

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

1. Milana Yuryevna SWOPE.

Petitioner,

v.

1. Marcello VILLEGAS, Warden of the Bluebonnet Detention Facility;
 2. Todd LYONS, Acting Director of Immigration and Customs Enforcement;
 3. Daren MARGOLIN, EOIR Director, U.S. Department of Justice;
 4. Kristi NOEM, Secretary, U.S. Department of Homeland Security;
 5. Pamela BONDI, U.S. Attorney General;
- In their official capacities.

Respondents.

Case No. 1:26-cv-00047

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Milana Yuryevna Swope is in the physical custody of Respondents at the Bluebonnet Detention Facility in Anson, Texas. She now faces unlawful detention at the hands of Respondents.
2. After Petitioner did not depart the U.S. following a grant of voluntary departure in 2003, her voluntary departure order was converted into a final order of removal. Despite that order, Respondents released Petitioner from custody in or around 2007 under an order of supervision and permitted her to live at liberty in the community for approximately eighteen years, subject to regular reporting requirements.
3. On September 15, 2025, while Petitioner was attending a routine ICE check-in in compliance with her order of supervision, Respondents abruptly revoked her supervised release and took her into custody without notice, without providing any reason for the revocation, and without affording her an opportunity to respond.
4. Because Respondents failed to comply with their own regulations and basic requirements of procedural due process, and because no changed circumstances justify Petitioner's re-detention, Petitioner seeks a writ of habeas corpus requiring her immediate release.

JURISDICTION

5. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas.
6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
7. This Court may grant relief pursuant to 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.

VENUE

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Petitioner currently is detained.
9. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Northern District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return

“within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

11. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

12. Petitioner Milana Yuryevna Swope is a citizen of Russia who has been in immigration detention since September 15, 2025.
13. Respondent Marcello Villegas is employed by Bluebonnet Detention Facility as Warden where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.
14. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Lyons is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is sued in his official capacity.

15. Respondent Daren Margolin is the Director of U.S. Department of Justice's Executive Office for Immigration Review (EOIR), which includes the immigration court system. He is sued in his official capacity.
16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
17. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

LEGAL FRAMEWORK

18. Respondents have a statutory basis to detain noncitizens who have been ordered removed during the ninety-day removal period after the removal order becomes final. 8 U.S.C. § 1231(a)(1)(A), (a)(2)(A).
19. The same statute provides that if removal is not effected during the removal period, the noncitizen will continue to remain under the supervision of the Attorney General. 8 U.S.C. § 1231(a)(3). As the Southern District of New York explained, "this means that under normal circumstances, after the ninety-day removal period ends, a person is required to be released from detention under

supervision. Under the current regulatory regime, that person would be released with an order of supervision, with regulations specifying conditions under which they can be re-detained.” *Diallo v. Joyce*, No. 25-CV-9909 (AS), 2025 U.S. Dist. LEXIS 265532, at *4 (S.D.N.Y. Dec. 23, 2025).

20. While Respondents do have the authority to re-detain individuals that have been released under supervision, there are accompanying procedural requirements in the regulations. “Upon revocation [of release from custody], the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.4(l)(1).
21. Additionally, when Respondents decide to re-detain a previously released individual, the burden lies upon them to show that circumstances have *changed* so there is *now* a significant likelihood of removal. As the Southern District of Texas describes,

The requisite showing under that subsection must be made, and of its terms can only be made, by the Government. This is so because the provision states that an alien may be returned to custody “if, on account of changed circumstances, *the Service determines* that there is a significant likelihood that the alien may be removed in the foreseeable future.” 8 CFR §241.13(i)(2) (emphasis added). A number of recently decided cases applying §241.13(i)(2) are in accord that, upon revocation of release, the Government bears the burden to show a significant likelihood that the alien may be removed in the reasonably foreseeable future.

Abuelhawa v. Noem, No. 4:25-cv-04128, 2025 U.S. Dist. LEXIS 203959, at *22-23 (S.D. Tex. Oct. 16, 2025). The government's failure to explain the changed circumstances "evinces a lack of accord with §241.13(i)(2), and thus with the requirements of procedural due process." *Id.* at *23.

22. Further, once a noncitizen has been released on supervision, ICE does not restart the removal period by re-detaining the individual. "While the Supreme Court in *Zadvydas* set six months as a reasonable time period of detention in which the Government can be presumed to be working to effectuate removal in good faith, that presumption does *not* reset at the time a noncitizen is re-detained after being released on an order of supervision during which time the Government could have been taking steps to effectuate the noncitizen's removal." *Sanchez v. Noem*, No. 5:25-CV-00104, 2025 U.S. Dist. LEXIS 269065, at *21-22 (S.D. Tex. Nov. 14, 2025) (emphasis added).
23. Moreover, when Respondents do not detain a noncitizen during the removal period, they do not have the unfettered authority to simply detain them for the first time after the removal order at any point in the future.
24. As another court has found, "Section 1231 then provides for a period of discretionary continued detention following that [removal] period for certain classes of people, to the extent necessary to facilitate their removal. Otherwise, it provides that those subject to final orders of removal, but who aren't removed, will be released on supervision, and that the terms of their supervision and re-detention will be governed by regulation. *What it doesn't do is authorize a right*

*to arrest and detain people at any time, for any or no reason.” Diallo, No. 25-CV-9909 (AS), at *10-11 (emphasis added).*

25. Procedural due process, as guaranteed in the U.S. Constitution, applies to noncitizens who are deprived of their liberty. “Freedom from imprisonment -- from government custody, detention, or other forms of physical restraint -- lies at the heart of the liberty that Clause [Due Process Clause] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S. Ct. 2491, 2498 (2001).
26. Under their own regulations, Respondents are required to provide the procedural due process steps of providing a reason for the revocation of release and giving the noncitizen an opportunity to respond to those reasons. 8 C.F.R. § 241.4(l)(1). A failure to do so is a violation of the noncitizen’s procedural due process. *See Sering Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 164 (W.D.N.Y. 2025).
27. Additionally, courts have held that even noncitizens who were *not* released under an order of supervision are still entitled to the same procedural due process (notice and an opportunity to respond) prior to detention. *See Diallo, No. 25-CV-9909 (AS), at *16-17.*
28. In the present case, Petitioner was detained more than a decade after her removal order and long after the expiration of the statutory removal period, without notice of the reasons for her re-detention and without any explanation of changed circumstances justifying that action. Under Respondents’ own regulations and the Constitution’s guarantee of procedural due process, Petitioner’s rights have been violated.

29. The Supreme Court has well explained, “Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693, 128 S. Ct. 2207, 2221 (2008) (internal citations omitted). Immediate release from custody is the appropriate remedy for Petitioner in this action.

FACTS

30. Petitioner Milana Yuryevna Swope is a citizen of Russia.
31. Petitioner entered the United States lawfully in or around 2001 on a K-1 fiancé(e) visa.
32. On September 29, 2003, an Immigration Judge granted Petitioner voluntary departure. Petitioner did not depart the United States pursuant to that order, and the voluntary departure order therefore converted into a final order of removal.
33. In or around 2007, ICE released Petitioner from their custody under an order of supervision. Since that time, ICE Respondents permitted Petitioner to remain in the United States at liberty, subject to supervision.
34. For approximately eighteen years, Petitioner complied with the terms of her supervision, including attending regular ICE check-ins as required.
35. On September 15, 2025, Petitioner appeared for a routine ICE check-in in compliance with her order of supervision.

36. At that check-in, Respondents revoked Petitioner's supervised release and took her into custody without providing notice of the reasons for revocation and without affording Petitioner any opportunity to respond.
37. To date, Respondents have not provided Petitioner with any explanation for the revocation of her order of supervision or identified any changed circumstances justifying her re-detention.
38. Petitioner has languished in immigration custody since September 15, 2025, and is currently detained at the Bluebonnet Detention Facility in Anson, Texas.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and Implementing Regulations

39. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
40. Respondents are bound by the Immigration and Nationality Act and by regulations promulgated pursuant to the INA governing post-order detention and supervision of noncitizens subject to final orders of removal, including 8 C.F.R. § 241.4.
41. Those regulations establish mandatory procedures governing the revocation of an order of supervision and continued detention, including the requirement that, upon revocation of supervised release, Respondents provide the noncitizen with notice of the reasons for revocation and a prompt opportunity to respond. 8 C.F.R. § 241.4(l)(1).

42. DHS's post-order detention regulations further reflect that re-detention after prolonged supervised release is not unfettered and must be supported by articulated justification within the regulatory scheme governing continued detention. *See* 8 C.F.R. §§ 241.4, 241.13.
43. Under *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954), where an agency has promulgated regulations with the force and effect of law that govern the exercise of discretion, the agency is bound to follow those regulations and may not disregard them.
44. Respondents revoked Petitioner's order of supervision and re-detained her without providing notice of the reasons for revocation, without affording her any opportunity to respond, and without articulating any regulatory basis justifying her re-detention after years of compliance with supervision.
45. By failing to comply with their own binding regulations governing revocation of supervised release and continued detention, Respondents acted unlawfully and outside their statutory authority.

COUNT II

Violation of Due Process

46. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
47. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the

heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

48. Physical detention by the government constitutes a severe deprivation of liberty and may occur only in accordance with constitutionally adequate procedures.
49. Petitioner was released from custody under an order of supervision and lived at liberty for approximately eighteen years in compliance with ICE reporting requirements, giving rise to a protected liberty interest in continued freedom from physical restraint absent lawful procedures.
50. Respondents deprived Petitioner of that liberty interest when they revoked her order of supervision and took her into custody without providing notice of the reasons for revocation and without affording her any opportunity to respond.
51. Respondents further failed to identify or articulate any changed circumstances justifying Petitioner’s re-detention after years of supervised release.
52. By revoking Petitioner’s supervised release and detaining her without notice, explanation, or an opportunity to be heard, Respondents failed to provide even the minimal procedural protections required by the Due Process Clause.
53. Respondents’ continued detention of Petitioner therefore violates the Fifth Amendment, and habeas relief ordering her release is warranted.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;

- b. Order that Petitioner shall not be transferred outside the Northern District of Texas while this habeas petition is pending, absent further order of this Court;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents to immediately release Petitioner.
- e. Declare that Petitioner's detention is unlawful;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 2nd day of February, 2026.

/S/ Elissa Stiles
Elissa Stiles
OK Bar No. 34030
Rivas and Associates
PO Box 470348
Tulsa, OK 74147
(918) 419-0166 T
(918) 513-6724 F
estiles@rivasassociates.com
Attorney for Petitioner

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

I represent Petitioner, Milana Yuryevna Swope, 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 2nd day of February, 2026.

/S/ Elissa Stiles
Elissa Stiles