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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IRAKLI PKHALADZE,

Civil Action No.

Petitioner,

v.

MICHAEL ROSE, in his official capacity as
ICE Field Office Director; KRISTI NOEM,
in her official capacity as Secretary of Homeland
Security, and TODD M. LYONS, in his official
capacity as Acting Director of Immigration and
Customs Enforcement, JAMAL LAWRENCE
JAMISON, Warden of the Philadelphia Federal
Detention Center, and PAMELA BONDI,
in her official capacity as Attorney General of
the United States,

**VERIFIED PETITION FOR HABEAS
CORPUS**

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Irakli Pkhaladze (“Petitioner”) is a 37-year-old citizen of Georgia who has lived in the United States since November 2022. He seeks immediate release from the custody of the U.S. Department of Homeland Security (“DHS”) and its component, U.S. Immigration and Customs Enforcement (“ICE”), because his arrest and continued detention are unlawful, unconstitutional, and unsupported by any individualized determination of necessity.

2. On January 23, 2026, Petitioner was arrested after appearing voluntarily and in full compliance for a scheduled check-in at the ICE Field Office located at 114 North 8th Street, Philadelphia, PA 19107, where he had dutifully reported. He was taken into custody without a warrant, without prior notice, without explanation, and without any individualized assessment of risk.

3. Petitioner’s arrest was not based on any individualized analysis, but instead flowed from a blanket “policy” to detain “everyone who crossed the border,” without regard to compliance history, criminal record, or actual risk. Petitioner’s liberty has thus been stripped away not through reasoned adjudication, but through an indiscriminate enforcement scheme that is arbitrary, categorical, and fundamentally untethered to any legitimate statutory purpose.

4. Petitioner has no criminal history, has complied with all conditions of release, and has a pending application for asylum and for withholding of removal before the Immigration Court based on persecution on account of his political opinion and membership in a particular social group. His continued detention violates the Immigration and Nationality Act (“INA”), the Administrative Procedure Act, the Due Process Clause of the Fifth Amendment, and the Fourth Amendment’s prohibition on unreasonable seizures.

5. Petitioner seeks a writ of habeas corpus ordering his immediate release or, at a minimum, a prompt and constitutionally adequate bond hearing before a neutral and impartial adjudicator, at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner poses a flight risk or presents other legally sufficient and individualized reasons justifying continued detention.

JURISDICTION

6. This action arises under the Constitution, laws, and treaties of the United States, including 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (the Suspension Clause). Relief is also authorized by the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

7. Federal courts retain habeas jurisdiction to review the legality of immigration detention. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Hensley v. Municipal Court*, 411 U.S. 345 (1973); *Martinez v. Clark*, 144 S. Ct. 1339 (2024). Petitioner is “in custody” within the meaning of § 2241 while confined at Philadelphia Federal Detention Center, 700 Arch Street, NA Philadelphia, PA 19106. *Doe v. Barr*, 479 F. Supp. 3d 20 (S.D.N.Y. 2020).

VENUE

8. Venue lies in this District because Petitioner is detained at Philadelphia Federal Detention Center, 700 Arch Street, NA Philadelphia, PA 19106, and Respondent Jamal L. Jamison, the warden of Philadelphia Federal Detention Center, exercises custody and control over Petitioner.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. There is no statutory exhaustion requirement applicable to petitions brought under 28 U.S.C. § 2241. *McCarthy v. Madigan*, 503 U.S. 140 (1992); *Laing v. Ashcroft*, 370 F.3d 994 (9th Cir. 2004).

10. Even if exhaustion were required, it should be excused because:

- (a) ICE’s revocation of supervision is not meaningfully reviewable;
- (b) continued detention causes ongoing and irreparable constitutional harm; and
- (c) Petitioner challenges the constitutionality of the detention framework itself. *Hardy v. Fischer*, 701 F. Supp. 2d 614, 619 (S.D.N.Y. 2010).

11. Following Petitioner’s arrest, ICE did not set bond, and Petitioner is categorically barred from obtaining custody review by an Immigration Judge under the Board of Immigration Appeals’s decision in the *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Accordingly, no administrative avenue exists through which Petitioner may seek review of his detention, rendering exhaustion futile. *See Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor,

J.) (as amended) (judicial exhaustion may be excused when “available remedies provide no genuine opportunity for adequate relief” or exhaustion “would be futile” (internal citation omitted)).

PARTIES

12. Petitioner Irakli Pkhaladze is a national and citizen of Georgia, born December 2, 1988, in Vani, Georgia, Soviet Union. He entered the United States on October 18, 2022, at Calexico, California, without inspection. He is now detained at the detention facility at Philadelphia Federal Detention Center, 700 Arch Street, NA Philadelphia, PA 19106.

13. Respondent, Michael Rose, is the ICE Field Office Director for the ICE Philadelphia Field Office. He was the Petitioner’s immediate custodian at the time this habeas was filed, and, upon information and belief, resides in the Eastern District of Pennsylvania.

14. Respondent Jamal L. Jamison is the warden of Philadelphia Federal Detention Center and has immediate authority over Petitioner’s custody.

15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and oversees ICE.

16. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE).

17. Respondent Pamela Bondi is the Attorney General of the United States.

STATEMENT OF FACTS

18. Petitioner departed Georgia on October 12, 2022, traveled through several countries, and arrived in the United States on October 18, 2022, at Calexico, California, without inspection. He was paroled into the United States pursuant to INA § 212(d)(5)(A) and released from ICE custody.

19. Petitioner was issued a Notice to Appear (“NTA”) charging him as removable under INA § 212(a)(6)(A)(i). The NTA was filed with the Immigration Court; however, the case was dismissed without prejudice for failure to prosecute. Petitioner subsequently filed an asylum

application with USCIS. USCIS later issued a new NTA and referred Petitioner's Form I-589 to the Immigration Court. His asylum application is currently pending.

20. Since his release Petitioner has resided in Philadelphia, Pennsylvania, complied with every ICE appointment, and committed no criminal offense.

21. On January 23, 2026, Petitioner appeared for a regularly scheduled ICE check-in at 114 North 8th Street, Philadelphia, PA 19107, where ICE officers arrested him without prior notice or written explanation. He is now detained at Philadelphia Federal Detention Center, 700 Arch Street, NA Philadelphia, PA.

22. ICE has provided no notice of revocation, no custody review, no hearing, and no opportunity to contest detention. The Petitioner's arrest was the result of a generalized enforcement directive tied to detention bed availability, not Petitioner's conduct or risk profile.

23. Petitioner remains confined solely as a result of administrative convenience.

LEGAL CLAIMS

COUNT I

Violation of the INA: Detention under the Wrong Statutory Provision

24. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

25. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to individuals who previously entered the United States, were apprehended, and released from custody by Respondents, and were residing in the country before being re-apprehended. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

26. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II

Violation of Due Process: Revocation of Release without Notice or Hearing

27. The Fifth Amendment's Due Process Clause prevents the Government from depriving any person of "life, liberty, or property without due process of law," U.S. Const. amend. V., regardless of "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); see also *Reno v. Flores*, 507 U.S. 292, 306 (1993). Due process demands that unless a person is "given[] notice of the case against [her] and opportunity to meet it," she may not be detained. *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976). Indeed, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

28. Petitioner's arrest stemmed from a blanket "policy" to detain "everyone who crossed the border," without regard to compliance history, criminal record, or individualized risk factors. ICE officials ignored the fact that Petitioner diligently complied with all conditions of his release and timely appeared at the ICE office for his scheduled check-in.

29. Detention that serves no bona fide removal or safety purpose violates substantive due process. See *Zadvydas*, 533 U.S. at 690–91; *Gordon v. Shanahan*, 2015 WL 1176706 (S.D.N.Y. Mar. 13, 2015). ICE's "bed-availability" rationale is administrative convenience, not a lawful justification for depriving liberty.

30. ICE's summary revocation of Petitioner's release from custody violated the Due Process Clause of the Fifth Amendment. Rather than exercising the individualized discretion required by law, ICE effectuated Petitioner's detention pursuant to a blanket policy—without notice, without an individualized assessment, and without affording Petitioner any opportunity to be heard. Because Petitioner possessed a protected liberty interest in his continued release from custody, the Government's failure to provide even the most basic procedural safeguards resulted in an unconstitutional deprivation of liberty. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

COUNT III

Violation of the Fourth Amendment

31. Petitioner's arrest constituted an unreasonable seizure in violation of the Fourth Amendment because it was executed without a warrant, without probable cause, and pursuant to a blanket enforcement policy rather than individualized suspicion. Civil immigration enforcement remains subject to Fourth Amendment constraints. *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Manuel v. City of Joliet*, 580 U.S. 357 (2017).

STATUTORY PROCEDURE UNDER 28 U.S.C. § 2243

32. Under 28 U.S.C. § 2243, the Court must "forthwith" grant the writ or issue an order to show cause. Respondents must file a return within three days unless the Court allows additional time not exceeding twenty days for good cause. Prompt review is essential to prevent continued unlawful restraint.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be removed from the United States without an order by this Court allowing such removal and transferred, except to a facility within the Eastern District of Pennsylvania, absent further order of this Court;
- c. Issue an Order to Show Cause directing Respondents to explain why the writ should not be granted within three days, as required by 28 U.S.C. § 2243;
- d. Declare Petitioner's detention unlawful;
- e. Order Petitioner's immediate release or, in the alternative, a bond hearing before an Immigration Judge within seven days, at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is justified by dangerousness or flight risk;

- f. Order enjoining Respondents from re-detaining Petitioner absent a valid exercise of discretion under 8 U.S.C. § 1226(a);
- g. Order limiting Respondents to the restraints on Petitioner's liberty that existed prior to his re-detention on January 23, 2026;
- h. Order enjoining Respondents, absent an additional Court order, from denying bond to Petitioner in any subsequent proceeding on the ground that she must be detained pursuant to 8 U.S.C. § 1225(b), and, if Petitioner is granted bond, from invoking the automatic stay provision at 8 C.F.R. § 1003.19(i)(2).
- i. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- j. Grant such further relief as this Court deems just and proper.

Date: 01/26/2026

s/ Adam Solow

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Attorney for Petitioner

Respectfully submitted,

/S/Sergey Risko

Sergey Risko, Esq.

Applicant for Pro Hac Vice
Admission

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

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

Dated this 26th Day of January, 2026.

s/ Adam Solow
Adam Solow