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2 CONSTANTIN BADRAJAN
3 CEO Folkston IPC
4 Detainee A249406128
5 3026 Hwy 252 East
6 Folkston, GA 31537

7 Pro Se Petitioner

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

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8 UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF GEORGIA
10 WAYCROSS DIVISION

11 CONSTANTIN BADRAJAN


12
13 Petitioner,

14 vs.

15 PAMELA BONDI, Attorney General of
16 the United States; KRISTI NOEM,
17 Secretary of the Department of
18 Homeland Security; DAN JONES,
19 Assistant Field Office Director of
Atlanta Field Office; Warden of
Folkston Annex Detention Facility

20 Respondents

Case No.: 5:26cv0210

Agency No. 

PETITION FOR A WRIT OF HABEAS
CORPUS

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2 TO THE HONORABLE JUDGE OF THE COURT:

3 Comes CONSTANTIN BADRAJAN, and files the instant Petition for Writ
4 of Habeas Corpus under 28 U.S.C. §§2241, and 1651 and complains of PAMELA
5 BONDI, Attorney General of the United States; KRISTI NOEM, Secretary of the
6 U.S. Department of Homeland Security; DAN JONES, Assistant Field Office
7 Director of Atlanta Field Office and Warden of Folkston Annex Detention Facility
8 who in charge of the Folkston Annex Deportation Facility in Folkston, Georgia, by
9 whom he is unlawfully restrained of his liberty, and respectfully shows the
10 following good reasons detailed below.
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14 **JURISDICTION AND VENUE**

- 15 1. This action arises under the Constitution of the United States and the
16 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
17
18 2. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C.
19 §1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02
20 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution
21 (Suspension Clause).
22
23 3. The federal district courts have jurisdiction under Section 2241 to hear habeas
24 claims by individuals challenging the lawfulness of their detention by ICE. See,
25 e.g., *Demore v. Kim*, 538 U.S. 510 (2003); *Zadvydas v. Davis*, 533 U.S. 678
26 (2001).
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2 4. The Supreme Court upheld the federal courts' jurisdiction to review such claims
3 in *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018).

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5 5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
6 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs
7 Act, 28 U.S.C. § 1651.

8
9 6. Venue is proper because Petitioner is detained at Folkston Detention Center, in
10 Folkston, Georgia, which is within the jurisdiction of this District.

11 **PARTIES**

12 7. Mr. Badrajan is currently detained by Respondents in the Folkston Detention
13 Center.

14
15 8. The name of Warden of Folkston Detention Center is not disclosed publicly. The
16 person responsible for said institution, where Mr. Badrajan is currently detained
17 under the authority of ICE has direct control over his physical custody. They are
18 sued in their official capacity.

19
20 9. Respondent Dan Jones is the acting Director of ICE's Atlanta Field Office,
21 which has jurisdiction over ICE detention facilities in Georgia, including Folkston
22 Detention Center, and thus is Mr. Badrajan's immediate custodian. He is sued in
23 his official capacity.
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2 10. Respondent Kristi Noem is the Secretary of the Department of Homeland
3 Security (DHS), which is responsible for the administration of ICE, and the
4 implementation and enforcement of the immigration laws. As such, Mrs. Noem is
5 the ultimate legal custodian of Mr. Badrajan. She is sued in her official capacity.
6

7 11. Respondent Pam Bondi is the Attorney General of the United States and
8 head of the Department of Justice, which encompasses the BIA and the
9 Immigration Courts. Mrs. Bondi shares responsibility for the implementation and
10 enforcement of the immigration laws with Respondent Noem. Mr. Bondi is a legal
11 custodian of Mr. Badrajan. She is sued in her official capacity.
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14 **STATEMENT OF RELEVANT FACTS**

15 12. Petitioner Constantin Badrajan is a thirty-two (32) year old native and citizen
16 of Moldova, who fled his home country and entered the United States on June 16,
17 2024, as his life was at imminent risk of persecution in his native country.
18

19 13. Mr. Badrajan has been in custody of the Department of Homeland Security
20 (thereafter "DHS") since June 16, 2024.

21 14. Currently Mr. Badrajan is being detained at Folkston Detention Center.

22 15. Mr. Badrajan timely filed his Form I-589 application for asylum and
23 withholding of removal.
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2 16. On December 18, 2024, at the conclusion of the merits hearing, the
3 Immigration Judge at Court issued oral decision granting the relief in the form of
4 withholding of removal.
5

6 17. On January 16, 2025, the DHS filed an appeal from the judge's decision, with
7 the Board of Immigration Appeals (thereafter "BIA").
8

9 18. On August 1, 2025, the BIA dismissed the government's appeal.

10 19. On November 11, 2025, Mr. Badrajan filed motion to reopen with the BIA.

11 20. As of the filing of this Petition, motion to reopen remains pending with the
12 BIA.
13

14 21. This motion does not affect the final withholding of removal relief order
15 granted on August 1, 2025.

16 **LEGAL FRAMEWORK AND ARGUMENT**

17 **Mr. Badrajan Is Detained Pursuant to the Pre-Removal Period**

18 **Detention Statue 8 U.S.C. §1226**

19 **A. The Immigration Detention Statutes**

20
21 22. Two main provisions of the Immigration and Nationality Act (INA) govern the
22 detention of noncitizens pending removal: 8 U.S. C. §§ 1226 and 2131.1 Section
23 1226 governs detention of individuals "pending a decision on whether [they are] to
24 be removed from the United States." 8 U.S.C. § 1226(a). Section 1231 governs
25 detention of individuals during and, in some cases, after the "removal period," 8
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2 U.S.C. §1231(a)(1)(A), i.e., while they are awaiting removal after exhausting the
3 available legal avenues to challenge a final removal order.

4
5 23. Detention under Section 1226 is generally discretionary. *Jennings v.*
6 *Rodriguez*, 138 S. Ct. at 846.

7 24. Only under special, limited circumstances – not applicable here, does Section
8 1226 mandate detention. *See* 8 U.S.C. § 1226(c) (the government “shall take into
9 custody any alien” who has committed certain criminal offenses “when the alien is
10 released” from criminal custody).

11
12 25. During pendency of the immigration court proceedings Mr. Badrajan requested
13 bond hearing twice—on September 25, 2024 and October 29, 2024. Both requests
14 were denied.
15

16 26. Section 8 U.S.C. § 1231 comes into play once an individual has exhausted
17 legal avenues to challenge his removal order and there is no longer any legal
18 impediment to his removal. That section mandates detention only during the initial
19 90-day “removal period,” -- 8 U.S.C. § 1231(a)(1)(A)- the time window during
20 which the government typically effectuates the individual’s removal. The removal
21 period “begins on the latest of the following:
22

- 23
24 i. The date the order of removal becomes administratively final.
25 ii. If the removal order is judicially reviewed and if a court orders
26 stay of the removal of the alien, the date of the court’s final order.
27

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2 iii. If the alien is detained or confined (except under an immigration process),
3 the date the alien is released from detention or confinement.
4

5 *Id.* § 1231(a)(1)(B).

6 27. The removal period may be extended beyond 90 days if the individual “fails or
7 refuses to make timely application in good faith for travel or other documents
8 necessary to [his] departure or conspires or acts to prevent [his] removal.” *Id.* §
9 1231(a)(1)(C).
10

11 **B. Mr. Badrajan is Entitled to Immediate Release or a Bond Hearing**
12 **Under Section 1226(a)**

13
14 28. Mr. Badrajan was granted Withholding of Removal on August 1, 2025, and he
15 is entitled to immediate release. Further, Mr. Badrajan has never been convicted of
16 a crime, is not and has never been subject to mandatory detention under Section
17 1226(c).
18

19 29. Under 1226(a), Mr. Badran is immediately eligible for relapse, given the
20 prolonged nature of his civil detention and his negative criminal history.

21 30. As a matter of law, the government cannot meet its burden to show that Mr.
22 Badrajan is either a flight risk or danger to the community, particularly when there
23 exist numerous less restrictive means such as a reasonable money bond, supervised
24 release with regular reporting requirements, or electronic ankle monitoring. *See*
25 *Hernandez v. Sessions*, 872 F. 3d 976, 990-91 (9th Cir. 2017)
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2 **C. In the Alternative, Mr. Badrajan is Entitled to Immediate Release or a**
3 **Bond Hearing Under Section 1231(a)(6)**
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5 31 Even if the Court determines that Mr. Badrajan's detention is governed by
6 Section 1231, he is entitled to immediate release or, alternatively, an individualized
7 bond hearing to assess the necessity and legality of his continued detention, at
8 which the government bears the burden of proving that he is a flight risk or a
9 danger to the community.
10

11 32. Under section 1231(a)(1)(A) Mr. Badrajan's removal period commenced upon
12 the Immigration Judge's grant of Withholding of Removal became final on August
13 1, 2025, more than one hundred fifty days have passed. Multiple courts have held
14 that noncitizens are eligible for release under section 1231(a)(6) following the 90-
15 day removal period. *See Diouf v. Napolitano*, 684 F.3d 1081, 1092 (9th Cir. 2011);
16 *accord Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208, 224 (3d Cir.
17 2018); *see also* 8 C.F.R. §§241.4; 241.5(b) (regulations establishing bond
18 eligibility for non-citizens after the conclusion of the removal period).
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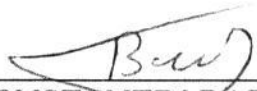
21 33. In *Zadyvdas*, the Supreme Court recognized that the Fifth Amendment's Due
22 Process Clause imposes limitation on the government's discretionary detention
23 authority under Section 1231(a)(6). *See Zadyvdas v. Davis*, 533 U.S. at 689. The
24 Court held that prolonged detention under Section 1231(a)(6) is no longer
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2 permissible if it is not reasonably related to the statutory purpose of ensuring the
3 individual's prompt removal. *See Id.* at 699-701
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5 WHEREFORE, Petitioner CONSTANTIN BADRAJAN respectfully prays
6 the Court to issue a writ of habeas corpus, commanding Respondents to appear
7 within 3 days and show cause why he should continue to be restrained of his
8 liberty, and, after hearing, to order his immediate release from detention.
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11 Dated: 02.06.2026
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Respectfully submitted,

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16 CONSTANTIN BADRAJAN
17 Petitioner
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