



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 26-cv-530

ALEKSEJS JEFREMOVS, a/k/a ARMEN BAGDAYAN (alien registration number 
)

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Warden of the ICE Denver Contract Detention
Facility,

ROBERT HAGAN, in his official capacity as Director of the Denver Field Office of United
States Immigration and Customs Enforcement, Enforcement and Removal Operations,

KRISTI NOEM, in her official capacity as Secretary of Homeland Security, and

PAMELA JO BONDI, in her official capacity as Attorney General of the United States,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

Introduction

1. Petitioner Aleksejs Jefremovs was born in the Soviet Union. Once that country ceased to exist, he became stateless, for though he was born in the territory of what is now the Republic of Latvia, he is not a citizen of that nation.
2. He entered the United States over 25 years ago on a J-1 visa (i.e., a visa for those visiting the United States as part of an international exchange program). He has lived here ever since.
3. An attempt to extend his legal immigration status in the United States ultimately resulted in his being placed in removal proceedings under the name Armen Bagdayan, who was supposedly a citizen of Azerbaijan.
4. He was ordered removed in absentia under the Bagdayan name in 2005.
5. During the two decades following the issuance of the order of removal, he built a life in the United States. He is married to a lawful permanent resident and has two United States citizen children. To the best of his recollection, his criminal history consists of a conviction for DUI that is over 15 years old and a 2001 case for illegal dumping. He also has developed heart conditions that require medical supervision.
6. In December 2018, the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE) issued an Order of Supervision that required him to report for periodic check-ins. He did so until he was turned away from the field office in 2021.
7. He was detained at the Denver International Airport on Thanksgiving 2025. To date, he has not been informed, either orally or in writing, of the reason for his detention.

8. Moreover, he has a document from the Latvian embassy to the United States specifically stating that he cannot be issued a Latvian passport. Nor has the United States government indicated that it seeks to remove him to any other country. His removal from the United States is thus unlikely to occur in the reasonably foreseeable future.
9. His detention without any kind of justification violates the Immigration and Nationality Act (INA), the regulation for revoking an Order of Supervision, and his due-process rights under the Fifth Amendment to the United States Constitution. He therefore requests that the Court issue a writ of habeas corpus ordering his immediate release and the reinstatement of his Order of Supervision.

Jurisdiction and Venue

10. The court has federal question subject matter jurisdiction over this petition because it arises under the laws of the United States. *See* 28 U.S.C. § 1331 (2024). Specifically, the Court has jurisdiction to issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241(a), (c)(1), (3). *See also* U.S. Const. Art. I, § 9, Cl. 2. Mr. Jefremovs is in the custody of the United States government and pursuant to its authority, and his continued detention violates his Fifth-Amendment due-process rights.
11. Venue is proper in the District of Colorado insofar as all the events giving rise to this action, which does not involve any real property, occurred in Colorado and Mr. Jefremovs is detained at the Denver Contract Detention Facility in Aurora, Colorado. *See* 28 U.S.C. § 1391(e)(1)(B), (C).

The Parties

12. Mr. Jefremovs is a 48-year-old native and citizen of the former Soviet Union. He was ordered removed over 20 years ago but is currently stateless. He is currently detained at the ICE Denver Contract Detention Facility.
13. Juan Baltazar is the warden of the ICE Denver Contract Detention Facility, which is run by the Geo Group. He oversees the facility where Mr. Jefremovs is physically confined. He is sued solely in his official capacity.
14. Robert Hagan is the director of the Denver Field Office of United States Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). He oversees ICE's work in Colorado and Wyoming to detain and, as necessary, remove noncitizens suspected of violating the Immigration Laws. He is sued solely in his official capacity.
15. Kristi Noem is Secretary of Homeland Security. She is one of the several cabinet officials charged with the overall administration and enforcement of the immigration laws. She bears overall responsibility for DHS's detention policies nationwide. ICE is a component of the Department of Homeland Security and therefore falls under her authority. She is sued solely in her official capacity.
16. Pamela Jo Bondi is Attorney General of the United States. The Executive Office for Immigration Review (EOIR), which operates the United States immigration courts and the BIA, is part of the Department of Justice (DOJ) and thus falls under her control. She is sued solely in her official capacity.

Factual And Legal Background


17. The government purports to be detaining Mr. Jefremovs under 8 U.S.C. § 1231, which governs the detention of noncitizens ordered removed. He will therefore begin by setting out the applicable legal framework.
18. The government must generally remove noncitizens subject to an order of removal as expeditiously as possible. Congress has created a removal period of ninety days for the government to accomplish this task. 8 U.S.C. § 1231(a)(1)(A). As a general rule, detention of noncitizens is mandatory during this period. *Id.* § 1231(a)(2)(A).
19. By statute, the removal period begins on the latest of three dates: (1) when the order of removal becomes administratively final; (2) if the order is subject to judicial review and a federal court stays the noncitizen's removal pending such review, the date of the court's final order; or (3) if the noncitizen is detained or confined for a non-Immigration process, when the noncitizen is released from that detention or confinement. *See id.* § 1231(a)(1)(B), *See also* 8 C.F.R. § 241.4(g)(1)(i). An order of removal becomes administratively final either when the Board of Immigration Appeals affirms it or when the time to appeal the immigration judge's decision has expired and no appeal has been filed. *See id.* § 1101(a)(47)(B).
20. If, during the removal period, the noncitizen refuses to make applications for necessary travel documents, the period will be extended by the duration of the noncitizen's noncompliance, and the government can continue to detain the noncitizen. *See id.* § 1231(a)(1)(C).

21. After the removal period, noncitizens can be released on orders of supervision. *Id.* § 1231(a)(3). Noncitizens who are inadmissible, subject to criminal or security-related grounds of deportability, violate the terms of their nonimmigrant status, or present a danger to the community or are unlikely to comply with the order of removal may be detained after the removal period expires. *Id.* § 1231(a)(6).
22. Though agreement on the point is not universal, at least one court in this circuit has found that the removal period runs from the date of the order of removal and does not restart if Ice subsequently detains noncitizens after releasing them on an order of supervision. *See Jimenez Chacon v. Lyons*, No. 2:25-cv-977-DHU-KBM, 2025 WL 3496702, at *7 (D.N.M. Dec. 4, 2025).
23. The plain text of 8 U.S.C. § 1231(a)(6) does not limit the length of permissible detention. But in *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court interpreted the statute to allow detention only during a reasonable period, set at six months, to avoid constitutional concerns that might otherwise arise. *Zadvydas*, 533 U.S. at 699–701. If the noncitizen presents good reason to believe that removal is not likely to occur in the reasonably foreseeable future, the government must then bring forward evidence to rebut that showing, else continued detention is not authorized by statute. *Id.*
24. Once the government has released a noncitizen on an order of supervision, it must follow specific procedures to revoke the order and re-detain the noncitizen. *See* 8 C.F.R. § 241.4(l); *Jimenez Chacon*, 2025 WL 3496702, at *10.
25. If the noncitizen has violated a condition of release, the government must notify the noncitizen of the reasons for revocation, and after the detention has occurred, the

noncitizen must be promptly interviewed and given the opportunity to respond to the stated reasons. 8 C.F.R. § 241.4(l)(1).

26. Either the Executive Associate Commissioner for Field Operations or, if circumstances do not allow for referral of the case to the Executive Associate Commissioner, a District Director, has discretion to revoke an order of supervision under specified circumstances. *Id.* § 241.4(l)(2).

27. With this framework in mind, Mr. Jefremovs now details the relevant facts of his case.

28. Mr. Jefremovs was born on , in Ventspilss, Latvian Soviet Socialist Republic, which was one of the member republics of the Union of Soviet Socialist Republics (the USSR or the Soviet Union). He was thus a citizen of the former Soviet Union. He is not, however, a citizen of the present-day Republic of Latvia.

29. In 1999 or 2000, he was admitted to the United States in J-1 status, which permitted him to enter and remain in the United States as part of an international exchange program.

30. Mr. Jefremovs has resided continuously in the United States since that entry.

31. Hoping to extend his legal immigration status, he retained a paralegal or notario, who submitted an asylum claim under the false name Armen Bagdayan that, among other things, stated that he was a citizen of Azerbaijan.

32. Mr. Jefremovs is not a citizen of Azerbaijan and has no connection whatsoever to that country.

33. Ultimately, he was placed in removal proceedings pursuant to 8 U.S.C. § 1229a under the name Armen Bagdayan.

34. On May 4, 2005, he was ordered removed because he failed to appear for a hearing before the Miami Immigration Court. *See* Exh. 1.
35. A noncitizen cannot directly appeal an in-absentia order of removal to the Board of Immigration Appeals but must rather submit a motion to reopen with the immigration court that issued the order. *Guzman-Arguera*, 22 I. & N. Dec. 722 (B.I.A. 1999).
36. Mr. Jefremovs did file multiple motions with the Miami Immigration Court seeking to rescind the in-absentia order and reopen his proceedings, but they were denied, and he did not appeal any of these denials.
37. Since there was no period for Mr. Jefremovs to appeal the in-absentia order of removal, it became administratively final on the date it was issued, and the removal period began on May 4, 2005, and ended on August 2, 2005.
38. During the twenty years that have passed since he was ordered removed, Mr. Jefremovs has built a life for himself in the United States.
39. He is married to Natalia Yanetska, a lawful permanent resident. They have two children, both born in the United States: [REDACTED] (age 13) and [REDACTED] (age 11). He has paid his taxes over the past several years.
40. He has also developed two heart conditions, arrhythmia and tachycardia, that require close medical supervision.
41. As best he remembers, Mr. Jefremovs's criminal history consists of two cases: a 2001 charge of illegal dumping and a 17-year-old DUI case.
42. On December 13, 2018, the Miami Field Office of ICE ERO issued Mr. Jefremovs an order of supervision. Exh. 2. For reasons unknown to him, it states that he was ordered

removed on January 25, 2016. *Id.* at 1. It required that he report to the field office periodically. He complied with this and the other requirements listed in the order.

43. If indeed Mr. Jefremovs had been ordered removed on January 25, 2016, then the removal period must have expired years ago. He never filed any sort of appeal, and no proceedings against him are pending with either the Miami Immigration Court or the Board of Immigration Appeals.
44. Mr. Jefremovs last presented himself at the Miami Field Office on October 1, 2021. But when he arrived, he was told that the office was not working. His attorney emailed several times asking for a new check-in date, but no response was forthcoming.
45. In 2018, Ms. Yanetska petition to have Mr. Jefremovs classified as the spouse of a lawful permanent resident. That petition was denied in 2024 because, owing to Mr. Jefremovs's medical problems, he could not attend the required interview, and his request to reschedule the interview was unavailing.
46. On March 16, 2017, the Embassy of the Republic of Latvia to the United States of America issued a letter stating that it could not issue Mr. Jefremovs a Latvian citizen's passport because he is not a citizen of the Republic of Latvia. Exh. 3.
47. On November 27, 2025, Mr. Jefremovs was detained at the Denver International Airport. Neither then or at any point since has he learned, either in writing or orally, why his order of supervision was revoked or who authorized the revocation.
48. A deportation officer has come to him several times and demanded that he sign a request for a Latvian travel document on pain of continuing detention. He has refused to sign the paperwork and been issued a Notice of Refusal to Comply.

49. The government's action in re-detaining Mr. Jefremovs without explanation and attempting to coerce him to sign a request for a travel document of a country that has already expressly stated that it will not issue him a passport are unlawful.

Statement of Claims

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

50. Mr. Jefremovs incorporates by reference paragraphs 1 through 49 as if fully set forth herein.
51. The Immigration and Nationality Act (INA) clearly circumscribes DHS's authority to detain noncitizens subject to an order of removal when there is no significant likelihood that the noncitizen will be removed in the reasonably foreseeable future.
52. First, the plain text of 8 U.S.C. § 1231(a)(1)(B) clearly indicates when the removal period begins. It begins on the latest of three dates, but the only date that applies in this case is the first one listed: the date when the order of removal became administratively final. That date is May 4, 2005.
53. There is no support in the statutory text for the proposition that the government can restart the removal period and invoke its concomitant mandatory-detention provision whenever it wishes by simply re-detaining the noncitizen after release on an order of supervision.
54. The government, then, has no basis to assert that Mr. Jefremovs is within the removal period and thus subject to mandatory detention.
55. Second, 8 U.S.C. § 1231, as interpreted by the Supreme Court in *Zadvydas v. Davis*, does not authorize Mr. Jefremovs's continuing detention.
56. ICE has only indicated an intent to remove Mr. Jefremovs to Latvia. But Mr. Jefremovs is not a citizen of Latvia, and the Latvian government has expressly declined to issue him a citizen's passport.

57. Mr. Jefremovs's removal is therefore not likely to occur in the reasonably foreseeable future.

COUNT TWO – VIOLATION OF MR. Jefremovs's DUE-PROCESS RIGHTS UNDER THE FIFTH AMENDMENT

58. Mr. Jefremovs incorporates by reference paragraphs 1 through 49 as if fully set forth herein.

59. The Fifth Amendment to the United States Constitution provides that “No person shall . . . be deprived of . . . liberty . . . without due process of law.” As the Supreme Court has stated, “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due-Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

60. Mr. Jefremovs has a strong interest in being free from confinement. In detaining him without any explanation or affording him to respond to the reasons for revocation, the government has violated 8 C.F.R. § 241.4(l) and his due-process rights.

61. No circumstances have developed since the order of supervision was issued to justify a revocation of Mr. Jefremovs's release.

62. Since Latvia has indicated that Mr. Jefremovs is not a citizen and that it cannot issue him a passport, he faces the prospect of indefinite detention—precisely the evil the Supreme Court sought to avoid in *Zadvydas*.

Prayer for Relief

Wherefore, Mr. Jefremovs respectfully prays the Court to grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Issue a writ of habeas corpus ordering his immediate release and that his order of supervision be reinstated;
- C. Award him reasonable attorney's fees and costs;
and
- D. Grant such further relief as the Court deems just and proper.

Respectfully submitted this 11th day of February 2026,

s/ Henry D. Hollithron

Henry D. Hollithron

Hollithron Advocates, P.C.

4155 E Jewell Ave, Ste 1004

Denver, CO 80222-4514

Telephone: (303) 954-9989

E-mail: henry@hollithronadvocates.com

Attorney for Petitioner Aleksejs Jefremovs