

WESTERN DISTRICT OF TEXAS
UNITED STATES COURT

FILED

MAR 13 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

Maksim Shapashnikau



Petitioner,

v.

Pamela Bondi, Attorney General, et al.,
Respondents.

Case No. EP-26-CV-00429-DCG

RESPONSE TO RESPONDENT'S RESPONSE
TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents' Arguments

The Respondents are stating that the Petitioner has not exhausted his administrative remedies prior to raising this issue in district court. They are stating that the Petitioner has never requested a bond hearing.

Respondents have concluded that the Petition should be denied because the District Court lacks jurisdiction. And in the alternate, the Respondents have suggested that this Court can stay these proceedings while the Petitioner seeks a bond hearing.

Response to Aforementioned Arguments

The Petitioner was told by an Immigration Judge, during his first court hearing, that he would not be allowed a bond. Even though the Respondents are claiming that a bond hearing was never requested by the Petitioner such claims are false.

The constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2d 578

(2004). (citing U.S. CONST. Art. 1, §9, cl.2) This includes immigration related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). The petitioner seeking habeas relief must demonstrate they are in custody in violation of the Constitution or federal law. 28 U.S.C. §2241 (c)(3); *Walker v. Johnston*, 312 U.S. 275, 286, 61 S. Ct. 574, 85 L. Ed. 830 (1941).

Since the Petitioner's detention a custody determination has never been conducted therefore there is a violation of the Constitution and therefore this Court has jurisdiction in this matter.

Conclusion

Since the Respondents are stating that the Petitioner has never requested a bond hearing let them provide evidence of court transcripts that show the contrary to what the Petitioner is alleging, that is that the Immigration Judge has informed Petitioner that a bond hearing will not be allowed him.

The Petitioner asks this Honorable Court to order the Respondents to release the Petitioner from custody or to conduct a custody determination in the form of a bond hearing where the government will bear the burden of proof to show that the Petitioner is a danger to the community or a flight risk by presenting clear and convincing evidence.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted this on
March 10th, 2026.



Maksim Shapashnikau, *Pro Se*

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CERTIFICATE OF SERVICE

I, Maksim Shapashnikau, certify that a true copy of the above document (Response to Respondents' Response to Petition for Writ of Habeas Corpus) was served on March 10th, 2026, upon the following:

Western District Court of Texas
Albert Armendariz, Sr. United States Courthouse
525 Magoffin Avenue
Room 105
El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.



Maksim Shapashnikau, *Pro Se*

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