

Name: VIKTORILA VESELOVA

A# [REDACTED]

Address: 1705 E. Hanna Rd.,

Eloy, AZ 85131

Eloy Detention Center

PRO SE

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

VIKTORILA VESELOVA

A# [REDACTED]

Petitioner,

v.

Warden, Eloy Detention Center,
and

Todd M. Lyons, Acting Director, U.S.
Immigration and Customs
Enforcement,
and

KRISTI NOEM, Secretary, U.S.
Department of Homeland Security,
Respondents.

CV26-01604-PHX-DJH--JZB

Case No. _____

Petition for Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
2. This Court has jurisdiction over Petitioner's constitutional claims under the Fifth Amendment Due Process Clause.
3. Venue is proper in the District of Arizona because Petitioner is physically detained at Eloy Detention Center, 1705 E Hanna Rd, Eloy, Arizona 85131, which is located within this District.

II. PARTIES

4. Petitioner is Viktoriia Veselova, A# [REDACTED] a native and citizen of Russia, currently detained at Eloy Detention Center.
5. Respondent Warden is the Warden of Eloy Detention Center, who has immediate physical custody of Petitioner.
6. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), responsible for Petitioner's detention.
7. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS), the agency with legal authority over Petitioner's detention and removal.

III. CUSTODY STATUS

8. Petitioner entered the United States on November 9, 2024 and was taken into immigration custody shortly thereafter.
9. Petitioner has been continuously detained since November 2024, including detention at Eloy Detention Center, without release.
10. As of the filing of this Petition, Petitioner has been detained for over 14 months.
11. Petitioner has never received an individualized custody hearing, including a bond-type hearing, at which the government bears the burden of justifying continued detention by clear and convincing evidence.

IV. PROCEDURAL HISTORY

12. On November 10, 2024, the Department of Homeland Security served Petitioner with a Notice to Appear (NTA).
13. Petitioner applied for asylum, withholding of removal, and protection under the Convention Against Torture.
14. On May 20, 2025, an Immigration Judge, Michael Schnitzer, issued an oral decision denying Petitioner's applications for asylum, withholding of

removal, and protection under the Convention Against Torture, and ordered her removal to Russia.

15. On May 20, 2025, Petitioner timely filed an appeal of that decision with the Board of Immigration Appeals (BIA).
16. On October 24, 2025, the Board of Immigration Appeals issued its decision on that appeal and remanded the case to the Immigration Judge for further proceedings.
17. On January 6, 2026, following the remand from the Board of Immigration Appeals, an Immigration Judge issued an amended decision denying relief and ordering removal.
18. On January 20, 2026, Petitioner timely filed an appeal with the Board of Immigration Appeals (BIA).
19. That appeal remains pending as of the date of this Petition.
20. Petitioner has filed Form I-246 (Stay of Removal) seeking a stay of removal. Regardless of the status of that request, no judicial stay of removal currently protects Petitioner from removal while this Petition is pending.
21. As a result, Petitioner faces a real and imminent risk of removal while her appeal is pending.

V. GROUNDS FOR RELIEF

CLAIM ONE

Prolonged Immigration Detention Without Adequate Procedural Safeguards Violates Due Process

19. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.
20. Immigration detention, while civil in nature, becomes unconstitutional when it is prolonged and unsupported by adequate procedural protections.
21. Petitioner has been detained for over 14 months, which constitutes prolonged detention.
22. During this period, Petitioner has not received a bond hearing at which:
 - the government bears the burden of proof, and
 - detention is justified by clear and convincing evidence.
23. Petitioner's continued detention without such safeguards violates the Due Process Clause of the Fifth Amendment.

CLAIM TWO

Continued Detention Is Arbitrary and Not Justified by Any Individualized Findings

24. Petitioner is not detained based on any individualized finding that she poses a flight risk or a danger to the community. On the contrary, Petitioner entered the United States pursuant to a scheduled appointment through the CBP One mobile application on November 9, 2024, demonstrating her intent to comply with U.S. immigration laws and procedures from the outset.
25. Petitioner has no criminal history in either her native Russia or the United States, has incurred no disciplinary infractions during more than fourteen months of detention at the Eloy Detention Center, and has consistently cooperated with all immigration authorities and proceedings.
26. Petitioner also has exceptionally strong family and community ties in the United States that ensure her appearance at all future hearings. Her mother, stepfather, and sisters are currently present in the United States and are themselves engaged in ongoing immigration proceedings. In addition, Petitioner has a confirmed sponsor and stable housing immediately available upon release.
27. Despite these substantial mitigating factors, the government has failed to conduct any meaningful individualized assessment of Petitioner's custody status. Instead, Petitioner's detention has been imposed categorically and automatically as a consequence of the prolonged appellate process.
28. Petitioner's detention has exceeded the brief period contemplated by Congress for immigration custody. At over fourteen months, detention has become punitive in effect, particularly where the government cannot demonstrate that continued incarceration serves any legitimate civil objective.
29. Such prolonged detention, absent an individualized showing that confinement is necessary based on Petitioner's specific circumstances, is arbitrary, punitive in effect, and violates the Due Process Clause of the Fifth Amendment.

CLAIM THREE

Risk of Removal Before Habeas Review Constitutes Irreparable Harm

29. Petitioner faces imminent risk of removal to Russia while her BIA appeal remains pending.
30. Removal prior to judicial review of the legality of detention would:
 - moot this Petition, and
 - cause irreparable harm, including exposure to persecution.
31. Federal courts routinely recognize that removal prior to habeas review constitutes irreparable injury.
32. Petitioner's continued detention has also caused significant deterioration in her physical and mental health.
33. Petitioner suffers from ongoing medical and psychological conditions that are exacerbated by prolonged detention, stress, and uncertainty regarding her

potential removal. Continued detention places Petitioner at heightened risk of serious and irreparable harm.

34. Petitioner has experienced severe and alarming weight loss, and her current weight is critically low, raising serious medical and humanitarian concerns.

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner;
OR

B. In the alternative, order Respondents to provide Petitioner with a prompt, individualized bond hearing before a neutral adjudicator, at which the government bears the burden of justifying detention by clear and convincing evidence;

C. Issue any temporary or preliminary relief necessary to prevent Petitioner's removal while this Petition is pending;

D. Grant such other and further relief as the Court deems just and proper.

VII. VERIFICATION

I, Viktoriia Veselova, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on: 01/22/2026 

Viktoriia Veselova
Petitioner, Pro Se
Eloy Detention Center
1705 E Hanna Rd
Eloy, AZ 85131

Name: VIKTORIIA VESELOVA

A# 

Address: 1705 E. Hanna Rd.,

Eloy, AZ 85131

Eloy Detention Center

PRO SE

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

VIKTORIIA VESELOVA A#  Petitioner, v. Warden, Eloy Detention Center, and Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement, and KRISTI NOEM, Secretary, U.S. Department of Homeland Security, Respondents.	Case No. _____ CERTIFICATE OF SERVICE
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(28 U.S.C. § 2241)

I hereby certify that on January 22, 2026, I served a true and correct copy of the following documents:

- Petition for Writ of Habeas Corpus;
- Emergency Motion for Temporary Restraining Order;
- Memorandum of Points & Authorities in Support of Emergency Motion for Temporary Restraining Order;
- Declaration of Viktoriia Veselova;

upon the following parties by depositing the documents in the United States mail, first-class postage prepaid, addressed as follows:

U.S. Attorney's Office

District of Arizona

Two Renaissance Square

40 N. Central Avenue, Suite 1800

Phoenix, AZ 85004-4408

Office of the Chief Counsel

U.S. Immigration and Customs Enforcement (ICE)

U.S. Department of Homeland Security

(Arizona OPLA)

2035 N. Central Avenue

Phoenix, AZ 85004

United States

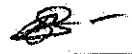
Warden

Eloy Detention Center

1705 E. Hanna Rd.

Eloy, AZ 85131

Dated: January 22, 2026

01/22/2026 

Viktoriiia Veselova

Petitioner, Pro Se

Eloy Detention Center

1705 E. Hanna Rd.

Eloy, AZ 85131

Exhibit A

Immigration Judge Decision

Exhibit B

BIA decision



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041



Wood, Judith Lesley
Law Office of Judith L Wood
201 S. Santa Fe Ave.
Ste 101
Los Angeles CA 90012

DHS/ICE Office of Chief Counsel - ELO
1705 E Hanna Road
Eloy AZ 85131

Name: VESELOVA, VIKTORIIA



Date of this Notice: 10/24/2025

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

A handwritten signature in black ink, appearing to read "John Seiler", is located below the word "Sincerely".

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

VESELOVA, VIKTORIIA

A 

ELOY DETENTION CENTER

1705 E HANNA RD

ELOY AZ 85131

DHS/ICE Office of Chief Counsel - ELO

1705 E Hanna Road

Eloy AZ 85131

Name: VESELOVA, VIKTORIIA

A 

Date of this Notice: 10/24/2025

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

A handwritten signature in black ink, appearing to read "John Seiler".

John Seiler

Acting Chief Clerk

Enclosure

Userteam: Docket

Exhibit C

Immigration Judge Amended Decision

Exhibit D

NOTICE OF APPEAL

Exhibit E

Medical Records Documenting the Deterioration of Petitioner's Health