Risko Law Group, PLLC
Sergey Risko, Esq.
227 West Street, Suite 2121
Brooklyn, NY 11222
(718)-757-7734
riskolawgroup@gmail.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TORNIKE AMBROLADZE,

Petitioner,

v.

RAUL MALDONADO , the warden of Brooklyn Metropolitan Detention Center, WILLIAM JOYCE, the Acting ICE Field Office Director, KRISTI NOEM, the Secretary of the Department of Homeland Security, TODD M. LYONS, the Acting Director of U.S. Immigration and Customs Enforcement (ICE), PAMELA BONDI, the Attorney General of the United States

Defendants

Civil Action No. 1:26-cv-474

A# [redacted]

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Tornike Ambroladze ("Petitioner") is a 30-year-old citizen of Georgia who has lived in the United States since December 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 22, 2026, Petitioner was arrested near 111 Jericho Tpke, Syosset, NY, by ICE officers following a car accident caused by the fault of another party. 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 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, membership in a particular social group, and ethnicity. His continued detention violates the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1231(a)(6), 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 Brooklyn Metropolitan Detention Center, *Doe v. Barr*, 479 F. Supp. 3d 20 (S.D.N.Y. 2020).

VENUE

8. Venue lies in this District because Petitioner is detained occurred at the Brooklyn Metropolitan Detention Center, 320 First St., NW Washington, DC 20534, and Raul Maldonado, the warden of the Brooklyn Metropolitan 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).

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

Petitioner Tornike Ambroladze is a national and citizen of Georgia, born [redacted], in Kutaisi, Georgia. He entered the United States on December 10, 2022, near San Luis, Arizona, was released on his own recognizance, and has resided in Brooklyn, New York. He is now detained at the Brooklyn Metropolitan Detention Center.

Respondent Raul Maldonado, the warden of the Brooklyn Metropolitan Detention Center, and has immediate authority over Petitioner's custody.

14. William Joyce, the Acting ICE Field Office Director, New York.

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

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

Petitioner departed Georgia on September 26, 2022, traveled through several countries, and arrived in the United States near San Luis, Arizona, on December 10, 2022, without inspection, and was released from ICE custody on his own recognizance. He has resided in Brooklyn, New York.

Petitioner was issued a Notice to Appear ("NTA") charging him as removable under INA § 212(a)(6)(A)(i) and place in removal proceedings. Petitioner subsequently filed for asylum with the Immigration Court. His asylum application is currently pending.

On January 22, 2026, Petitioner was arrested near 111 Jericho Tpke, Syosset, NY, by ICE officers following a car accident caused by the fault of another party. He was taken into custody without prior notice or written explanation. Petitioner is detained at Petitioner is detained at Brooklyn Metropolitan Detention Center.

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.

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

LEGAL CLAIMS

COUNT I

Violation of the INA: Detention Under the Wrong Statutory Provision

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

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.

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

26. 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.

27. 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.

28. 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.

29. 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

30. 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

31. 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 New York 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 22, 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). *See* Rueda Torres v. Francis, No. 25 Civ. 8408 (DEH), 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025);

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.

Respectfully submitted,

Date: January 27, 2026

Sergey Risko, Esq.
Risko Law Group, PLLC
227 West Street, Suite 2121
Brooklyn, NY 11222
(718)-757-7734
riskolawgroup@gmail.com

Attorney for Petitioner