

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner DMITRII SIGULIA, a citizen and national of Russia, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his prolonged, unlawful detention by the United States Government. Petitioner has been continuously detained since October 20, 2024—a period now exceeding fifteen (15) months—at the Eden Detention Center, 702 East Broadway, Eden, Texas 76837, in violation of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*, the Due Process Clause of the Fifth Amendment to the United States Constitution, the Equal Protection principles incorporated through the Fifth Amendment, and the international legal obligations of the United States under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.
2. This case presents a profound injustice demanding immediate judicial intervention. Petitioner fled persecution in Russia together with his wife, ARINA SIGULIA ([REDACTED]). They were married in Russia before their departure. They experienced identical persecution from identical persecutors based on identical protected grounds—political opinion. They entered the United States together seeking protection on October 20, 2024. They filed asylum applications based on identical facts and presented identical evidence. Both were found credible by their respective Immigration Judges. Yet, due solely to the happenstance of being assigned to different judges within the same Immigration Court, they received grossly disparate outcomes: Petitioner’s wife was granted asylum on September 25, 2025, and promptly released from custody, while Petitioner received only the lesser protection of withholding of removal on July 15, 2025, and remains detained to this day—over fifteen months since his initial apprehension.
3. This disparity is legally indefensible. Under INA § 208(b)(3)(A), 8 U.S.C. § 1158(b)(3)(A), and 8 C.F.R. § 1208.21, Petitioner is statutorily entitled to derivative asylum as the spouse of an asylee. He satisfies all requirements: his wife has asylum; he is her lawful spouse; their marriage predated her asylum application; and he is admissible (as evidenced by his withholding grant). His Motion to Reopen seeking derivative asylum remains pending. Yet Respondents continue detaining him—month after month—while his identically-situated wife lives freely.
4. Petitioner’s prolonged detention violates federal law for multiple independent reasons:
First, Respondents are detaining Petitioner under the wrong statutory authority. The Government categorically treats all individuals who entered without inspection as “applicants for admission” subject to mandatory detention under INA § 235(b)(2), rather than under INA § 236(a), which governs noncitizens apprehended in the interior and entitles them to individualized bond hearings. Over 100 federal judges—appointed by presidents of both parties—have rejected this interpretation as contrary to the INA’s plain text, structure, and history. *See Maldonado Bautista v. Santacruz*, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) (certifying nationwide class, vacating DHS guidance);

Guerrero Orellana v. Moniz, No. 1:25-cv-12664-PBS (D. Mass. Dec. 19, 2025); *J-C-R-M- v. Wamsley*, No. 3:25-cv-990-SI (D. Or. Dec. 9, 2025); *Rodriguez Cabrera v. Mattos*, 2025 WL 3072687 (D. Nev. Nov. 3, 2025); *Soleimani v. Larose*, 2025 WL 3268412 (S.D. Cal. Nov. 24, 2025); *Y-Z-L-II v. Bostock*, 792 F. Supp. 3d 1123 (D. Or. 2025); *Arias v. Larose*, 2025 WL 3295385 (S.D. Cal. Nov. 25, 2025); *Perez v. LaRose*, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Salazar v. Casey*, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Del Cid v. Bondi*, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *A.S.R. v. Trump*, 782 F. Supp. 3d 224 (W.D. Pa. 2025); *Ramirez v. Noem*, 2025 WL 3270137 (D. Nev. Nov. 24, 2025); *Faizyan v. Casey*, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025); *J.M.P. v. Arteta*, 2025 WL 2984913 (S.D.N.Y. Oct. 23, 2025).

Second, Respondents have categorically denied Petitioner an individualized bond hearing. This categorical denial—without any assessment of his circumstances—violates procedural due process. *See Mathews v. Eldridge*, 424 U.S. 319 (1976); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (“[O]nce an alien gains admission to our country and begins to develop the ties that go with permanent residence, his constitutional status changes accordingly.”).

Third, Petitioner’s prolonged detention—exceeding fifteen months—without meaningful custody review has become punitive and arbitrary, violating substantive due process. *Zadvydas*, 533 U.S. at 690 (“[G]overnment detention violates [the Due Process] Clause unless the detention is ordered in a criminal proceeding with adequate procedural protections or, in certain special and ‘narrow’ nonpunitive ‘circumstances.’”); *Demore v. Kim*, 538 U.S. 510, 531 (2003) (Kennedy, J., concurring) (expressing concern about “unreasonable delay” in proceedings); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (indefinite civil detention requires “narrow” justification).

Fourth, Respondents’ detention is arbitrary and capricious under the APA. They failed to consider: that Petitioner has withholding and cannot be removed to Russia; that his identically-situated wife has asylum and is released; that he has a statutory right to derivative asylum; that he has no criminal history; and that he poses no danger or flight risk. *See* 5 U.S.C. § 706(2)(A); *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1 (2020) (failure to consider reliance interests is arbitrary and capricious).

Fifth, the grossly disparate treatment of Petitioner and his wife—identical claims, identical evidence, identical credibility findings, vastly different outcomes—violates equal protection principles incorporated through the Fifth Amendment. *See Bolling v. Sharpe*, 347 U.S. 497 (1954); *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (“class-of-one” equal protection claims).

Sixth, Respondents have violated their own regulations by failing to make individualized custody determinations as required by 8 C.F.R. §§ 236.1, 1236.1. Agency action that violates the agency’s own regulations is unlawful. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Service v. Dulles*, 354 U.S. 363 (1957).

Seventh, Petitioner's prolonged detention contravenes international legal obligations under the 1951 Refugee Convention and its 1967 Protocol, which inform interpretation of the INA. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 439 (1987); *Murray v. Schooner Charming Betsy*, 6 U.S. (2 Cranch) 64, 118 (1804) (Charming Betsy doctrine).

5. The urgency of this Petition cannot be overstated. Every day Petitioner remains detained is another day of unlawful deprivation of liberty. He has been separated from his wife—who has asylum for identical persecution—for over fifteen months. His detention serves no legitimate governmental purpose. He is not dangerous. He is not a flight risk. He is entitled to derivative asylum as a matter of statutory right. Accordingly, Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release, or alternatively, ordering Respondents to provide him with an individualized bond hearing within fourteen (14) days, with the Government bearing the burden to justify continued detention by clear and convincing evidence.

JURISDICTION

6. This action arises under the Constitution, the INA, 8 U.S.C. § 1101 *et seq.*, the APA, 5 U.S.C. § 701 *et seq.*, and international treaties including the 1951 Refugee Convention and 1967 Protocol.
7. This Court has subject matter jurisdiction under: (a) **28 U.S.C. § 2241(c)(3)** (habeas corpus for persons “in custody in violation of the Constitution or laws or treaties of the United States”); (b) **28 U.S.C. § 1331** (federal question jurisdiction); (c) **Article I, Section 9, Clause 2** of the Constitution (Suspension Clause), *see Boumediene v. Bush*, 553 U.S. 723, 745 (2008) (“The Clause protects the rights of the detained by affirming the duty and authority of the Judiciary to call the jailer to account.”); and (d) **5 U.S.C. § 702** (APA judicial review).
8. This Court may grant relief under the habeas corpus statutes (28 U.S.C. § 2241 *et seq.*), the Declaratory Judgment Act (28 U.S.C. § 2201 *et seq.*), the All Writs Act (28 U.S.C. § 1651), the APA (5 U.S.C. §§ 702, 706), and its inherent equitable powers.
9. The “essence of habeas corpus is an attack by a person in custody upon the legality of that custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Petitioner’s challenge falls within the “core” of habeas. *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (“[B]ecause their claims for relief ‘necessarily imply the invalidity’ of their confinement . . . , their claims fall within the ‘core’ of the writ of habeas corpus.”).
10. No statutory provision divests this Court of jurisdiction. While INA § 242 limits certain review, it does not preclude habeas review of statutory detention authority or constitutional claims. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-91 (2018); *Demore*, 538 U.S. at 517; *Webster v. Doe*, 486 U.S. 592, 603 (1988) (“Where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear.”); *INS v. St. Cyr*, 533 U.S. 289, 298-99 (2001) (habeas jurisdiction preserved absent clear congressional statement).

VENUE

11. Venue is proper because Petitioner is detained within the Western District of Texas at the Eden Detention Center, 702 East Broadway, Eden, Texas 76837, in Concho County, within the San Angelo Division. *See* 28 U.S.C. § 124(d)(3); *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (“[T]he proper respondent is the warden of the facility where the prisoner is being held.”).
12. Venue is further proper because a substantial part of the events occurred in this District, where Petitioner is detained and where ICE’s San Antonio Field Office implements the challenged detention policies. 28 U.S.C. § 1391(e)(1).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

13. Under 28 U.S.C. § 2243, this Court must grant the petition or issue an order to show cause “forthwith,” unless the petition shows the petitioner is not entitled to relief. If an OSC issues, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
14. The Great Writ is “perhaps the most important writ known to the constitutional law of England, 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). “The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty, and they understood the writ of habeas corpus as a vital instrument to secure that freedom.” *Boumediene*, 553 U.S. at 739.
15. Petitioner is unquestionably “in custody” for § 2241 purposes—physically detained at the Eden Detention Center since October 20, 2024, exceeding fifteen (15) months.

PARTIES

16. Petitioner DMITRII SIGULIA is a citizen and national of Russia, currently detained at the Eden Detention Center, 702 East Broadway, Eden, Texas 76837. His immigration file number is [REDACTED]. He has been continuously detained since October 20, 2024.
17. Respondent COREY A. PRICE is the Field Office Director for ICE/ERO San Antonio Field Office, which has responsibility for the Eden Detention Center and Prairieland Detention Center. The San Antonio Field Office manages Petitioner’s detention. Respondent Price is Petitioner’s legal custodian. *See Rumsfeld v. Padilla*, 542 U.S. at 435-36.
18. Respondent WARDEN OF EDEN DETENTION CENTER is the official responsible for day-to-day custody of Petitioner at the Eden Detention Center, an immediate custodian under 28 U.S.C. § 2242.
19. Respondent TODD LYONS is the Acting Director of ICE, with ultimate authority over ICE policies including the challenged detention policies. He supervises all Field Office Directors. He is Petitioner’s legal custodian.
20. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is the federal agency responsible for civil immigration enforcement, which promulgated the July 2025

“Interim Guidance Regarding Detention Authority for Applicants for Admission” that has been declared unlawful by numerous federal courts.

21. Respondent KRISTI NOEM is the Secretary of DHS, with ultimate authority over DHS and its component agencies including ICE. She is charged with administering the immigration laws. She is Petitioner’s legal custodian.
22. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is the federal executive department encompassing ICE, CBP, and USCIS.
23. Respondent PAMELA BONDI is the Attorney General of the United States, with authority over DOJ including EOIR (Immigration Courts and BIA). The INA delegates certain detention authority to the Attorney General. 8 U.S.C. § 1226(a). She has authority over the BIA, which issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)—a decision rejected as incorrect by the overwhelming majority of federal courts.
24. All Respondents are sued in their official capacities. *Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985).

LEGAL FRAMEWORK

A. The Statutory Framework for Immigration Detention

25. The INA establishes distinct statutory frameworks for detention at different stages of the immigration process. Understanding these provisions is essential because Respondents’ central error is treating Petitioner under the wrong statutory authority. *See Jennings*, 583 U.S. at 303 (“[T]he INA . . . is not known for its clarity.”). However, the basic structure is clear: different provisions govern different stages, carrying different consequences for detention and release.

1. INA § 235: “Applicants for Admission” at the Border

26. INA § 235, 8 U.S.C. § 1225, governs “inspection by immigration officers” and processing of “applicants for admission” who are “arriving” at ports of entry. Section 235(a)(1) states that “[a]n alien present in the United States who has not been admitted . . . shall be deemed for purposes of this chapter an applicant for admission.” The Government seizes upon this language to argue that *all* unadmitted noncitizens—even those who lived in the U.S. for years—are “applicants for admission” subject to § 235. Over 100 federal judges have rejected this interpretation.
27. Section 235(b)(1) establishes “expedited removal” for certain inadmissible aliens at the border. Section 235(b)(2) addresses other “applicants for admission” referred for § 240 proceedings: “[I]f the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 240.” The Government interprets this as mandating detention without bond eligibility.

2. INA § 236: Noncitizens in the Interior

28. INA § 236, 8 U.S.C. § 1226, governs detention of noncitizens “already present” in the United States placed in removal proceedings. *Jennings*, 583 U.S. at 288-89. Section

236(a) provides the Attorney General “*may*” release a noncitizen “on bond of at least \$1,500” or “conditional parole.” 8 U.S.C. § 1226(a)(2). This permissive language—“may release”—contrasts with § 235(b)(2)’s mandatory “shall be detained.”

29. Implementing regulations authorize Immigration Judges to conduct bond hearings for § 236(a) detainees. *See* 8 C.F.R. §§ 236.1(d), 1236.1(d), 1003.19; *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006) (setting bond factors). Section 236(c) mandates detention for specific criminal or terrorist categories—demonstrating that when Congress intends mandatory detention, it does so explicitly. Petitioner is not subject to § 236(c).

3. The Critical Distinction Between § 235 and § 236

30. The Supreme Court explained: “[S]ection 1225(b) applies primarily to aliens seeking entry into the United States. . . . [S]ection 1226 applies to aliens already present in the United States.” *Jennings*, 583 U.S. at 297, 303. For nearly 30 years, DHS/INS interpreted § 235 as governing noncitizens apprehended at or near the border upon arrival, while § 236 governs interior apprehensions. In July 2025, DHS abruptly reversed course with its “Interim Guidance,” instructing officers to treat *any* unadmitted noncitizen as subject to mandatory § 235(b)(2) detention. This unprecedented reinterpretation contradicted nearly three decades of practice.

4. Federal Courts Have Unanimously Rejected the Government’s Interpretation

31. Over 100 federal judges have rejected the Government’s interpretation. In *Maldonado Bautista v. Santacruz*, the Central District of California: (1) granted partial summary judgment on November 20, 2025, finding DHS’s policy violated the INA; (2) certified a nationwide “Bond Eligible Class” on November 25, 2025; and (3) entered final judgment on December 18, 2025, declaring class members detained under § 1226(a), entitled to bond hearings, and vacating DHS’s July 2025 guidance as unlawful.
32. The *Maldonado Bautista* court found “Respondents’ interpretation runs counter to the plain language of the INA, foundational principles of statutory interpretation, and the INA’s statutory scheme.” Similarly, *Guerrero Orellana v. Moniz* (D. Mass. Dec. 19, 2025) granted summary judgment, certifying a New England class. *J-C-R-M- v. Wamsley* (D. Or. Dec. 9, 2025) granted habeas, noting the Government “conceded the merits of Petitioner’s claims” by failing to contest them.
33. While the BIA issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), adopting the Government’s interpretation, federal courts are not bound by BIA decisions. *See Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 982-83 (2005). The overwhelming majority of federal courts have found *Yajure Hurtado* incorrectly decided. *See Rodriguez Cabrera*, 2025 WL 3072687, at *3 (“The overwhelming majority of district courts . . . have found [the interpretation] incorrect and unlawful.”); *Ramirez v. Noem*, 2025 WL 3270137, at *5 (finding administrative exhaustion futile because of *Yajure Hurtado*).

B. The Right to Seek Asylum and Derivative Asylum

34. The Refugee Act of 1980 established asylum as a cornerstone of U.S. immigration law, reflecting “the historic policy of the United States to respond to the urgent needs of

persons subject to persecution.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). While asylum grants are discretionary, the *right to apply* is statutory and mandatory. 8 U.S.C. § 1158(a)(1).

35. Withholding of removal under INA § 241(b)(3) provides mandatory protection but is categorically inferior to asylum: no path to permanent residence or citizenship; no family reunification rights; more precarious status; and country-specific protection only (removal to third countries remains possible).
36. INA § 208(b)(3)(A) provides for derivative asylum for spouses/children of asylees: “A spouse or child . . . of an alien who is granted asylum . . . may . . . be granted the same status as the alien if accompanying, or following to join, such alien.” The derivative *need not independently establish persecution*; eligibility derives entirely from the principal’s grant and the qualifying relationship. *See* 8 C.F.R. § 1208.21(a).
37. Congress created derivative asylum to preserve family unity. S. Rep. No. 96-256, at 9 (1979) (“The Committee wishes to emphasize that the family unit should be maintained and that every effort should be made to keep families together.”); *Matter of A-H-*, 23 I&N Dec. 774, 779 (A.G. 2005) (“Family unity is an important consideration in our immigration law.”).

C. Constitutional Due Process Protections

38. The Fifth Amendment’s Due Process Clause protects “all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. Asylum seekers are guaranteed due process. *Reno v. Flores*, 507 U.S. 292, 306 (1993).
39. **Procedural Due Process** requires notice and opportunity to be heard before deprivation of liberty. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). The three *Mathews* factors—private interest, risk of erroneous deprivation, and government interest—all favor individualized bond hearings: (1) liberty is among the most fundamental interests; (2) categorical policies cannot account for individual circumstances, creating substantial error risk; (3) the Government’s interest is in ensuring appearance and protecting the community—neither served by detaining individuals who pose no danger or flight risk.
40. **Substantive Due Process** prohibits government conduct that “shocks the conscience” or is “arbitrary in the constitutional sense.” *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). Civil detention may serve only regulatory purposes—preventing danger and ensuring appearance—not punishment. *Zadvydas*, 533 U.S. at 690. Prolonged detention without meaningful review raises serious concerns. *Demore*, 538 U.S. at 531 (Kennedy, J., concurring); *Rodriguez v. Robbins*, 804 F.3d 1060, 1085-86 (9th Cir. 2015). Petitioner’s fifteen-plus months far exceeds any reasonable period.
41. **Equal Protection** principles apply to the federal government through the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497 (1954). Petitioner and his wife are identically situated: same persecution, same entry, same applications, same evidence, both found credible. Yet she has asylum and freedom; he has only withholding and detention. This irrational disparate treatment violates equal protection.

D. The Administrative Procedure Act

42. The APA requires courts to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” “contrary to constitutional right,” “in excess of statutory jurisdiction,” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).
43. Action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view.” *State Farm*, 463 U.S. at 43. An agency “may not depart from a prior policy sub silentio.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). Failure to consider reliance interests is arbitrary and capricious. *Regents*, 591 U.S. at 24-33.

E. International Law Obligations

44. The 1951 Refugee Convention and 1967 Protocol, to which the U.S. acceded in 1968, restrict refugee detention. Article 31 prohibits penalties on refugees who enter without authorization if they “present themselves without delay.” While not directly incorporated, these obligations inform INA interpretation. *Cardoza-Fonseca*, 480 U.S. at 439; *Murray v. Schooner Charming Betsy*, 6 U.S. (2 Cranch) 64, 118 (1804). UNHCR guidelines provide detention should be a last resort, based on individual assessment, and not prolonged. Petitioner’s detention contravenes these standards.

FACTUAL BACKGROUND

A. Petitioner’s Background and Flight from Persecution

45. Petitioner DMITRII SIGULIA is a citizen and national of Russia. He and his wife, ARINA SIGULIA ([REDACTED]), fled Russia due to persecution based on their political opinion. They were lawfully married in Russia prior to departure.
46. Petitioner and his wife experienced serious persecution in Russia on account of [REDACTED]. The persecution was sufficiently severe that they feared for their lives and safety if they remained.
47. Petitioner and his wife fled Russia together, arriving in the United States on October 20, 2024. They sought protection from the persecution they had experienced and feared upon return.

B. Apprehension and Placement in Removal Proceedings

48. Upon arrival on October 20, 2024, Petitioner and his wife were apprehended by immigration authorities. Both were placed in removal proceedings under INA § 240, 8 U.S.C. § 1229a. Both immediately indicated their intention to apply for asylum and fear of return.

49. Despite being married with identical claims, Petitioner and his wife were assigned to different Immigration Judges. The Court declined consolidation requests, resulting in separate hearings.
50. Petitioner has been continuously detained since October 20, 2024. He is currently detained at the Eden Detention Center, 702 East Broadway, Eden, Texas 76837. His detention is managed through ICE's San Antonio Field Office and the Prairieland Detention Center operations.

C. Identical Claims, Disparate Outcomes

51. The factual circumstances underlying both applications were identical:
 - Both experienced the same persecutory acts from the same persecutors;
 - Both feared return to Russia for the same reasons;
 - Both based claims on political opinion;
 - Both provided identical corroborating evidence of Russian country conditions;
 - Both testified credibly to the same threats and harm; and
 - Both were found credible by their respective Immigration Judges.
52. On July 15, 2025, Immigration Judge Abdias E. Tida conducted Petitioner's merits hearing at the El Paso Immigration Court. The Court found Petitioner credible and granted withholding of removal under INA § 241(b)(3)—but not asylum.
53. On September 25, 2025—over two months later—a different Immigration Judge at the same Court granted asylum to Petitioner's wife based on the same circumstances. Her asylum grant became final (no appeal). She was released and now resides lawfully in the United States as an asylee.
54. The disparity is stark and unexplainable: Two spouses who fled identical persecution together, entered together, filed identical applications, presented identical evidence, and were both found credible received vastly different outcomes. Mrs. Sigulia has asylum and freedom; Petitioner has only withholding and remains detained.

D. Petitioner's Pending Motion to Reopen for Derivative Asylum

55. Following his wife's asylum grant, Mrs. Sigulia filed Form I-730, Refugee/Asylee Relative Petition, with USCIS seeking derivative asylum for Petitioner. This petition remains pending.
56. Additionally, Petitioner filed a Motion to Reopen pursuant to 8 C.F.R. § 1003.2(c)(3)(ii) and INA § 240(c)(7) seeking derivative asylum based on his wife's grant. The Motion is based on materially changed circumstances—the September 25, 2025 asylum grant—arising after the July 15, 2025 order. Under the asylum-based motion to reopen exception, there is no time limitation on changed-circumstances motions.
57. Petitioner's Motion remains pending. As a derivative applicant, he need not independently establish persecution; eligibility derives entirely from his wife's grant and

their qualifying relationship. He satisfies all requirements: (1) wife has asylum; (2) he is her lawful spouse; (3) marriage existed at filing; and (4) he is admissible (evidenced by withholding grant).

E. Petitioner's Prolonged Detention

58. Petitioner has been detained over fifteen (15) months since October 20, 2024. During this time, he has:

- Had no disciplinary problems whatsoever;
- Fully complied with all detention requirements and proceedings;
- Appeared at all hearings and cooperated with authorities;
- Filed appropriate applications and pursued all remedies; and
- Demonstrated no indication of danger or flight risk.

59. Despite prolonged detention, Respondents have not provided Petitioner an individualized bond hearing. They categorically deny bond hearings to individuals who entered without inspection based on the erroneous § 235(b)(2) interpretation rejected by over 100 federal judges.

60. Petitioner has no criminal history whatsoever—never arrested, charged, or convicted anywhere. He poses no danger to the community.

61. Petitioner is not a flight risk. His wife, an asylee, resides in the U.S. He has strong family ties and compelling reasons to remain and pursue relief. His wife's pending I-730 and his Motion to Reopen provide powerful incentives to appear and comply.

62. Petitioner's detention serves no legitimate purpose. He cannot be removed to Russia (withholding). He has a pending derivative asylum claim. He poses no danger or flight risk. His detention has become purely punitive and arbitrary.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act Unlawful Detention Under Wrong Statutory Authority 8 U.S.C. §§ 1225, 1226

63. Petitioner incorporates all preceding paragraphs.

64. INA § 236(a), 8 U.S.C. § 1226(a), governs detention of noncitizens apprehended in the interior placed in removal proceedings. Section 236(a) provides that such noncitizens “may” be released on bond or conditional parole and are entitled to bond hearings. *See* 8 C.F.R. §§ 236.1, 1236.1, 1003.19; *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

65. INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), governs “applicants for admission” who are “arriving” at ports of entry—not individuals apprehended in the interior. The

Government's categorical policy treating all unadmitted noncitizens as subject to mandatory § 235(b)(2) detention has been rejected by over 100 federal judges.

66. Petitioner qualifies as a Bond Eligible Class member under *Maldonado Bautista*: (1) he entered without inspection; (2) he was not apprehended upon arrival at the border; and (3) he is not subject to mandatory detention under §§ 1226(c), 1225(b)(1), or 1231.
67. Under the law as declared by numerous federal courts, Petitioner is detained under § 1226(a) and entitled to a bond hearing. Respondents' categorical denial violates the INA.

COUNT TWO

Violation of the Administrative Procedure Act

Action Not in Accordance with Law – 5 U.S.C. § 706(2)(A)

68. Petitioner incorporates all preceding paragraphs.
69. Under the APA, courts “shall . . . hold unlawful and set aside agency action” that is “not in accordance with law,” “contrary to constitutional right,” “in excess of statutory jurisdiction,” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).
70. Respondents' detention without individualized determination is not in accordance with the INA and its regulations requiring individualized custody determinations. *See* 8 C.F.R. §§ 236.1, 1236.1.
71. Respondents' categorical § 235(b)(2) policy is contrary to law, as recognized by over 100 federal judges. The *Maldonado Bautista* court vacated DHS's July 2025 guidance as unlawful under the APA.
72. Respondents' continued detention pursuant to this unlawful policy violates the APA.

COUNT THREE

Violation of the Administrative Procedure Act

Arbitrary and Capricious Action – 5 U.S.C. § 706(2)(A)

73. Petitioner incorporates all preceding paragraphs.
74. Agency action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem.” *State Farm*, 463 U.S. at 43.
75. Respondents' continued detention is arbitrary and capricious because they entirely failed to consider: (a) Petitioner has withholding and cannot be removed to Russia; (b) his identically-situated wife has asylum and is released; (c) he has a statutory right to derivative asylum; (d) he has no criminal history; (e) he poses no danger or flight risk; and (f) continued detention serves no legitimate purpose.
76. By categorically detaining Petitioner without individualized assessment, Respondents acted arbitrarily and capriciously.

COUNT FOUR

**Violation of the Fifth Amendment
Procedural Due Process**

77. Petitioner incorporates all preceding paragraphs.
78. The Due Process Clause prohibits deprivation of liberty “without due process of law.” U.S. Const. amend. V. Due process protects all persons within the U.S., including noncitizens. *Zadvydas*, 533 U.S. at 693.
79. Procedural due process requires individualized hearings before a neutral decision-maker. *Mathews*, 424 U.S. at 333. The Government’s blanket mandatory detention policy without individualized assessment is constitutionally deficient.
80. Petitioner has been detained over fifteen months without any individualized hearing determining whether continued detention is justified. This violates procedural due process.
81. All *Mathews* factors favor an individualized bond hearing: (a) Petitioner’s profound liberty interest; (b) substantial risk of erroneous deprivation under categorical procedures; (c) minimal government interest where Petitioner poses no danger or flight risk.

COUNT FIVE

**Violation of the Fifth Amendment
Substantive Due Process**

82. Petitioner incorporates all preceding paragraphs.
83. Substantive due process prohibits arbitrary, unreasonable, or punitive detention. *Zadvydas*, 533 U.S. at 690. Civil immigration detention may serve only regulatory purposes—preventing danger and ensuring appearance—not punishment.
84. Petitioner’s detention is arbitrary and unreasonable. He has withholding (cannot be removed to Russia). He has a pending derivative asylum claim. His identically-situated wife has asylum and is released. He has no criminal history. He poses no danger or flight risk.
85. Petitioner’s prolonged detention—exceeding fifteen months—raises serious constitutional concerns. *Zadvydas*, 533 U.S. at 682 (“a statute permitting indefinite detention . . . would raise a serious constitutional problem”). His detention has become punitive, violating substantive due process.

COUNT SIX

**Violation of the Fifth Amendment
Equal Protection**

86. Petitioner incorporates all preceding paragraphs.

87. Equal protection principles apply to the federal government through the Fifth Amendment. *Bolling*, 347 U.S. 497.
88. Petitioner and his wife fled identical persecution, entered together, filed identical applications, presented identical evidence, and were both found credible. Despite being identically situated, Petitioner remains detained while his wife is free with asylum.
89. This grossly disparate treatment resulted solely from random judge assignment and is not rationally related to any legitimate governmental interest. Continued detention while his identically-situated spouse is free violates equal protection.

COUNT SEVEN

Violation of the Administrative Procedure Act Failure to Follow Agency Regulations – 5 U.S.C. § 706(2)(D)

90. Petitioner incorporates all preceding paragraphs.
91. Agency action that violates the agency's own regulations is unlawful. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Service v. Dulles*, 354 U.S. 363 (1957).
92. Respondents have failed to make individualized custody determinations as required by 8 C.F.R. §§ 236.1, 1236.1. This failure to follow their own regulations violates the APA.

COUNT EIGHT

Violation of International Law Obligations 1951 Refugee Convention and 1967 Protocol

93. Petitioner incorporates all preceding paragraphs.
94. The U.S. acceded to the 1967 Protocol (incorporating the 1951 Refugee Convention) in 1968. These obligations inform INA interpretation. *Cardoza-Fonseca*, 480 U.S. at 439; *Charming Betsy*, 6 U.S. at 118.
95. Article 31 of the Convention prohibits penalties on refugees who enter without authorization if they present themselves without delay. UNHCR guidelines provide detention should be a last resort, individualized, and not prolonged.
96. Petitioner's prolonged detention without individualized assessment contravenes these international obligations, which inform the proper interpretation of the INA to require individualized bond hearings.

PRAYER FOR RELIEF

WHEREFORE, Petitioner DMITRII SIGULIA respectfully requests that this Court:


- (I) Assume jurisdiction over this matter;

- (2) **Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;**
- (3) **Declare that Petitioner is detained under INA § 236(a), 8 U.S.C. § 1226(a), and is entitled to a bond hearing before an Immigration Judge;**
- (4) **Declare that Respondents' categorical mandatory detention policy for individuals who entered without inspection violates the INA, the APA, and the Fifth Amendment;**
- (5) **Declare that Petitioner's continued detention without an individualized determination violates the Fifth Amendment;**
- (6) **Issue a Writ of Habeas Corpus ordering Petitioner's immediate release from custody;**
- (7) **In the alternative, order Respondents to provide Petitioner with a bond hearing within fourteen (14) days, with the Government bearing the burden of proving by clear and convincing evidence that Petitioner poses a danger or flight risk;**
- (8) **Order that before any future re-detention, Respondents must provide written notice and a hearing with Respondents bearing the burden of establishing danger or flight risk by clear and convincing evidence;**
- (9) **Issue an Order prohibiting Respondents from transferring Petitioner out of this District without thirty (30) days' prior notice to the Court and Petitioner;**
- (10) **Retain jurisdiction under the All Writs Act, 28 U.S.C. § 1651, pending final resolution of Petitioner's removal proceedings;**
- (11) **Grant any other relief this Court deems just and proper.**

Respectfully submitted,



DMITRII SIGULIA
Petitioner, Pro Se


Eden Detention Center
702 East Broadway
Eden, Texas 76837

Dated: 5 February, 2026

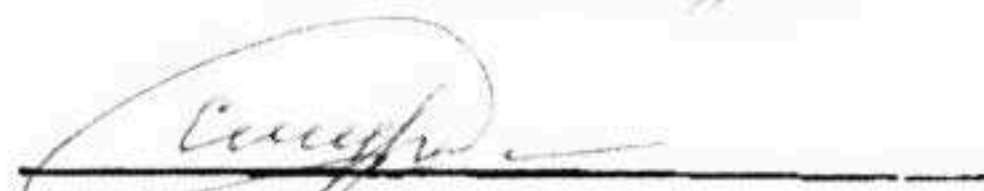
VERIFICATION

I, **DMITRI SIGULIA**, hereby declare under penalty of perjury that:

1. I am the Petitioner in this **action**.
2. I have read the foregoing **Petition for Writ of Habeas Corpus** and know the contents thereof.
3. The facts stated in the **Petition** are true and correct to the best of my **knowledge, information, and belief**.
4. I am currently detained at the **Eden Detention Center, 702 East Broadway, Eden, Texas 76837**.
5. I have been continuously detained since **October 20, 2024**, a period **exceeding fifteen (15) months**.
6. I have no **criminal history** and have never been arrested for, charged with, or convicted of any crime.
7. My wife, **ARINA SIGULIA** (~~XXXXXXXXXX~~), was granted asylum on **September 25, 2025**, based on the **same persecution** we both experienced in **Russia**.
8. I have a pending **Motion to Reopen** before the **Immigration Court** seeking **derivative asylum** based on my wife's asylum grant.
9. I am not a danger to the community and I am not a flight risk. I have **strong family ties** in the United States through my wife, who is an asylee.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 5 February, 2026, at Eden, Texas.


DMITRI SIGULIA
Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of February, 2026, a true and correct copy of the foregoing **PETITION FOR WRIT OF HABEAS CORPUS** was served upon the following parties by placing the same in the United States Mail, postage prepaid, addressed as follows:

San Antonio Field Office Director
U.S. Immigration and Customs Enforcement
8940 Fourwinds Drive, Suite 312
San Antonio, Texas 78239

Warden, Eden Detention Center
702 East Broadway
Eden, Texas 76837

United States Attorney's Office
Western District of Texas
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530



DMITRII SIGULLA
Petitioner, Pro Se