

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

DMITRII SOROKIN,

No.

Petitioner,

v.

PAMELA BONDI, Attorney
General of the United States,
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security;
TODD M. LYONS, Director of
Enforcement and Removal
Operations for the United States;
and WARDEN, Folkston ICE
Processing Center,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS - 1

INTRODUCTION

Petitioner, Dmitrii Sorokin, A# [REDACTED] (hereinafter "Petitioner") is a citizen of Russia who Respondents have detained at the Folkston ICE Processing Center for over one year and three months. His removal proceedings resulted in a denial of his Asylum and Withholding of Removal claims (currently under appeal), and his detention is no longer reasonably related to its statutory purpose. Because he is likely to face many additional months in detention, and the likelihood of his eventual removal is negligible (he has a pending I-730 based on his wife's asylum grant), he seeks relief from this Court that would allow him to challenge his continuing, prolonged, and unconstitutional detention.

JURISDICTION

1. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS). He is detained at the Folkston ICE Processing Center in Folkston, Georgia, and is under the direct control of Respondents and their agents.

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

3. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).

4. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

5. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), (f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

VENUE

6. 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 Southern District of Georgia, the judicial district in which the Petitioner is currently in custody.

7. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United

1 States, and because a substantial part of the events or omissions giving rise to the
2 claims occurred in the Southern District of Georgia.
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5 **PARTIES**

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7 8. Petitioner is a citizen of Russia who arrived in the United States on or
8 about August 5th, 2024. He has been in custody of the Department of Homeland
9 Security (DHS) since that time. Petitioner applied for asylum and withholding of
10 removal.
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12 9. Respondent Todd Lyons is the acting director of U.S. Immigration
13 and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner.
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15 10. Respondent Kristi Noem is the Secretary of the Department of
16 Homeland Security (DHS) and has authority over the actions of all other DHS
17 Respondents in this case, as well as all operations of DHS. Respondent Noem is a
18 legal custodian of Petitioner and is charged with faithfully administering the
19 immigration laws of the United States.
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22 11. Respondent Pamela Bondi is the Attorney General of the United
23 States, and as such has authority over the Department of Justice and is charged
24 with faithfully administering the immigration laws of the United States.
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1 12. Respondent WARDEN is the Warden for the Folkston Annex. He is
2 responsible with overseeing Folkston Annex's administration and management. He
3 is Petitioner's immediate custodian. He is sued in his official capacity.
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5 **FACTUAL ALLEGATIONS**
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7 13. Petitioner is forty-nine years old. He is a native and citizen of Russia.
8 He entered the United States on or about August 5th, 2024. Petitioner has no
9 criminal history or arrests in the United States or abroad. Petitioner first entered the
10 United States at Diconcini Port of Entry with his wife (See Notice to Appear
11 attached hereto as Exhibit 1).
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13 14. On November 17th, 2024, Petitioner filed a Form I-589, Application
14 for Asylum and Withholding of Removal. On October 21st, 2025, an Immigration
15 Judge denied all of Petitioner's applications and ordered him removed from the
16 United States (See Order of the Immigration Judge attached hereto as Exhibit 2).
17 The Immigration Judge also denied Petitioner's Motion for a Grant of Derivative
18 Asylum based upon a final grant of asylum in his wife's proceedings as a
19 derivative on the same date. (See Order of the Immigration Judge 2 attached hereto
20 as Exhibit 3). On November 4th, 2025, Petitioner appealed the decision of the
21 Immigration Judge (See Notice of Appeal attached hereto as Exhibit 4). The
22 appeal is currently pending with the Board of Immigration Appeals.
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15. Petitioner has a pending I-730 to adjust status through his wife's grant of asylum (See Petitioner's I-730 Receipt attached hereto as Exhibit 5).

16. Despite prolonged detention since August 5th, 2024, ICE has not alleged or charged Petitioner with any crime or civil violation unrelated to his initial entry into the United States.

17. Petitioner has been deprived of liberty since his entry despite the absence of any criminal or immigration-law violation that would justify detention and despite his status as a derivative beneficiary of his wife's asylum grant and pending I-730.

LEGAL FRAMEWORK

Due Process Clause

18. The Due Process Clause of the Fifth Amendment provides Petitioner with important protections regarding her detention. As explained by the Supreme Court, “[f]reedom 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 v. Davis*, 533 U.S. 678, 690 (2001).

19. Per 8 U.S.C. § 1225(b)(1), the INA provides for the possibility of mandatory detention for noncitizens in expedited removal proceedings. Parole is also possible at the Department of Homeland Security's discretion.

1 20. Since the Supreme Court’s *Jennings v. Rodriguez*, 138 S. Ct. 830
2 (2018) decision, courts have expressed grave doubts that any statute that permits
3 arbitrary, prolonged detention without any process or safeguards is constitutional
4 or that those who founded our democracy precisely to protect against the
5 government’s arbitrary deprivation of liberty would have thought so. The Eleventh
6 Circuit Court of Appeals noted that “the constitutional case for continued
7 detention without inquiry into its necessity becomes more and more suspect as
8 detention continues past [the] thresholds” for removal proceedings contemplated
9 in *Demore*—i.e., one-and-a-half to five months. *Sopo v. U.S. Att’y Gen.*, 825 F.3d
10 1199, 1217 (11th Cir. 2016) (quoting *Diop v. ICE/Homeland Sec.*, 656 F.3d 221,
11 234) (emphasis omitted). Specifically, the Court concluded that “[t]he need for a
12 bond inquiry is likely to arise in *the six-month to one-year window*.” *Id.* (emphasis
13 added); *see also id.* (describing a one-year mark as the “outer limit of
14 reasonableness”).

15 21. In *Sopo*, the Eleventh Circuit held that once “a detained criminal
16 alien’s removal proceedings and concomitant mandatory detention become
17 unreasonably prolonged,” the government must provide the person with an
18 “individualized bond hearing.” *Id.* at 1214. As the Court explained,
19 “[r]easonableness . . . is a fact-dependent inquiry requiring an assessment of all of
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1 the circumstances of any given case.” *Id.* at 1215 (internal quotation marks
2 omitted). “[C]ourts must consult the record and balance the government’s interest
3 in continued detention against the criminal alien’s liberty interest, always seeking
4 to determine whether the alien’s liberty interest has begun to outweigh any
5 justification for using presumptions to detain him without bond.” *Id.* at 1218-19
6 (internal quotation marks omitted). “If the balance tips in the alien’s favor,” the
7 court must order the individual a bond hearing. *Id.* at 1219.

11 22. Petitioner’s prolonged mandatory detention clearly exceeds a
12 reasonable period of time under the factors set forth in *Sopo*. First, Petitioner has
13 been detained over fifteen months. This far exceeds the periods the Court found
14 permissible in *Sopo*. As the Court explained, “[t]he need for a bond inquiry is
15 likely to arise in *the six-month to one-year window*.” *Id.* at *15 (emphasis added);
16 *see also id.* (describing a one-year mark as the “outer limit of reasonableness”).
17 Moreover, “the constitutional case for continued detention without inquiry into its
18 necessity becomes more and more suspect as detention continues past [the]
19 thresholds” for removal proceedings contemplated by the Supreme Court in
20 *Demore v. Kim*, 538 U.S. 510, 527-28 (2003)—i.e., one-and-a-half to five months.
21 *Id.* (internal quotation marks omitted).

1 23. To guarantee against such arbitrary detention and to guarantee the
2 right to liberty, due process requires “adequate procedural protections” that ensure
3 the government’s asserted justification for a noncitizen’s physical confinement
4 “outweighs the individual’s constitutionally protected interest in avoiding physical
5 restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).
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8 24. In the immigration context, the Supreme Court recognizes only two
9 valid purposes for civil detention: to mitigate the risks of danger to the community
10 and to prevent flight. *Id.*
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12 25. As a result, where the government detains a noncitizen for a
13 prolonged period or where the noncitizen pursues a substantial defense to removal
14 or claim to relief, due process requires an individualized hearing before a neutral
15 decision maker to determine whether detention remains reasonably related to its
16 purpose. *Demore*, 538 U.S. at 532 (Kennedy, J., concurring) (stating that an
17 “individualized determination as to [a noncitizen’s] risk of flight and
18 dangerousness” may be warranted “if the continued detention became
19 unreasonable or unjustified”); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978)
20 (opining that cruel and unusual punishment in an Eighth Amendment context could
21 occur as a result of a prolonged detention: “the length of confinement cannot be
22 ignored in deciding whether [a] confinement meets constitutional standards”).
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1 26. “The Government has wide—but not unlimited—discretion in the
2 immigration realm. See *Zadvydas*, 533 U.S. at 700, 121 S.Ct. 2491. Due process
3 prohibits the detaining of an individual without lawful justification and safeguards.
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5 27. Petitioner faces an unreasonable period of future mandatory detention.
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7 Courts that apply a reasonableness test have consider three main factors in
8 determining the reasonableness of a prolonged detention. First, courts address
9 whether the noncitizen has raised a good faith challenge to removal, specifically, is
10 the challenge legitimately raised and does it present real issues. *Chavez-Alvarez v.*
11 *Warden York Cty. Prison*, 783 F.3d 469, 476 (3d Cir. 2015). Next, a
12 reasonableness evaluation looks to the length of the detention, with detention
13 presumptively unreasonable if it lasts six months to a year. *Id.* at 477-78; *Sopo*, 825
14 F.3d at 1217-18. Finally, courts consider the likelihood that detention will continue
15 pending future proceedings. *Chavez-Alvarez*, 783 F.3d at 478 (It could have been
16 “reasonably predicted that Chavez-Alvarez’s appeal would take a substantial
17 amount of time, making his already lengthy detention considerably longer”); *Sopo*,
18 825 F.3d at 128.
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23 28. Due process also requires certain minimal procedures at bond
24 hearings. First, the government must bear the burden of proof by clear and
25 convincing evidence to justify continued detention. Second, the decisionmaker
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1 must consider available alternatives to detention. Finally, if the government cannot
2 meet its burden, a decisionmaker must assess a noncitizen's ability to pay a bond
3 when determining the appropriate conditions of release.
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5 29. To justify immigration detention, the government must bear the
6 burden of proof by clear and convincing evidence that the noncitizen is a danger or
7 flight risk. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). In a civil
8 detention context this also applies. The Supreme Court holds that the government
9 bears the burden of proof at least by clear and convincing evidence. *See United*
10 *States v. Salerno*, 481 U.S. 739, 750, 752 (1987)
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12 30. In light of these considerations, “[t]he overwhelming majority of
13 courts to consider the question . . . have concluded that imposing a clear and
14 convincing standard would be most consistent with due process.” *Martinez v.*
15 *Decker*, No. 18-CV-6527 (JMF), 2018 WL 5023946, at *5 (S.D.N.Y. Oct. 17,
16 2018) (internal quotation marks omitted).
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18 31. Due process also requires that a neutral decisionmaker consider
19 available alternatives to detention. A primary purpose of immigration detention is
20 to ensure a noncitizen's appearance during removal proceedings. Detention is not
21 reasonably related to this purpose if there are alternative conditions of release that
22 could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). ICE's
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1 alternatives to detention program—the Intensive Supervision Appearance Program
2 (ISAP)—has achieved extraordinary success in ensuring appearance at removal
3 proceedings, reaching compliance rates close to 100 percent. *See Hernandez v.*
4 *Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP “resulted in a
5 99% attendance rate at all EOIR hearings and a 95% attendance rate at final
6 hearings”). It follows that alternatives to detention must be considered in
7 determining whether prolonged incarceration is warranted.
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11 32. Due process likewise requires consideration of a noncitizen’s ability
12 to pay a bond. “Detention of an indigent ‘for inability to post money bail’ is
13 impermissible if the individual’s ‘appearance at trial could reasonably be assured
14 by one of the alternate forms of release.’” *Id.* at 990 (quoting *Pugh v. Rainwater*,
15 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). As a result, in determining the
16 appropriate conditions of release for immigration detainees, due process requires
17 “consideration of financial circumstances and alternative conditions of release” to
18 prevent against detention based on poverty. *Id.*
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22 33. Immigration detainees are exposed to great hardships while
23 incarcerated. In Petitioner’s case, this is exacerbated by pre-existing medical
24 conditions, including cancer. The prison-like conditions and lack of proper
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1 medical treatment raise to an even greater degree the due process concerns that
2 prolonged immigration detention pose for Petitioner.
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4 34. Here, the Respondents can neither show that the continued detention
5 of petitioner is reasonably related to the original purpose and the *Mathews* tests are
6 satisfied. No procedural safeguards are offered to those who remain in custody
7 pending an appeal of a decision on removal proceedings.
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9 35. Without individualized justification, continued, prolonged detention is
10 resulting in the violation of Petitioner's due process rights. *Zadvydas*, 533 U.S. at
11 699–700, 121 S.Ct. 2491 (noting that removal must be reasonably foreseeable for
12 detention to be reasonable). In light of Petitioner's pathways to adjustment
13 through his wife's grant of asylum, the likelihood of removal is negligible. Per the
14 Court in *Zadvydas*, "[a]fter [a] 6-month period [of detention], once the alien
15 provides good reason to believe that there is no significant likelihood of removal in
16 the reasonably foreseeable future, the Government must respond with evidence
17 sufficient to rebut that showing. Absent such a showing, the alien must be
18 released." Petitioner has already been granted asylum as a derivative beneficiary
19 on his wife's final grant of asylum. Moreover, Petitioner has a pending I-730 as
20 another means to secure his status as an asylee lawfully present in the United
21 States. As such, regardless of the outcome of Petitioner's proceedings currently on
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1 appeal, there is no likelihood that Petitioner will be removed from the United
2 States. Despite this, Respondents knowingly continue to detain Petitioner contrary
3 to the Supreme Court's holdings in *Zadvydas* and the Eleventh Circuit's holdings
4 in *Sopo*.
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7 36. The Government would contend that mandatory detention under §
8 1225 is the appropriate for noncitizens, such as Petitioner, who have had their
9 applications denied but have engaged in a potentially multi-year appeals process.
10 However, mandatory detention is not tenable under the Constitution once it
11 becomes prolonged, indefinite, and unrelated to its initial purpose. Moreover,
12 regardless of the outcome of Petitioner's appeal, the likelihood of removal is de
13 minimis in light of his pending adjustment of status through his wife.
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16 EXHAUSTION

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18 37. All non-citizens situated similarly to Petitioner are denied a bond
19 hearing based upon the statutory language of 8 U.S.C. § 1225. The same
20 contention is supported by BIA rulings. This lock-step position by the BIA and
21 Respondents precludes an Immigration Judge from finding jurisdiction over
22 noncitizens positioned like Petitioner. Therefore, judicial intervention enjoining
23 Respondents from preventing petitioner from having a bond hearing pursuant to
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1 the due process concerns raised in *Zadvydas* is necessary to enable petitioner to
2 avail himself of his remedies.

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4 38. Therefore, the Court should consider the merits of the Petition.

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6 **CLAIM FOR RELIEF**

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8 **COUNT 1: Violation of the Administrative Procedure Act**

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10 39. Petitioner herein incorporates all allegations and facts set forth in the
11 paragraphs above.

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13 40. The “mandatory” detention provision at 8 U.S.C. § 1225(b) as applied
14 by Respondents and Respondents’ decision to refuse Petitioner parole were
15 arbitrary and capricious because Respondents failed to consider relevant factors or
16 provide a satisfactory explanation for their decision. The capriciousness is evident
17 in light of the fact that Petitioner remains arbitrarily detained in excess of fifteen
18 months, during which no demonstration has been made by Respondents as to how
19 Petitioner is a danger to society or a flight risk (unlikely in the extreme, as his wife
20 has been granted asylum and resided inside the United States).

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22 41. Respondents arbitrary and capricious actions violate the
23 Administrative Procedure Act.

COUNT 2: Unconstitutional Detention in Violation of the Fifth Amendment

42. Petitioner herein incorporates all allegations and facts set forth in the paragraphs above.

43. The “mandatory” detention provision at 8 U.S.C. § 1225(b) does not permit Respondents to indefinitely engage in the prolonged and arbitrary detention of Petitioner. Nonetheless, the Respondents continue to detain Petitioner without providing any evidence or justification for her prolonged detention.

44. “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).

45. Detention in a civil immigration context is only permissible where it bears a reasonable relation to the purpose for which the individual was committed. *Zadvydas*, 533 U.S. at 690. Those purposes are limited: preventing flight and protecting the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003).

46. Neither community protection nor flight risk applies to the Petitioner. As such, the ongoing detention bears no reasonable relation to the purpose for which it was committed. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972);

1 *Zadvydas*, 533 U.S. at 690. Petitioner's removal is not imminent. To the contrary,
2
3 Petitioner is involved in a lengthy appellate process. Moreover, Petitioner is
4 seeking to adjust status through his wife, who has already been granted asylum.
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6 47. These cumulative actions render her detention even more
7 constitutionally suspect, as they reflect punitive conduct rather than civil
8 processing.
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11 48. Accordingly, Petitioner's continued detention constitutes a
12 deprivation of liberty without due process of law. The Court should order her
13 release.
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16 **PRAYER FOR RELIEF**
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- 18 1. Assume jurisdiction over this matter;
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20 2. Issue an Order to Show Cause ordering Respondents to show cause
21 why this Petition should not be granted within seven (7) days;
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23 3. Declare that Petitioner's detention without an individualized
24 determination violates the Due Process Clause of the Fifth Amendment;
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4. Issue a Writ of Habeas Corpus ordering the Respondents to release Petitioner from custody; hold a hearing if warranted; determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that he presents a risk of flight or a danger to the community in light of the available alternatives;

5. Issue an Order temporarily prohibiting the Respondents from transferring Petitioner from the district or removing Petitioner from the USA without the court's approval;

6. Declare that Petitioner's continued detention is unconstitutional and unlawful, as it is not reasonably related to any valid purpose of immigration detention and violates the Fifth Amendment guarantee of due process;

7. Declare that Respondents' conduct violates the Administrative Procedure Act, 5 U.S.C. §§ 702 and 706, as arbitrary, capricious, and not in accordance with law;

8. In the alternative, should the Court determine that immediate release is not warranted, order Respondents to provide Petitioner an individualized bond hearing before an impartial immigration judge, at which the government bears the

1 burden to justify continued detention by clear and convincing evidence and
2 Respondents shall not deny Petitioner's bond on the basis that 8 U.S.C. Section
3 1225(b) requires or authorizes mandatory detention or precludes jurisdiction;
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6 9. Award reasonable attorneys' fees and costs, if appropriate, pursuant to
7 the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable
8 authority; and
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11 10. Grant such other and further relief as the Court deems just and proper.

12 DATED: February 12th, 2026.
13

14 Respectfully submitted,
15

16 /s/ Thomas Evans

17 Thomas Evans

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22 tevans@immigration.net
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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2026, I caused the foregoing Petition for Writ of Habeas Corpus to be served by U.S. mail/electronically to the following:

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