

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

Ekaterina Lukina,
A# 

Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

PAMELA BONDI, in her official capacity
as Attorney General of the United States;

TODD M. LYONS, in his official capacity
as Director of U.S. Immigration and
Customs Enforcement;

JOHN CANTU, in his official capacity as
Field Office Director, ICE Enforcement and
Removal Operations, Phoenix;

ERIC ROKOSKY, in his/her official capacity
as Warden of the facility where Petitioner is
detained in Eloy, Arizona;

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner Ekaterina Lukina is a noncitizen currently in the physical custody of U.S.

Immigration and Customs Enforcement (“ICE”) and confined at the Eloy Detention Center in
Eloy, Arizona.

Petitioner is currently being detained under 8 U.S.C. § 1225(b) as an alleged arriving noncitizen because her removal proceedings remain pending before the Board of Immigration Appeals (“BIA”) and no final order of removal has been entered. She has been continuously detained since April 28, 2025, for approximately eleven months (326 days).

Petitioner initially appealed an adverse decision of the Immigration Judge to the Board of Immigration Appeals (“BIA”). The BIA remanded the case for further proceedings. On remand, however, the Immigration Judge again denied relief within seventy-two hours, without affording Petitioner a meaningful opportunity to present evidence or testimony expressly permitted by the BIA’s remand instructions. Petitioner timely appealed that decision, submitted a brief to the Board of Immigration Appeals, and her case remains pending.

During this period of detention, ICE has denied Petitioner’s requests for parole on two separate occasions. Each denial was issued without meaningful explanation and without individualized consideration of Petitioner’s circumstances.

Prior to detention, ICE placed Petitioner on the Intensive Supervision Appearance Program (“ISAP”), with which she fully complied without any violations, yet ICE abruptly detained her without identifying any changed circumstances.

The speed, repetition, and conclusory nature of these denials demonstrate that the parole process is not functioning as a genuine discretionary determination, but rather as a predetermined and perfunctory mechanism incapable of providing meaningful review.

Freedom from physical restraint lies at the core of the liberty protected by the Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner’s continued detention violates due process because it is prolonged, not meaningfully related to its limited purposes, and unsupported by any genuine procedural safeguards.

Nor does Petitioner challenge her statutory classification; rather, she challenges the constitutionality of her continued detention as applied to her under the circumstances presented. Petitioner brings this action under 28 U.S.C. § 2241 to challenge the constitutionality of her prolonged civil immigration detention. Her continued detention violates the Fifth Amendment's Due Process Clause because it rests on a fundamentally defective adjudication and is maintained without any meaningful procedural safeguards.

Under these circumstances, Petitioner's continued detention is arbitrary and unconstitutional. Immediate release is required.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner challenges the legality of her ongoing civil immigration detention in violation of the Constitution and laws of the United States and seeks release from custody. Federal courts retain jurisdiction under § 2241 to review the lawfulness of immigration detention notwithstanding the jurisdiction-limiting provisions of the Immigration and Nationality Act. The Supreme Court has repeatedly affirmed the availability of habeas review in this context, including *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003), and *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).
2. This Court has jurisdiction under Article III of the Constitution because Petitioner is suffering an ongoing and concrete injury traceable to the actions of Respondents and redressable by a favorable decision from this Court. The relief sought falls squarely within the scope of federal habeas corpus review, which permits individuals in federal custody to challenge detention that is arbitrary, excessive, or contrary to statutory and constitutional limits.

3. Venue lies in the United States District Court for the District of Arizona pursuant to 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241(a) because Petitioner is detained within this District at the Eloy Detention Center, located at 1705 East Hanna Road, Eloy, Arizona 85131.
4. Respondent Eric Rokosky, in his official capacity as Warden of the Eloy Detention Center, is Petitioner's immediate custodian and is responsible for her day-to-day detention and physical confinement.
5. Respondent John Cantu, in his official capacity as Field Office Director for U.S. Immigration and Customs Enforcement, Phoenix Field Office, exercises authority over Petitioner's detention.
6. Respondent Todd M. Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, is responsible for the administration and enforcement of immigration detention policies nationwide.
7. Respondent Pamela Bondi, in her official capacity as Attorney General of the United States, oversees the Department of Justice, including the Executive Office for Immigration Review.
8. Respondent Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security, has ultimate authority over the agencies responsible for Petitioner's detention.

PARTIES

9. Petitioner, Ekaterina Lukina, is a noncitizen in removal proceedings who is currently detained in the civil immigration custody of the United States Department of Homeland Security ("DHS") at the Eloy Detention Center in Eloy, Arizona. She is detained as an arriving noncitizen under 8 U.S.C. § 1225(b).
10. Respondent Eric Rokosky, in his official capacity as Warden of the Eloy Detention Center, is Petitioner's immediate custodian and exercises direct physical control over her confinement. He is the proper respondent for purposes of this habeas action.

11. Respondent John Cantu, in his official capacity as Field Office Director for U.S. Immigration and Customs Enforcement, Phoenix Field Office, exercises supervisory authority over Petitioner's detention.
12. Respondent Todd M. Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, is responsible for the administration of immigration detention policies.
13. Respondent Pamela Bondi, in her official capacity as Attorney General of the United States, oversees the Department of Justice, including the Executive Office for Immigration Review.
14. Respondent Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security, has ultimate authority over DHS and the agencies responsible for Petitioner's detention.

FACTUAL BACKGROUND

15. Petitioner, Ekaterina Lukina (A# ) , is 28 years old, a native and citizen of Russia, and is currently detained by the Department of Homeland Security at the Eloy Detention Center in Eloy, Arizona.
16. Prior to her detention, Petitioner was steadily employed as a Certified Nursing Assistant (CNA), has no criminal history, and has demonstrated full compliance with immigration authorities, including complying with monitoring requirements after her initial proceedings. Petitioner has strong community ties, including support from members of her church and multiple individuals willing to sponsor her release. Her husband resides in the United States as a derivative beneficiary of her case.
17. The Department of Homeland Security issued a Notice to Appear alleging that Petitioner applied for admission to the United States at the Hidalgo, Texas Port of Entry on or about January 23, 2023, without valid entry documents.

18. Petitioner was subsequently placed into removal proceedings pursuant to section 240 of the Immigration and Nationality Act and charged with removability under section 212(a)(7)(A)(i)(I) of the Act. Petitioner has sought relief from removal, including asylum, withholding of removal, and protection under the Convention Against Torture.
19. Petitioner was taken into custody in the parking lot by immigration authorities following completion of her work shift as a Certified Nursing Assistant.
20. Petitioner was not detained during the pendency of her removal proceedings prior to the Immigration Judge's denial of relief. Following that decision in April 2025, ICE placed Petitioner on the Intensive Supervision Appearance Program ("ISAP") and required her to wear an electronic ankle monitor rather than detaining her. Petitioner fully complied with all conditions of supervision and did not violate any requirements. After the Immigration Judge's decision, Petitioner reported to ICE as required and was informed that her next check-in would occur in the summer of 2025. Despite this demonstrated compliance and the absence of any changed circumstances or any violation of supervision conditions, ICE detained Petitioner on April 28, 2025, abruptly and without any individualized explanation, justification, or identified triggering event.
21. Petitioner has been continuously detained by ICE since April 28, 2025, for approximately eleven months (326 days).
22. Petitioner's detention has resulted in prolonged separation from her husband, causing significant emotional hardship.
23. Petitioner is currently receiving psychiatric treatment while in detention. Her mental health has deteriorated during her prolonged confinement.

24. On August 26, 2025, the Board of Immigration Appeals issued a decision remanding Petitioner's case to the Immigration Judge for further proceedings and explicitly authorizing the parties to update the record with additional arguments and evidence.
25. Following remand, the Immigration Judge issued a new decision denying relief within approximately seventy-two hours, without reopening the evidentiary record, without permitting the submission of additional evidence or testimony, and without providing Petitioner any meaningful opportunity to be heard.
26. The Immigration Court did not conduct a hearing on remand and did not set a briefing schedule prior to issuing the new decision.
27. Petitioner timely appealed the Immigration Judge's post-remand decision to the Board of Immigration Appeals, submitted a brief to the Board of Immigration Appeals, and her appeal remains pending.
28. Despite the absence of a final administrative resolution of her removal proceedings, Petitioner remains detained in ICE custody.
29. Petitioner requested release from ICE custody, including parole or, in the alternative, an ICE bond, on June 13, 2025.
30. ICE denied Petitioner's parole request on June 16, 2025, stating only that, "given the totality of the circumstances, ICE does not support a favorable exercise of discretionary authority," without any individualized analysis of Petitioner's circumstances.
31. Petitioner subsequently submitted a second request for parole on February 1, 2026, following Immigration Judge's post-remand decision, which ICE also denied on February 5, 2026, stating that it "declines to release [her] from custody at this time" due to her pending BIA appeal, again without any individualized consideration.

32. At the time of these requests, Petitioner provided ICE with extensive supporting documentation, including proof of lawful entry, employment history, verified identity documents, sponsor materials demonstrating housing and financial support, and letters of community support, yet ICE failed to engage with or meaningfully consider any of this evidence.
33. Petitioner poses no danger to the community, has no criminal history, and has strong community ties, including multiple sponsors willing to support her release. Her prior compliance with monitoring requirements demonstrates that detention is not necessary to ensure her appearance. Prior to her detention, she was steadily employed in the healthcare field as a Certified Nursing Assistant. Her continued detention, including its impact on her mental health, further underscores that detention is not reasonably related to any legitimate government purpose.
34. Petitioner remains in prolonged civil immigration detention pending adjudication of her appeal before the Board of Immigration Appeals, and there is no definite or reasonably foreseeable end to her detention given the ongoing nature of appellate proceedings.
35. Petitioner's detention is civil in nature and arises solely from her ongoing immigration proceedings. She is not serving any criminal sentence.
36. Petitioner's detention has been significantly prolonged by procedural deficiencies in the underlying proceedings, including the Immigration Judge's failure to follow the BIA's remand instructions and permit development of the evidentiary record.
37. Petitioner seeks habeas corpus relief from continued custody on the ground that her prolonged detention, maintained without meaningful procedural safeguards, violates the Due Process Clause of the Fifth Amendment.

**COUNT I: PROLONGED CIVIL IMMIGRATION DETENTION IN VIOLATION OF THE
FIFTH AMENDMENT DUE PROCESS CLAUSE**

38. Petitioner realleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
39. Civil immigration detention is constitutionally permissible only so long as it bears a reasonable relation to its purported purposes, namely, ensuring appearance at future proceedings or protecting public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). Where detention becomes prolonged and untethered from those purposes, it violates due process.
40. Petitioner has been continuously detained since April 28, 2025, while her removal proceedings remain pending before the Board of Immigration Appeals.
41. On August 26, 2025, the Board of Immigration Appeals remanded Petitioner's case to the Immigration Judge for further proceedings and expressly authorized the parties to update the record with additional arguments and evidence.
42. The Immigration Judge denied relief within approximately seventy-two hours, without reopening the record or permitting submission of evidence or testimony, in direct contravention of the BIA's remand instructions.
43. No hearing was conducted, and no briefing schedule was set prior to that decision.
44. Petitioner timely appealed the Immigration Judge's post-remand decision to the Board of Immigration Appeals, and that appeal remains pending.
45. Despite the absence of a final administrative resolution of her removal proceedings, Petitioner remains detained in ICE custody.
46. ICE twice denied Petitioner's parole request without providing any meaningful explanation and failing to reflect any individualized assessment of Petitioner's circumstances.

47. Petitioner was not detained during the pendency of her removal proceedings prior to the Immigration Judge's denial of relief. Instead, ICE placed her on the Intensive Supervision Appearance Program ("ISAP") with an electronic ankle monitor, and Petitioner fully complied with all conditions of supervision without any violations. Despite this demonstrated compliance, and in the absence of any changed circumstances or individualized findings, ICE abruptly detained Petitioner on April 28, 2025. This unexplained shift from successful supervision to detention underscores that her continued detention is arbitrary and not meaningfully related to any legitimate governmental purpose.
48. Petitioner's continued detention is not meaningfully related to its purported purposes of ensuring appearance or protecting the community. She has no criminal history, is not a danger to the community, has multiple sponsors available to support her release, and—critically—previously complied with intensive ISAP supervision without any violations, demonstrating that detention is not necessary to ensure her appearance.
49. Petitioner's continued detention is prolonged, unsupported by meaningful procedural safeguards, and violates the Due Process Clause of the Fifth Amendment.
50. Petitioner's continued detention has been significantly prolonged by procedural deficiencies in the underlying proceedings, including the Immigration Judge's failure to follow the BIA's remand instructions, as well as Respondents' failure to provide any reasoned basis for abandoning less restrictive alternatives that had already proven effective in ensuring Petitioner's compliance.

51. Respondents may contend that Petitioner's status as an arriving noncitizen permits continued detention throughout the pendency of removal proceedings. Petitioner does not challenge her statutory classification; rather, she challenges the constitutionality of her continued detention as applied to her. But Petitioner's detention has now extended approximately eleven months, has no definite or reasonably foreseeable endpoint, follows successful compliance with less restrictive ISAP supervision, and is maintained through conclusory parole denials that provide no individualized reasoning. Under these circumstances, continued detention is no longer reasonably related to any legitimate governmental purpose and violates due process.
52. As a result, Petitioner's continued detention rests on a fundamentally defective adjudication and is maintained through illusory procedural safeguards that fail to provide any real opportunity for release and is no longer reasonably related to any legitimate governmental purpose.
53. Under these circumstances, Petitioner's prolonged civil detention is arbitrary and excessive in relation to its purposes. The Due Process Clause does not permit the government to continue detention for an extended period without providing a meaningful opportunity for release through constitutionally adequate procedures.
54. Petitioner's detention cannot be cured by additional process. The record demonstrates that Respondents have already failed to provide any meaningful review, including denying parole requests without explanation or individualized analysis.
55. Under these circumstances, further procedural review would not remedy the constitutional violation because the existing process is functionally nonexistent, and continued detention is therefore unlawful. Immediate release is the only adequate remedy.
56. Petitioner is therefore entitled to habeas relief because her continued detention violates the Fifth Amendment.

**COUNT II: UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION
AND NATIONALITY ACT AND IMPLEMENTING REGULATIONS
(LACK OF MEANINGFUL CUSTODY REVIEW)**

57. Petitioner realleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
58. The Immigration and Nationality Act authorizes civil immigration detention only when it serves a legitimate statutory purpose, namely, to ensure appearance at future proceedings or to protect public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005).
59. Petitioner is detained as an arriving noncitizen under 8 U.S.C. § 1225(b), which authorizes detention during the pendency of removal proceedings but provides for discretionary parole as the primary mechanism for release.
60. The Immigration and Nationality Act and its implementing regulations require that parole determinations be made on a case-by-case basis and reflect meaningful individualized consideration of the noncitizen's circumstances.
61. Petitioner, Ekaterina Lukina, a noncitizen in removal proceedings who remains detained in the custody of the Department of Homeland Security.
62. The administrative record reflects that Petitioner's case was remanded by the Board of Immigration Appeals for further proceedings and that no final administrative resolution of her removal proceedings has occurred.
63. Although an Immigration Judge issued a decision, that decision is not administratively final because it is currently on appeal before the Board of Immigration Appeals.
64. Petitioner remains detained while her removal proceedings are pending and unresolved.

65. Petitioner's detention is civil in nature and arises solely from her ongoing immigration proceedings.
66. The Immigration and Nationality Act does not authorize continued detention where the government fails to provide a meaningful and individualized custody determination or where detention no longer reasonably serves its statutory purposes.
67. Because Petitioner remains detained without a final administrative order of removal, and while her appeal remains pending before the Board of Immigration Appeals, her continued detention exceeds the authority granted under the Immigration and Nationality Act and its implementing regulations.
68. Respondents have not provided a lawful, individualized custody determination. Instead, parole was denied in conclusory terms and without individualized analysis, without reference to the evidence submitted and without any articulated factual findings, demonstrating that the statutory mechanism for release is not functioning as required.
69. The speed, repetition, and lack of explanation in these denials demonstrate that the parole process is not functioning as a genuine discretionary determination, but rather as a predetermined and perfunctory mechanism incapable of providing meaningful review.
70. Petitioner therefore respectfully requests that this Court grant habeas relief by ordering her immediate release from custody or, in the alternative, by directing Respondents to provide a constitutionally and statutorily adequate custody determination.

**COUNT III: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT –
ARBITRARY AND CAPRICIOUS AGENCY ACTION**

71. Petitioner realleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

72. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens detained within the United States, including those classified as arriving noncitizens, are entitled to due process protections against arbitrary detention. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
73. This claim challenges agency action affecting Petitioner's ongoing detention and is properly reviewable in conjunction with her petition for habeas corpus.
74. The Administrative Procedure Act ("APA") prohibits agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).
75. Agency action is arbitrary and capricious where the agency fails to consider relevant factors, relies on conclusory reasoning, or fails to provide a reasoned explanation for its decision.
76. Petitioner submitted requests for parole on June 13, 2025, and February 1, 2026, following the Immigration Judge's post-remand denial of relief.
77. ICE denied Petitioner's parole requests on June 16, 2025, and February 5, 2026, using conclusory language and without any individualized assessment of Petitioner's circumstances and without addressing the substantial evidence submitted in support of release.
78. The denial was not the result of a genuine discretionary determination but instead reflected a predetermined and perfunctory process.
79. ICE's failure to meaningfully consider Petitioner's parole requests demonstrates that the decisions were not the product of reasoned decision-making, as required under the APA.
80. By failing to provide a reasoned explanation and individualized consideration, ICE's denial of parole constitutes arbitrary and capricious agency action in violation of the APA.

81. The Constitution does not permit the government to continue depriving a person of liberty based on procedures that exist in form but not in substance. Where, as here, the only mechanism for release is illusory and not meaningfully applied, continued detention lacks a lawful basis.
82. Petitioner is therefore entitled to relief because Respondents' actions are arbitrary, capricious, and cannot lawfully support her continued detention.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court grant the following relief:

- A. Issue a writ of habeas corpus ordering Petitioner's immediate release from immigration detention;
- B. In the alternative, order Respondents to provide Petitioner with a prompt, constitutionally adequate, individualized custody determination within seven (7) days, supported by a written, reasoned decision and meaningful consideration of less restrictive alternatives;
- C. Declare that Petitioner's continued detention without lawful and meaningful review violates the Immigration and Nationality Act, its implementing regulations, and the Due Process Clause of the Fifth Amendment to the United States Constitution;
- D. Grant such other and further relief as the Court deems just and proper.

Dated: March 22, 2026

Respectfully submitted,

/s/ Maria Karimova
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Counsel for Petitioner

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

I represent Petitioner, Ekaterina Lukina, and submit this verification on her 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 this 22nd day of March 2026.

/s/Maria Karimova
Maria Karimova

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd March 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered counsel of record.

A copy of the foregoing document has also been served by U.S. Mail, postage prepaid, on the following parties:

1. Eric Rokosky Warden
Eloy Detention Center
1705 E Hanna Rd,
Eloy, AZ 85131
2. John Cantu Field Office Director
Phoenix ICE Field Office
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3. Pamela Bondi
Attorney General of the United States
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4. Todd M. Lyons
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5. Kristi Noem
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Dated: March 22, 2026

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