with *Paz Hernandez*, due process requires that, before continued confinement (or re-detention) of a parolee who has been living in the community, the government must bear the burden to prove by clear and convincing evidence that detention is necessary because the individual is a flight risk or danger, and the adjudicator must consider conditions of release.

50. Applying *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), Petitioner's private interest in liberty is at its apex; the risk of erroneous deprivation is substantial when ICE can re-detain a compliant parolee at a routine check-in without any neutral review; and the government's interests are adequately served by less restrictive alternatives and by requiring the government to justify detention with evidence. These factors require, at minimum, a prompt individualized hearing before a neutral adjudicator.

51. Accordingly, this Honorable Court should order Respondents to immediately release Mr. Alekseev. In the alternative, the Court should order Respondents to provide a prompt individualized bond hearing before an Immigration Judge at which the government bears the burden to justify continued detention.

52. This Court should grant any additional relief necessary to remedy the due process violation.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue an Order to Show Cause under 28 U.S.C. § 2243 directing Respondents to respond promptly to this Petition;
- B. Declare that Respondents are unlawfully detaining Mr. Alekseev under 8 U.S.C. § 1225(b) and that 8 U.S.C. § 1226(a) governs his detention;
- C. Order Respondents to immediately release Mr. Alekseev from custody; or, in the alternative, order Respondents to provide a prompt individualized bond hearing before a neutral adjudicator (an Immigration Judge) within seven (7) days at which the government bears the burden to prove by clear and convincing evidence that continued detention is necessary based on flight risk or danger, and to consider conditions of release as alternatives to detention;

D. Grant such other and further relief as the Court deems just and proper.

Date: January 23, 2026

Respectfully submitted,

/s/ David M. Bercovitch

David M. Bercovitch, Esq.

PA Bar No. 315026

Bercovitch Law Offices, P.C.

100 S. Broad Street,

Land Title Building, Suite 1902

Philadelphia, PA 19110

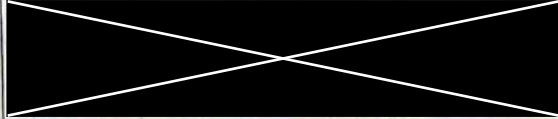
Tel.: (215) 220-6310

Email: david@berclaw.com

Counsel for Petitioner Sergei Alekseev

1 ALEKSEEV, Sergei

NOT DETAINED



2  
3 Respondent, in pro per

4  
5 UNITED STATES DEPARTMENT OF JUSTICE  
6 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
7 IMMIGRATION COURT  
8 SACRAMENTO, CALIFORNIA

9 IN THE MATTER OF:  
ALEKSEEV, Sergei



10 Respondents

11 In Removal Proceedings



) SUPPLEMENTAL EVIDENCE FOR THE  
) APPLICATION FOR ASYLUM AND  
) WITHHOLDING OF REMOVAL Part 1

) Next Master Hearing  
) Date: January 10, 2025  
) Time: 8:30am  
) Judge: Hon. Alison Daw

12  
13  
14  
15 RECEIVED  
DEPARTMENT OF JUSTICE

16 Respectfully submitted this 31 day of December, 2024 by the Respondents

JAN 02 2025

17  
18 EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW  
IMMIGRATION COURT  
SACRAMENTO, CALIFORNIA

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## Facility Page

Detention Information For:

**SERGEI ALEKSEEV**

**Country of Birth:** Russia

**A-Number:** 

Current Detention Facility:

Philadelphia Federal Detention Center

700 Arch Street

NA

Philadelphia, PA 19106

**Visitor Information:** (215) 521-4000

[MORE INFORMATION >](#)

## ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

PHILADELPHIA, PA, DOCKET CONTROL OFFICE

**Phone Number:** (215) 656-7164

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## Related Information

- ### Helpful Info
- Status of a Case
  - About the Detainee Locator
  - Brochure
  - ICE ERO Field Offices
  - ICE Detention Facilities
  - Privacy Notice

- ### External Links
- Bureau of Prisons Inmate Locator



[DHS.gov](#) [USA.gov](#) [OIG](#) [OpenFOIA](#) [Metrics](#) [No Site](#) [Site](#)  
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DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : [REDACTED]

SIGMA Event: [REDACTED]

File: [REDACTED]

In the Matter of: ALEKSEEV, SERGEI

Respondent: ALEKSEEV, Sergei currently residing at:

900 PEPPER TREE LN #1313, SANTA CLARA, CALIFORNIA 95051, UNITED STATES OF AMERICA

4086908229

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Russia and a citizen of Russia;
3. You applied for admission on March 18, 2023, at the San Ysidro port of Entry;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

100 MONTGOMERY ST., SUITE 800,  
San Francisco, CA, US 94104

(Complete Address of Immigration Court, including Room Number, if any)

on November 13, 2024 at 01:30 PM to show why you should not be removed from the United States based on the  
(Date) (Time) CASTELLS, CAR30508

charge(s) set forth above.

CBP OFFICER

(Signature and Title of Issuing Officer) (Sign in ink) Digitally Acquired Signature

Date: March 18, 2023

SAN YSIDRO, CALIFORNIA

(City and State)

EOIR - 1 of 4

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: \_\_\_\_\_ (Signature of Respondent) (Sign in ink)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 18, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- [x] in person [ ] by certified mail, returned receipt # \_\_\_\_\_ requested [ ] by regular mail
[ ] Attached is a credible fear worksheet.
[x] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the RUSSIAN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

\_\_\_\_\_  
(Signature of Respondent if Personally Served) (Sign in ink)

CASTELLS, CAR30508
CBP OFFICER
\_\_\_\_\_  
(Signature and Title of officer) (Sign in ink)

EOIR - 2 of 4

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following OHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notice-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned OHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and OHS policy, the information you provide may be shared internally within OHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

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U.S. Department of Homeland Security

Continuation Page for Form I862

Alien's Name ALEKSEEV, SERGEI		Date March 18, 2023
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:  
=====

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature  CASTELLS, CAR30508	Title CBP OFFICER
---	----------------------

4 of 4  
Digitally Acquired Signature

PROOF OF SERVICE

I am a resident of the State of California and I am over the age of 18. My address is [REDACTED]

On the below date, I served a true and correct copy of

**APPLICATION FOR ASYLUM AND WITHHOLDING OF REMOVAL (Form I -589)**

by United States Postal Service First Class mail or personal service on:

**Immigration Court  
100 Montgomery Street, Suite 800  
San Francisco, CA 94104**

And by hand delivery or mailing by US post office to

**Office of the Assistant Chief Counsel  
Department of Homeland Security  
100 Montgomery Street, Suite 200  
San Francisco, CA 94104**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this on 12 day of March, 2024

  
\_\_\_\_\_  
Evguenia Kovylnikova

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