

Name: ELENA UDALOVA

A# 

Address: 1705 E. Hanna Rd.,

Eloy, AZ 85131

Eloy Detention Center

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Name: ELENA UDALOVA

A# 

Petitioner,

v.

Eric Rokovsky,
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.

CV26-01968-PHX-SMB--CDB

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 detained 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. Petitioner primarily challenges the legality and constitutionality of her prolonged detention. Petitioner does not seek review of the merits of her removal proceedings in this Petition.
4. 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

5. Petitioner ELENA UDALOVA A# [REDACTED] is a citizen of Russia, currently detained at Eloy Detention Center.
6. Respondent Warden is the Warden of Eloy Detention Center, who has immediate physical custody of Petitioner.
7. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), responsible for Petitioner's detention.
8. 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

9. Petitioner presented herself at a United States port of entry in Nogales, Arizona, on September 7, 2024, pursuant to a CBP One scheduled appointment.
10. Petitioner was taken into immigration custody on or about September 8, 2024, and has remained continuously detained since that date.
11. Petitioner has been continuously detained since September 2024, including detention at Eloy Detention Center, without release.
12. As of the filing of this Petition, Petitioner has been detained for over 17 months.
13. 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

14. Petitioner was placed in removal proceedings under Section 240 of the Immigration and Nationality Act in September 2024 after presenting herself at a United States port of entry.
15. On March 25, 2025, following an individual merits hearing, the Immigration Judge denied Petitioner's applications for asylum, withholding of removal, and protection under the Convention Against Torture.
16. Petitioner timely appealed the Immigration Judge's decision to the Board of Immigration Appeals ("BIA").
17. On October 29, 2025, the BIA remanded the case to the Immigration Court for further proceedings.
18. Following remand, on January 13, 2026, the Immigration Judge again denied relief.
19. Petitioner timely appealed the Immigration Judge's January 13, 2026 decision to the BIA. The BIA issued a filing receipt on February 6, 2026, and the appeal remains pending.
20. Petitioner has remained detained throughout the entirety of her immigration proceedings.

V. CLAIMS FOR RELIEF

CLAIM ONE

(Prolonged Detention Without an Individualized Bond Hearing Violates the Fifth Amendment)

21. Petitioner incorporates by reference all preceding paragraphs.
22. Immigration detention is civil in nature and may not be punitive.
23. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving individuals of liberty without constitutionally adequate procedural protections.
24. Petitioner has been continuously detained for approximately seventeen (17) months without any individualized bond hearing before an Immigration Judge.
25. At no time has the government been required to demonstrate that Petitioner poses a danger to the community or a flight risk.
26. Petitioner has been afforded no opportunity to present evidence or contest the necessity of her continued detention before a neutral decision-maker.
27. Civil immigration detention must bear a reasonable relationship to its regulatory purpose and may not become excessive in duration.
28. Detention of this length, without an individualized bond hearing, exceeds constitutional limits and violates Petitioner's right to procedural due process under the Fifth Amendment.
29. Accordingly, Petitioner's continued detention without a bond hearing is unlawful.

CLAIM TWO

(Due Process Requires a Prompt Bond Hearing Once Immigration Detention Becomes Unreasonably Prolonged)

30. Petitioner incorporates by reference all preceding paragraphs.
31. Even where immigration detention is authorized by statute, the Constitution imposes limits on its duration.
32. When immigration detention becomes unreasonably prolonged, due process requires a meaningful, individualized custody determination before a neutral decision-maker.
33. Petitioner's detention has now extended for approximately seventeen months while her appeal remains pending before the Board of Immigration Appeals.
34. Petitioner has not received any bond hearing at which the government bears the burden of justifying continued detention.
35. Courts have recognized that prolonged immigration detention without an individualized bond hearing violates due process and warrants habeas relief. See, e.g., *Margaryan v. Warden of California City Detention Facility*, No. 1:25-cv-01582 (E.D. Cal. Jan. 23, 2026) (granting §2241 habeas petition where petitioner remained detained pending removal proceedings without a bond hearing and requiring an individualized custody determination).
36. Once detention becomes prolonged, due process requires that the government demonstrate, at a bond hearing, that continued detention is necessary to serve a legitimate regulatory purpose.
37. Absent such procedural safeguards, continued detention violates the Fifth Amendment.
38. Petitioner is therefore entitled to a prompt individualized bond hearing at which the government bears the burden of proof by clear and convincing evidence.

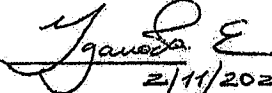
VI. RELIEF REQUESTED

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 relief necessary to preserve this Court's jurisdiction and prevent transfer of Petitioner outside this District while this Petition is pending;
- D. Grant such other and further relief as the Court deems just and proper.

VII. VERIFICATION

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

Executed on:  2/11/2026

ELENA UDALOVA

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

Exhibit A

Immigration Judge Decision

Exhibit B

BIA decision

Exhibit C

Immigration Judge New Decision

Exhibit D

NOTICE OF APPEAL



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*

**UDALOVA, ELENA
A [REDACTED]
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: UDALOVA, ELENA



Type of Proceeding: Removal

Date of this notice: 2/6/2026

Type of Appeal: Case Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 2/3/2026 in the above-referenced case.

WARNING: If you leave the United States after filing this appeal but before the Board of Immigration Appeals (Board or BIA) issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.26(c)(3)(ii).

FILING INSTRUCTIONS:

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is located within EOIR's Policy Manual, and is available on EOIR's website at www.usdoj.gov/eoir.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

FILING INSTRUCTIONS -- IMPORTANT REMINDER

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the **FILING ADDRESS** section below is encouraged to ensure timely filing.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

ShearaB

Userteam: