UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

YAROSLAV YURIVICH VIKULIN

Petitioner,

v.

JASON STREEVAL, Warden, Stewart Detention Center; LADEON FRANCIS, Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of Department of Homeland Security; PAMELA BONDI, Attorney General of the United States, in their official capacities;

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Yaroslav Yurivich Vikulin ("Mr. Vikulin") hereby files this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 seeking his

immediate release from unlawful government custody. On or about January 5, 2026, an officer with U.S. Immigration and Customs Enforcement ("ICE") detained him at a regularly scheduled in person check-in appointment without notice or opportunity to be heard.

2. In the most recent history of his immigration status, Mr. Vikulin was previously ordered removed by an Immigration Judge on January 26, 2018 and was taken into custody by ICE on August 9, 2018, during the time his case was on appeal with the Board of Immigration Appeals ("BIA"). Mr. Vikulin became subject to a final order of removal on January 17, 2020 after his Motion to Remain for adjustment of status was denied. Mr. Vikulin then filed a Petition for Review of that decision in the Eleventh Circuit Court of Appeals on January 29, 2020. On March 6, 2020, Mr. Vikulin's Motion for Stay of Removal was granted but he was not released from ICE custody. On February 17, 2021, the Petition for Review was dismissed in part and denied in part. On March 29, 2021, ICE released Mr. Vikulin from ICE detention under an order of supervision. Since that time, Mr. Vikulin has fully abided by the order's terms, including reporting from an app, being present for home visits and attending in person scheduled check-ins with ICE.

3. At a regularly scheduled in person check-in with ICE on January 5, 2026, Respondents suddenly revoked Mr. Vikulin's order of supervision and arrested

him. Mr. Vikulin was held at the ICE office in Atlanta for four days before being transported to Stewart Detention Center.

4. Respondents' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act and implementing regulations, the Administrative Procedure Act, and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

5. Mr. Vikulin brings this action for injunctive, habeas, and declaratory relief ordering Respondents to release him.

PARTIES

6. Petitioner, Mr. Vikulin, is currently detained at the Stewart Detention Center in Lumpkin, Georgia pursuant to a final order of removal and revocation of his Order of Supervised Release.

7. Respondent Jason Streeval is sued in his official capacity as Warden of Stewart Detention Center, where Mr. Vikulin is currently detained.

8. Respondent LaDeon Francis is sued in his official capacity as the ICE Field Office Director for Atlanta, Georgia, which enforces immigration and customs laws within this jurisdiction, to include Stewart Detention Center.

9. Respondent Todd Lyons is sued in his official capacity as the Acting Director of ICE, a component of the Department of Homeland Security ("DHS"). As

a result, Respondent Todd Lyons has responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 and is a legal custodian of Mr. Vikulin.

10. Respondent Kristi Noem is sued in her official as the Secretary of DHS. In this capacity, she directs DHS and ICE. As a result, Respondent Kristi Noem has responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 and is a legal custodian of Mr. Vikulin.

11. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity, Respondent Pamela Bondi has responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103, as she oversees the Executive Office of Immigration Review ("EOIR), and is a legal custodian of Mr. Vikulin.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition and under 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and Administrative Procedure Act, 5 U.S.C. § 551, *et seq.*

13. Venue is proper in the United States District Court for the Middle District of Georgia, Macon Division, pursuant to 28 U.S.C. § 1391(e)(1) because Respondents-Defendants are officers of United States agencies, Mr. Vikulin is

currently detained within this District and Division, and Mr. Vikulin's immediate physical custodian is in this District and Division.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

14. Mr. Vikulin has lived in the United States for 25 years since his entry on January 25, 2001 and has continuously resided in the United States since that time. Prior to Mr. Vikulin's detention on or about January 5, 2026, he was residing in Gwinnett County in the state of Georgia.

15. Mr. Vikulin is a Russian national who was born in Kazakhstan in 1981. He was admitted to the United States initially on an H-4 visa as a dependent of his mother, who was at that time in the United States on an H-1B visa. He was 19 years old when he was admitted. In 2002, he changed his visa status to that of a student and started attending college. He subsequently stopped attending classes in the fall of 2003. This resulted in the issuance of a Notice to Appear in September 2004 alleging his was removal from the United States for his failure to maintain or comply with his non-immigrant status, pursuant to 8 U.S.C. sec. 1227(a)(1)(C)(i).

16. At a hearing in December 2004, Mr. Vikulin conceded his removability and the IJ granted his request for voluntary departure, ordering him to depart by September 20, 2005. Mr. Vikulin was unable to depart and his grant of voluntary departure became a final order of removal to Kazakhstan.

17. In 2010, Mr. Vikulin was taken into ICE custody after a release from an arrest for DUI. At that time, he filed a Motion to Reopen his removal proceedings to seek asylum, withholding of removal, and CAT relief based on his fear of persecution in Kazakhstan on account of his Russian ethnicity. The IJ found Mr. Vikulin credible but denied his application for asylum, withholding of removal and CAT relief, concluding that he had failed to establish his eligibility for such relief. Mr. Vikulin appealed the IJ's decision to the BIA.

18. During the appeal, Mr. Vikulin filed a motion to remand his case to the IJ so that he could file and application for adjustment of status based on an approved immigrant visa petition filed by his mother. The BIA affirmed the IJ's decision on asylum, withholding and CAT, dismissed his appeal, but granted his motion for remand for the IJ to consider his application for adjustment of status.

19. After a hearing, the IJ denied Mr. Vikulin's application for adjustment of status, concluding that he failed to demonstrate good moral character. Mr. Vikulin appealed the IJ's denial to the BIA. The BIA dismissed the appeal and Mr. Vikulin filed a Petition for Review in the U.S. Court of Appeals for the Eleventh Circuit. After granting a stay of removal, the court ultimately dismissed the petition in part and denied in part on February 17, 2021.

20. ICE released Mr. Vikulin on an order of supervision on or about March 29, 2021. Since that time, he has complied with all conditions of the order, including

periodic check-ins with ICE. No circumstances have changed that make Mr. Vikulin a flight risk or danger to the community.

21. The dates of non-compliance alleged in the Notice of Revocation of Release issued to Mr. Vikulin two days after he was in ICE custody on January 7, 2026 states that he failed to check-in on 11/27/2025 and 12/25/2025.

22. Mr. Vikulin would normally receive a prompt on his phone from the app to notify him that he needs to check-in by sending a photograph of himself. On these two dates, which were Thanksgiving Day and Christmas Day, both federal holidays, Mr. Vikulin did not receive the normal prompt to his phone. After realizing that prompts for check-in did not come through, he submitted photographs the same day through the app. He received no notification prior to his in-person appointment on January 5, 2026 that he had failed to previously comply with check-in.

23. Throughout this time, Mr. Vikulin understood from a release notification accompanying the order of supervision that ICE would give "the opportunity to prepare for an orderly departure" after securing Petitioner's travel documents. However, at the regularly scheduled check-in on January 5, 2026, ICE suddenly revoked Petitioner's order of supervision and arrested him.

24. Upon arrest, ICE transferred Mr. Vikulin to the Stewart Detention Facility in Lumpkin, Georgia, where he is currently detained.

25. Mr. Vikulin's family, to include his mother, father and brother are all U.S. citizens who live in Georgia. He works and is an active part of his community. He understood the opportunity he was being offered by being permitted to be released on the Order of Supervision in 2021, after having spent nearly three years in custody.

26. Upon information and belief, at the time of Mr. Vikulin's arrest, ICE failed to provide any proof of why it revoked his order of supervision or why he was not given an opportunity to respond to those reasons. Since he was given the Notice of Revocation, he has not had an opportunity to be heard or present any evidence.

27. Upon information and belief, at the time ICE revoked Mr. Vikulin's order of supervision, the agency had not secured travel documents necessary for removal from the United States and Mr. Vikulin has been unable to secure a valid passport from Kazakhstan.

LEGAL FRAMEWORK

Due Process Governs Decisions to Revoke an Order of Supervision

28. "The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* at 690 (2001).

29. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

30. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

Statute and Regulation Govern Procedures for Revoking an Order of Supervision

31. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").

32. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be "a risk to the community or unlikely to comply with the order of removal" or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

33. But even where initial detention past the 90-day removal period is authorized, if "removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

34. Regulations purport to give additional reasons, beyond those listed at § 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be re-detained past the removal period: "(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(l)(2); *see also id.* § 241.13(i) (permitting revocation of an order of supervision only if a non-citizen "violates any of the conditions of release"). Because "[r]egulations cannot circumvent the plain text of the statute[,]" courts question whether these regulations are ultra vires of statutory authority. *See, e.g., You v. Nielsen*, 321 F. Supp. 3d. 451,

463 (S.D.N.Y. 2018) (comparing regulations to 8 U.S.C. § 1231(a)(6), which authorizes detention past the removal period only if person is a risk to the community, unlikely to comply with the order of removal, or was ordered removed on specified grounds).

35. It is clear, however, that regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official "delegated the function or authority . . . for a particular geographic district, region, or area." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2). And for a delegated official to have authority to revoke an order of supervision, the delegation order must explicitly say so.

36. Upon revocation of an order of supervision, ICE must give a non-citizen notice of the reasons for revocation and a prompt interview to respond. 8 C.F.R. § 241.4(l)(1).

The APA Sets Minimum Standards for Final Agency Action

37. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

38. Final agency actions are those (1) that "mark the consummation of the agency's decision-making process" and (2) "by which rights or obligations have been determined, or from which legal consequences will flow." *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).

39. ICE's revocation of an order of supervision is a final agency action subject to this Court's review.

40. The revocation here marked the consummation of ICE's decision-making process regarding Mr. Vikulin's custody.

41. The revocation was also an action by which rights or obligations have been determined or from which legal consequences flowed because it led ICE to detain Mr. Vikulin in violation of his rights under the Constitution, statute, and regulation.

The *Accardi* Doctrine Requires Agencies to Follow Internal Rules

42. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S.

199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

43. *Accardi* is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. See *Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

44. Where a release notification issued alongside an order of supervision instructs that a non-citizen with a final order of removal will be given an opportunity to prepare for an "orderly departure," ICE's failure to follow that instruction is an *Accardi* violation.

CLAIMS FOR RELIEF

Count One
Violation of the Fifth Amendment of the U.S. Constitution
Substantive Due Process

45. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

46. When ICE issued Mr. Vikulin an order of supervision, it found that he was neither a danger to the community nor a flight risk.

47. When Respondents revoked the order of supervision, Mr. Vikulin had complied with every condition of the order and ICE had not secured necessary travel documents for removal. No change in circumstances warranted the order's revocation.

48. Mr. Vikulin's detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.

49. Because Respondents had no legitimate, non-punitive objective in revoking Mr. Vikulin's order of supervision, M. Vikulin's detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

Count Two
Violation of the Fifth Amendment of the U.S. Constitution
Procedural Due Process

50. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

51. *Mathews v. Eldridge*, 424 U.S. 319, 333, (1976) instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

52. The first factor, the private interest at issue, favors Mr. Vikulin. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690.

53. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Mr. Vikulin. To safeguard against erroneous deprivations of liberty, statute specifies the limited number of reasons that an order of supervision can be revoked. Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain. Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention of a person, like Mr. Vikulin, who is neither dangerous nor a flight risk.

54. The third factor, the government's interest, also favors Mr. Vikulin. When the government ignores law that ensures notice and an opportunity to respond to a person at risk of revocation of an order of supervision, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend

resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond prior to revoking an order of supervision reduces fiscal and administrative burdens on the government.

55. For these reasons, revoking Mr. Vikulin's order of supervision without providing notice and a meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

Count Three
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)
Contrary to Law and Constitutional Right

56. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

57. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).

58. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, *any* law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

59. Respondents' revocation of Mr. Vikulin's order of supervision was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.

60. The revocation was also not in accordance with the INA and implementing regulations governing who may lawfully revoke an order of supervision and under what circumstances, as cited and discussed in the Statutory Framework section above.

61. Mr. Vikulin's order of supervision was not revoked by the ICE Executive Associate Director. The officer who revoked the order did not first make findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director.

62. Before revoking the order, Respondents did not make findings that Mr. Vikulin is dangerous or unlikely to comply with a removal order, as required by statute.

63. Even assuming that regulations purporting to offer additional justifications for revocation of an order of supervision are not ultra vires, Respondents did not comply with them. Respondents could not make findings that Mr. Vikulin's conduct indicated release would no longer be appropriate or that Mr. Vikulin violated any condition of release, because he had not. Nor could Respondents make findings that the purposes of release had been served or that it was appropriate to enforce a removal order, because it had yet to make final arrangements for Mr. Vikulin's removal.

64. Nor did the Respondents give Mr. Vikulin notice of the reasons for revocation and opportunity to be heard. He was told he would be held when he was arrested on January 5, 2026. He was provided a Notice of Revocation of Release on January 7, 2026 at 7:45 a.m. At no time was he given a proper opportunity to respond to the allegations in the Notice.

65. The revocation should be held unlawful and set aside because it was contrary to the agency's constitutional power and not in accordance with the INA and implementing regulations.

Count Four
Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)
Arbitrary and Capricious

66. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

67. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

68. Respondents' revocation of Mr. Vikulin's order of supervision was arbitrary and capricious because it violated statute, regulation, and the Constitution, as described above.

69. An agency decision that "runs counter to the evidence before the agency" is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

70. Respondents' decision to revoke Mr. Vikulin's order of supervision ran counter to the evidence before the agency that Mr. Vikulin would comply with a demand to appear for removal without detention. Despite Respondents' claims, Mr. Vikulin has never violated a condition of his order of supervision and no new facts or changed circumstances suggest he would.

71. The revocation also "failed to consider important aspects of the problem" before Respondents, making it arbitrary and capricious for multiple other reasons. *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

72. First, Respondents failed to consider the serious constitutional concerns raised by revoking Mr. Vikulin's order of supervision without notice and opportunity to respond.

73. Second, Respondents failed to consider the increased administrative burden to the agency caused by revoking the order of supervision of Mr. Vikulin, who is neither a flight risk nor a danger to the community and for whom the agency does not have travel documents needed to effectuate removal, including financial and administrative costs incurred by the agency due to unnecessary detention.

74. Third, Respondents failed to consider reasonable alternatives to revoking Mr. Vikulin's order of supervision that were before the agency, like simply continuing release under the order of supervision and scheduling a future time and

date to appear for removal. This alternative would vindicate the government's interests in effectuating a removal order and save it the expense of detention not needed to guarantee Mr. Vikulin's appearance.

75. Fourth, Respondents failed to consider Mr. Vikulin's substantial reliance interest, created by its instruction on Mr. Vikulin's release notification, the agency would give an opportunity to arrange for an orderly departure once it obtained travel documents.

76. For these and other reasons, Respondents' revocation of Mr. Vikulin's order of supervision was arbitrary and capricious and should be held unlawful and set aside.

Count Five
Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C)
In Excess of Statutory Authority

77. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

78. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

79. "An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

80. 8 U.S.C. § 1231(a)(6) only authorizes detention past the 90-day removal period for a person who is found to be a danger to the community, unlikely to comply with a removal order, or whose removal order is on certain grounds specified in the statute. Even then, if removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

81. Regulations that purport to give Respondents authority to revoke an order of supervision on grounds other than those listed § 1231(a)(6) are ultra vires and in excess of statutory authority because "[r]egulations cannot circumvent the plain text of the statute." *You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018)

82. Respondents' revocation of Mr. Vikulin's order of supervision was based on ultra vires regulations. So, it was in excess of statutory authority and should be held unlawful and set aside.

Count Six
Ultra Vires Action

83. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

84. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Mr. Vikulin.

85. Mr. Vikulin has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents' ultra vires actions.

Count Seven
Violation of the *Accardi* Doctrine

86. Mr. Vikulin realleges all paragraphs above as if fully set forth here.

87. Under the *Accardi* doctrine, Mr. Vikulin has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 ("If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

88. Respondents violated agency regulations governing who and upon what findings it may properly revoke an order of supervision when it revoked Mr. Vikulin's supervision order.

89. Respondents also violated agency instructions in Mr. Vikulin's release notification to give an opportunity to prepare for an orderly departure when they revoked Mr. Vikulin's order without advance notice.

90. Under *Accardi*, Respondents' revocation of the order of supervision and decision to ignore instructions in the release notification should be set aside for violating agency procedures, rules, or instructions.

PRAYER FOR RELIEF

WHEREFORE, Mr. Vikulin requests that this Court:

a. Exercise jurisdiction over this matter;

b. 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." 28 U.S.C. § 2243;

c. Enjoin Mr. Vikulin's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

d. Enjoin Respondents from removing or transferring Mr. Vikulin to a third country without at least 48 hours' notice to his counsel;

e. In the event this Court determines that a genuine dispute of material facts exists regarding the likelihood of Mr. Vikulin's removal in the reasonably foreseeable future, or regarding any other material factual issue, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243;

f. Declare that Mr. Vikulin's detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

g. Declare that Mr. Vikulin's detention violates the Immigration and nation and implementing regulations;

h. Declare that Mr. Vikulin's detention violates the Administrative Procedure Act;

i. Grant a Writ of Habeas Corpus, ordering Respondents to immediately release Mr. Vikulin from their custody;

j. Order such other relief as this Court may deem just and proper.

Dated: January 26, 2026

s/ Aundrea L. Roberts
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Dated: January 26, 2026

s/ Aundrea L. Roberts

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