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ATTORNEYS FOR PETITIONER

DETAINED

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS
AT KANSAS CITY

Volodymyr Khudyi, Petitioner, v. **CRYSTAL CARTER**, Warden, Federal Correctional Institution (FCI) LeavenworthFacility; **TODD LYONS**, Acting Director, U.S. Immigration and Customs Enforcement ("ICE"); **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security; and **PAM BONDI**, Attorney General of the United States, in their official capacities, Respondents.	Case No. 26-3030-JWL **ORAL ARGUMENT REQUESTED**

VERIFIED PETITION FOR WRIT OF *HABEAS CORPUS*

INTRODUCTION

1.) Volodymyr Khudyi (hereinafter referred to as "Mr. Khudyi" or "Petitioner") is currently detained by Respondents at the Federal Correctional Institution (FCI) Leavenworth, located at Leavenworth, KS, within this judicial district.

2.) Mr. Khudyi is a national of Ukraine. He entered the United States with parole via the Uniting 4 Ukraine ("U4U") program, on or about July 19, 2022, and his U4U parole remains valid at this time, until July 17, 2026. (*see* "Exhibit A," I-94 for Petitioner, from CBP, updated as of 02/14/2026) He has been continuously present in the USA since then.

3.) Mr. Khudyi entered the United States with his wife, Kateryna and their three minor children. They have lived together as a family until the time of Petitioner's detention in August 2025.

4.) Mr. Khudyi previously filed for Temporary Protected Status ("TPS") with U.S. Customs & Immigration Services ("USCIS"). His application for TPS was received by USCIS on April 18, 2025.

5.) Mr. Khudyi timely filed to his TPS application in April 2025, and this application remains pending with USCIS at this time. (*see* "Exhibit B," TPS biometrics notice from USCIS; *and* "Exhibit C," USCIS case status online)

6.) On August 15, 2025, Mr. Khudyi was detained by U.S. Department of Homeland Security ("DHS"), Immigration & Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"), pursuant to an administrative warrant of arrest ("form I-200"). (*see* "Exhibit D," Form I-200, Warrant of Arrest for Alien) He has been detained by DHS ever since then, but his U4U parole was never terminated.

7.) On August 20, 2025, Mr. Khudyi was issued a Notice to Appear ("NTA"), charging him as an inadmissible alien under Immigration & Nationality Act ("INA") § 212(a)(7)(A)(i)(I). (*see* "Exhibit E," NTA, dated 08/15/2025)

8.) DHS denied Petitioner release from immigration custody, consistent with DHS policy that any immigrant paroled into the United States is an "applicant for admission" under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and therefore subject to mandatory detention, under 8 U.S.C. § 1225(b)(2)(A). See, e.g., Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025).

9.) However, courts within the jurisdiction of the Tenth Circuit have rejected Respondents' interpretation of 8 U.S.C. § 1225(b)(2)(A) as it applies to immigrants who have been paroled into the USA, finding that those who have been present in the United States for an extended period after being paroled are not "seeking admission" under INA § 235(b)(2)(A), 8 USC § 1225(b)(2)(A), at the time of their detention and instead are governed by INA § 236(a), 8 USC § 1226(a), which allows for discretionary release on bond.

10.) District courts within the Tenth Circuit have emphasized the distinction between "applicants for admission" and those "seeking admission." For instance, in Sacvin v. Anda-Ybarra, 2025 U.S. Dist. LEXIS 224815, *5-7 (N.M. Dist. Ct. Nov. 14, 2025), the New Mexico District Court held that INA § 235(b)(2)(A) only applies to noncitizens actively "seeking admission," which requires current efforts to lawfully enter the US. In contrast, noncitizens who have been present in the country for years, even if initially paroled, are not considered to be "seeking admission" and are instead subject to INA § 236(a), which allows release on bond. Id.

11.) Similarly, in Hernandez v. Baltazar, 2025 U.S. Dist. LEXIS 265306, *13 (CO Dist. Ct. Dec. 23, 2025), the Colorado District Court held that a noncitizen who entered and resided in the US for over ten years was not "seeking admission" under § 1225(b)(2)(A), and was therefore entitled to a bond hearing under § 1226(a). Id. at *13 (holding that "[noncitizens] *already in the country* pending the outcome of removal proceedings" are subject to § 1226(a) (quoting Jennings v. Rodriguez, 583 U.S. 281, 289 (2018)) (emphasis added)). See also Facio v. Baltazar, 2025 U.S. Dist. LEXIS 257971, *4-5 (CO Dist. Ct. Dec. 12, 2025) (finding that a noncitizen who had resided in the US for years was not "seeking admission" and was therefore detained under § 1226(a), entitling him to a bond hearing, and further noting that "every decision in this District addressing the issue" has reached the same conclusion, "with a regularity bordering on the monotonous") (omitting citations).

12.) The misclassification of noncitizens as subject to mandatory detention under § 1225(b)(2)(A), when they should be detained under § 1226(a), also raises due process concerns. See, e.g., Gutierrez v. Garcia, 2026 U.S. Dist. LEXIS 24066, *17 (N.M. Dist. Ct. Feb. 5, 2026) (finding that the misclassification violated the petitioners' statutory rights, and ordering prompt individualized bond hearings).

13.) While neither the District Court for the District of Kansas nor the Tenth Circuit itself have issued a precedent decision on the specific question (i.e. whether immigrants paroled into the US and present for an extended period are not "seeking admission" at the time of their detention, and therefore, subject to § 1226(a)), other district courts within the Tenth Circuit's jurisdiction have consistently held that immigrants who have been present in the US for an extended period after being

paroled are not "seeking admission" under § 1225(b)(2)(A). Instead, they are governed by § 1226(a), which allows for discretionary release on bond. See, e.g., Sacvin v. Anda-Ybarra, 2025 U.S. Dist. LEXIS 224815, *5-7 (same); Hernandez v. Baltazar, 2025 U.S. Dist. LEXIS 265306, *13 (same); Facio v. Baltazar, 2025 U.S. Dist. LEXIS 257971, *4-5 (same); and Gutierrez v. Garcia, 2026 U.S. Dist. LEXIS 24066, *17 (same). See also Loa Caballero v. Baltazar, 2025 U.S. Dist. LEXIS 208290, *12 (CO Dist. Ct. Oct. 22, 2025) (collecting cases that collect cases that "overwhelmingly reject[]" the government's argument that § 1225(b)(2)(A) applies, instead of § 1226(a)).

14.) Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) violates the Immigration & Natrionality Act ("INA"). Section 1225(b)(2)(A) does not apply to individuals like Petitioner who were previously paroled but have been residing in the USA for several years at the time of their detention. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible under INA § 212(a)(7)(A)(i)(I).

15.) Petitioner argues that his detention by ICE should be deemed unlawful under the INA, unreasonable, and/or in violation of his constitutional rights, and he urges that a writ of habeas corpus be issued for his release. See 28 USC § 2241; Demore v. Kim, 538 U.S. 510, 517-18 (2003)

16.) Accordingly, to vindicate Petitioner's constitutional and/or regulatory rights, he seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a), within the next seven ("7") days.

JURISDICTION

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

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

19.) 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*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

20.) Venue is proper as Petitioner is detained at the Federal Correctional Institution (FCI) Leavenworth, at Leavenworth, KS, located within this district's jurisdiction.

21.) 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 District of Kansas, the judicial district in which Petitioner currently is detained.

22.) Venue is proper in this District because Respondents are officers, employees, or agencies of the United States, including CRYSTAL CARTER, Warden, Federal Correctional Institution (FCI) Leavenworth; and TODD LYONS, Acting Director of DHS, ICE, and Respondents either reside in this District, and/or a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

23.) The Court must grant the petition for writ of *habeas corpus* or issue an order to

show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

24.) Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. Habeas has been referred to as "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) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

25.) Petitioner VOLODYMYR KHUDYI is a citizen and national of Ukraine, who was paroled into the USA via the U4U parole program, on or about July 19, 2022. His U4U parole remains valid at this time until July 17, 2026. Mr. Khudyi is currently in removal proceedings before the Executive Office of Immigration Review ("EOIR"). Petitioner is currently detained by DHS ICE. He is in the custody, and under the direct control, of Respondents and their agents.

26.) Respondent CRYSTAL CARTER is sued in her official capacity as the Warden of the Federal Correctional Institution (FCI) Leavenworth. She has immediate physical custody of Petitioner pursuant to the facility's contract with DHS ICE to detain noncitizens and is a legal custodian of Petitioner. Respondent Ms. Carter is

a legal custodian of Petitioner and has authority to release him.

27.) Respondent TODD LYONS is sued in his official capacity as the Acting Director of the U.S. Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"). Mr. Lyons is a legal custodian of Petitioner and has authority to release him.

28.) Respondent KRISTI NOEM is sued in her official capacity as the Secretary of the US DHS. In this capacity, Ms. Noem is responsible for the implementation and enforcement of the INA and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Ms. Noem is a legal custodian of Petitioner.

29.) Respondent PAM BONDI is sued in her official capacity as the Attorney General of the USA and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, she has authority to adjudicate removal cases and oversee EOIR, which administers the immigration courts and BIA. Respondent Ms. Bondi is a legal custodian of Petitioner.

LEGAL FRAMEWORK

30.) The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

31.) First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, 8 U.S.C. § 1226(c).

32.) Second, the INA provides for mandatory detention of noncitizens subject to

expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission, referred to under § 1225(b)(2).

33.) Last, the INA provides for detention of noncitizens who have been ordered removed, including in withholding-only proceedings. See 8 U.S.C. § 1231(a)–(b).

34.) This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

35.) The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

36.) The text of § 1226 explicitly applies to people charged as being inadmissible, including those charged under INA § 212(a)(7)(A)(i)(I). See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to people charged under section 212(a)(7) makes clear that, by default, such people are afforded a bond hearing under subsection (a). "When Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." Rodriguez Vazquez v. Bostock, 779 F. Supp. 3d 1239, at 1256-1257 (W.D. Wash. Apr. 24, 2025) (citing Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)).

37.) Section 1226 thus leaves no doubt that it applies to people who face charges of being inadmissible to the US, including INA § 212(a)(7)(A)(i)(I).

38.) By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on

inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the U.S. Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." Jennings v. Rodriguez, 583 U.S. 281, 287 (2018).

39.) Ukrainians who entered the United States under the Uniting for Ukraine ("U4U") parole program and are subsequently detained by DHS after entering on parole may be eligible for release on bond, depending on their time in the USA after parole.

40.) Under the U4U program, Ukrainian citizens and their qualifying family members are granted parole into the United States for urgent humanitarian reasons or significant public benefit pursuant to 8 USC § 1182(d)(5).

41.) Generally speaking, parole under this statute does not constitute an admission into the United States, and individuals paroled under this provision are normally considered "applicants for admission" under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and therefore subject to mandatory detention, under 8 U.S.C. § 1225(b)(2)(A). See, e.g., Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025). See also Delgado v. Warden of the Fed. Det. Ctr. Phila., 2026 U.S. Dist. LEXIS 16407, *8-9 (E.D. Pa. Dist. Ct. Jan. 29, 2026).

42.) The legal framework for detention and release depends on whether the individual is classified as "seeking admission" under 8 USC § 1225, or is subject to the discretionary detention framework of 8 USC § 1226. Several courts have found that noncitizens who have been present in the US for an extended period after being paroled are not "seeking admission" at the time of their detention and are therefore

governed by 8 USC § 1226(a), which allows for discretionary release on bond. See, e.g., Delgado, supra, 2026 U.S. Dist. LEXIS 16407, *9 ("courts around the country have also found noncitizens who were paroled under § 1182(d)(5) are not subject to mandatory detention if they have been residing within the country for years"); and Nunez v. McShane, 2026 U.S. Dist. LEXIS 12807, *9 (E.D. Pa. Dist. Ct. Jan. 22, 2026) (same).

43.) For example, in Nunez v. McShane, 2026 U.S. Dist. LEXIS 12807, *9, and Delgado, supra, 2026 U.S. Dist. LEXIS 16407, *9, the courts held that noncitizens who had been paroled into the United States and resided in the country for over three years were not subject to mandatory detention under 8 USC § 1225(b)(2)(A) but were instead entitled to bond hearings under 8 USC § 1226(a).

44.) Likewise, Petitioner in this case had resided in the United States for over three years at the time he was detained by ICE. Mr. Khudyi was paroled into the US on July 19, 2022, and he was not detained by ICE until August 15, 2025. Like petitioners in Nunez and Delgado, the Court should find that he is not subject to § 1225(b)(2)(A), and is instead, subject to § 1226(a).

45.) However, here DHS has classified Petitioner, a Ukrainian parolee, as an "arriving alien" under 8 USC § 1225(b), subject to mandatory detention without bond, as section 1225(b) does not provide for bond hearings.

46.) Furthermore, although parole granted under 8 USC § 1182 is not considered an admission into the United States subject to termination, Petitioner's parole was never terminated by DHS, and his U4U parole remains valid until July 17, 2026. (*see* "Exhibit A," I-94 for Petitioner, updated as of 02/14/2026) Additionally, the

termination of parole must comply with the procedural requirements outlined in 8 CFR § 212.5. Specifically, parole may terminate automatically upon the alien's departure from the US or the expiration of the authorized parole period, 8 CFR § 212.5(e)(1), but written notice is otherwise generally required for termination in other circumstances. 8 CFR § 212.5(e)(2)(i).[1]

47.) Although 8 CFR § 212.5(e)(2)(i) further provides that upon termination of the parole, the noncitizen "shall be restored to the status that he or she had at the time of parole," the termination of parole does not automatically revert the alien to the status of an "applicant for admission." See A-J-R v. Rokosky, 2026 U.S. Dist. LEXIS 558, *15 (D.N.J. Jan. 5, 2026). As the Court explained in A-J-R v. Rokosky,

> There is no language in the text about a parolee returning to the position of an "applicant for admission" at the threshold of entry, as § 1225(b) describes. Rivas Rodriguez [v. Rokosky], 2025 U.S. Dist. LEXIS 250239, 2025 WL 3485628, at *2 [(D.N.J. Dec. 3, 2025)]. See also Jennings v. Rodriguez, 583 U.S. 281, 286-87, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018) … Because § 1225(b)(1) is not a lawful basis for Petitioner's detention, and Petitioner was not detained under the parole revocation procedures described under 8 C.F.R. § 212.5(e), the Court concludes he can only be properly detained under 8 U.S.C. § 1226(a), as an inadmissible alien arrested pending a decision on whether he is to be removed from the United States. See Jennings, 583 U.S. at 288 (describing § 1226 …) Therefore, Petitioner is entitled to a bond hearing pursuant to § 1226(a) and 8 C.F.R. § 236.1(d)(1).

A-J-R v. Rokosky, 2026 U.S. Dist. LEXIS 558, *15.

48.) Similarly, in this case, since Petitioner's U4U parole has not been terminated and

[1] 8 CFR § 212.5(e)(2)(i) provides that parole may be terminated upon written notice "upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States…"

remains valid until July 17, 2026, he was not detained under the parole revocation procedures described in 8 C.F.R. § 212.5(e), and therefore, he can only be properly detained under 8 U.S.C. § 1226(a), as an inadmissible alien arrested pending a decision on whether he is to be removed from the United States.

49.) In summary, Mr. Khudyi has been unlawfully detained under INA § 235(b)(2)(A), 8 USC § 1225(b)(2)(A), when in fact, he should be detained pursuant to INA § 236(a), 8 USC § 1226(a), which allows for discretionary release on bond.

STATEMENT OF FACTS

50.) Prior to his detention, Petitioner was living in Chicago, Illinois, with his wife, Kateryna, and their three minor children. His youngest son is autistic.

51.) As mentioned above, the Petitioner arrived to the USA with his wife and three children on July 19, 2022, via the Uniting for Ukraine ("U4U") parole program. Petitioner's brother, Oleg Khudyi ("Oleg"), is a US citizen and sponsored Volodymyr and his family.

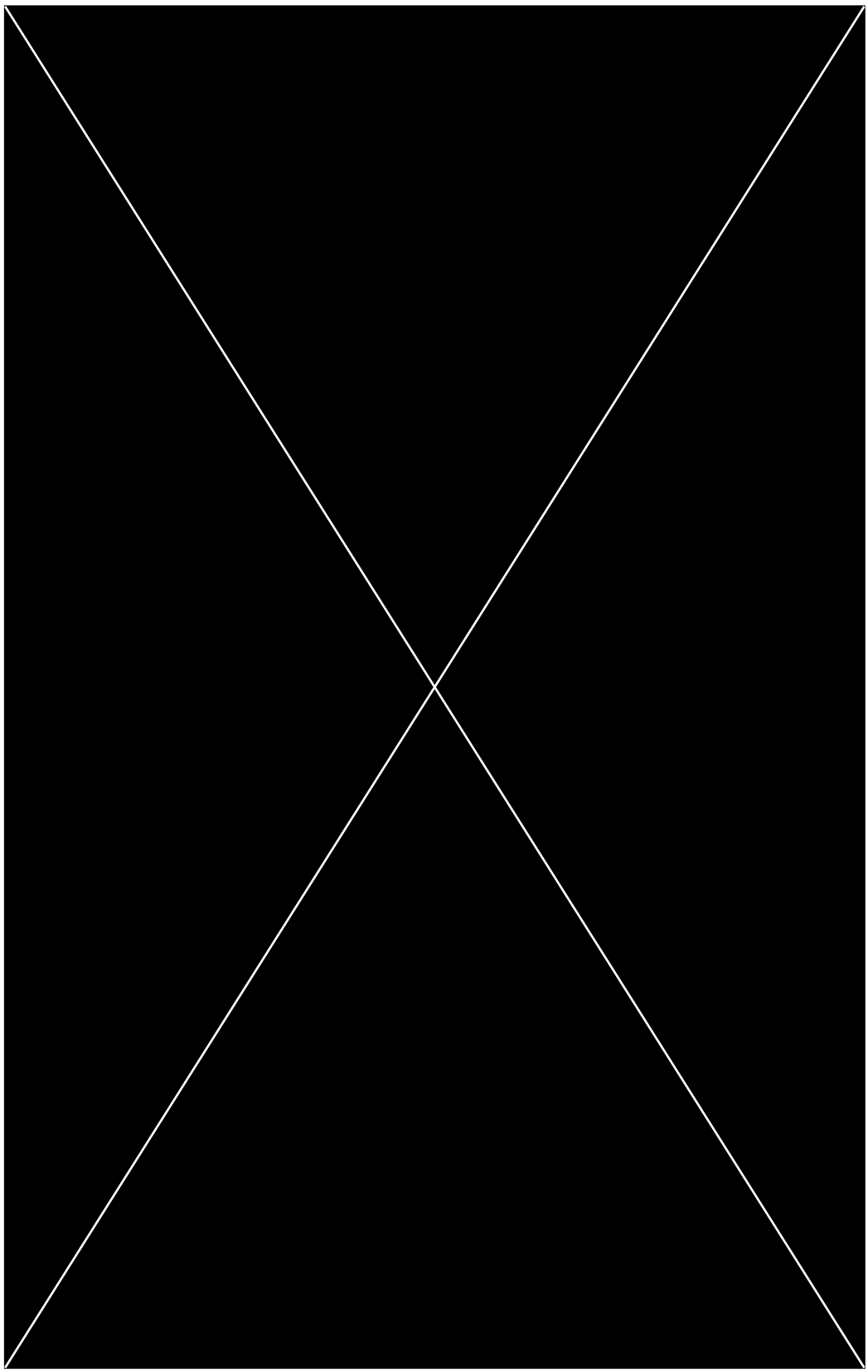
52.) Volodymyr was born in Chervonohrad, Ukraine (now known as Sheptytskyi, to sound less Russian, due to the conflict). He and his family were blue collar, and his father worked in the mines. Volodymyr later attended Lviv Polytechnic National University, where he studied Technology Engineering for Heavy Machinery. Despite studying engineering, he ended up working in Information Technology and Programming. While living in Lviv, Volodymyr met his wife, Kateryna, and after two years of dating, they got married and started a family.

53.) [redacted]

54.)

55.)

56.)



57.) In search of safety for his family, Volodymyr reached out to his brother Oleg, a citizen living in the United States. Oleg applied for Ukrainian Humanitarian Parole for Volodymyr and his family. Volodymyr and his family lived in Poland for one month before coming to the United States. They arrived on July 19, 2022, through Chicago, Illinois. They were inspected and paroled into the United States.

58.) Adjusting to life in the United States was a challenge, as the family was faced with a new culture, learning a new language, and coping with the emotional trauma they experienced during the war in Ukraine. The transition was overwhelming, and they struggled socially and emotionally during this initial period. However, with time, support, and stability, they began to heal and adapt. They gradually learned the language, adjusted to the culture, and found a sense of safety and belonging.

59.) Before being detained, Volodymyr worked multiple jobs to financially support his family. He also went to school to learn English and he also got a CDL to work as a truck driver. In addition to supporting his own family, he continued helping people affected by the war in Ukraine. He specifically supported refugees from the Dnipropetrovsk region of Ukraine by providing them with money for food, housing, and support. He and his friends also organized funds and supplies to support Ukrainian refugees living in Europe as well.

60.) On August 14, 2025, Mr. Khudyi was detained in Illinois, by agents from the Drug Enforcement Administration ("DEA") during an investigation of an alleged drug trafficking conspiracy. (*see* "Exhibit E," Form I-213 filed by DHS)

61.) As mentioned above, the next day, August 15, 2025, Mr. Khudyi was detained by HSI agents from DHS ICE, pursuant to an administrative warrant of arrest ("form

I-200"). (*see* "Exhibit D," Form I-200, Warrant of Arrest for Alien)

62.) On August 20, 2025, Mr. Khudyi was issued a Notice to Appear ("NTA"), charging him as an inadmissible alien under Immigration & Nationality Act ("INA") § 212(a)(7)(A)(i)(I). (*see* "Exhibit E," NTA, dated 08/15/2025)

63.) DHS denied Petitioner release from immigration custody, consistent with their policy that any immigrant paroled into the United States is an "applicant for admission" under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and therefore subject to mandatory detention, under 8 U.S.C. § 1225(b)(2)(A). Mr. Khudyi has remained by DHS ever since then. He has now been detained for six months.

64.) On September 2, 2025, Petitioner filed a Motion with the Immigration Court to Terminate his removal proceedings, on account of his U4U parole, which was still valid then and remains valid now, but this Motion was denied.

65.) On September 18, 2025, Mr. Khudyi filed for political asylum with the Kansas City, Missouri Immigration Court. In his asylum application, he explained that he was afraid to return to Ukraine because [redacted]

66.) Sadly, on November 6, 2025, Mr. Khudyi's asylum application was denied by the Immigration Court, and he was ordered removed to Ukraine. (*see* "Exhibit G," Order of the Immigration Judge, dated 11/06/2025)

67.) On December 2, 2025, Mr. Khudyi timely appealed the Immigration Court's order to the Board of Immigration Appeals ("BIA"), and his appeal remains pending with the BIA at this time. (*see* "Exhibit H," BIA Filing Receipt for Appeal)

68.) In regards to Petitioner's detention by the DEA on August 14, 2025, despite being detained as part of a criminal investigation, as of now Mr. Khudyi still has not been charged with any crimes himself, and he maintains his innocence.

69.) Petitioner remains detained at the Federal Correctional Institution (FCI), located in Leavenworth, Kansas.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process

70.) Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

71.) Petitioner is being detained without cause and in violation of his Constitutional right to Due Process under the Fifth Amendment.

72.) The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

73.) Petitioner has a fundamental interest in liberty and being free from official restraint, as well as being free from unlawful and/or punitive conditions of detention.

74.) The Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

75.) Respondents provided Petitioner with no notice or opportunity to be heard prior to arresting and detaining him.

76.) Respondents have offered Petitioner no meaningful opportunity to be heard or challenge his detention since detaining him.

77.) For these reasons, the government's continued detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to the community violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of the INA

78.) Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

79.) The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously paroled into the country and have been residing in the US for at least three years prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

80.) The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and therefore, violates the INA.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) 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 days;

(3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or requiring that Respondents release Petitioner or requiring Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven ("7") days; and

(5) Grant any further relief this Court deems just and proper.

Dated: 02/17/2026

Respectfully submitted,

s/ *Rekha Sharma-Crawford, Esq.*
Rekha Sharma-Crawford, Esq.
Sharma-Crawford Attorneys at Law, LLC

s/ *John P. Leschak, Esq.*
John P. Leschak, Esq.
Leschak & Associates, LLC
Pro Hac Vice to follow
Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Volodymyr Khudyi, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: 02/17/2026

Respectfully submitted,

s/ Rekha Sharma-Crawford, Esq.
Rekha Sharma-Crawford, Esq.
Sharma-Crawford Attorneys at Law, LLC

s/ *John P. Leschak, Esq.*
John P. Leschak, Esq.
Leschak & Associates, LLC
Pro Hac Vice to follow

Attorneys for Petitioner

VERIFICATION

I declare under a penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

February 17, 2026

s/ *John P. Leschak, Esq.*
John P. Leschak, Esq.
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Pro Hac Vice to follow