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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Vladimir OVCHINNIKOV

12 Petitioner,

13 v.
14

15 Jeremy CASEY, Warden, Imperial
16 Regional Detention Facility;
Daniel A. BRIGHTMAN, Field Office
17 Director, San Diego Field Office, United
18 States Immigration and Customs
Enforcement;
19 Todd M. LYONS, Acting Director,
20 United States Immigration and Customs
21 Enforcement;
22 Kristi NOEM, Secretary of Homeland
23 Security;
Pamela Jo BONDI, Attorney General, in
24 their official capacities,

Respondents.

Case No.: '26CV1953 DMS AHG

**PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

1 Petitioner Vladimir Ovchinnikov petitions this Court for a writ of habeas
2 corpus under 28 U.S.C. § 2241 to remedy Respondents detaining him unlawfully,
3 and states as follows:

4 **INTRODUCTION**

5 1. Petitioner Vladimir Ovchinnikov is a noncitizen who seeks immediate
6 release from custody because Respondents have held him at the Imperial Regional
7 Detention Facility for over 17 months—a prolonged and constitutionally
8 unreasonable period—without any individualized custody hearing.

9 2. Petitioner challenges only his present physical confinement and seeks the
10 traditional habeas remedy of release (or, at a minimum, a prompt individualized
11 bond hearing). Petitioner seeks that relief under the federal habeas statute, 28
12 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration
13 detention. *See Doe v. Garland*, 109 F.4th 1188, 1194 (9th Cir. 2024) (noting that
14 a noncitizen’s challenge to his present confinement falls within the “core of
15 habeas”).

16 3. His continued detention without a hearing as to flight risk and danger to the
17 community violates the Due Process Clause of the Fifth Amendment. *See Yick Wo*
18 *v. Hopkins*, 118 U.S. 356, 369 (1886) (Fifth and Fourteenth Amendments protect
19 “all persons”); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976) (due process applies even
20 to those whose presence is “unlawful, involuntary, or transitory”).

21 4. Petitioner respectfully requests that this Court issue the Writ of Habeas
22 Corpus commanding Respondents to release him from custody and enjoin
23 Respondents from re-detaining him without notice to his counsel and a pre-
24 deprivation hearing before a neutral decision-maker at which Respondents must
25 prove material changes in circumstances justify re-detention.

1 CUSTODY

2 5. Petitioner is currently in Respondents' legal and physical custody. 28 U.S.C.
3 § 2241(c)(3).

4 6. Respondents are detaining him at Imperial Regional Detention Facility in
5 Calexico, California. He is under Respondents' and their agents' direct control.

6 JURISDICTION

7 7. This Court has jurisdiction to consider this habeas petition complaint under
8 28 U.S.C. § 1331; 28 U.S.C. § 2241; the Due Process Clause of the Fifth
9 Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I,
10 2. Jurisdiction is not limited by a petitioner's nationality, immigration status, or
11 any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008).

12 8. The historical "core" of habeas includes review of the legality of executive
13 detention and, when appropriate, ordering release. *See INS v. St. Cyr*, 533 U.S.
14 289, 301 (2001) (at habeas's "historical core," the writ served to review the
15 legality of "executive detention"); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759,
16 759 (9th Cir. 2020) (citing *Singh v. Holder*, 638 F.3d 1196, 1211-12 (9th Cir.
17 2011)).

18 9. Petitioner's claim is a prototypical confinement challenge: he challenges
19 only present detention and seeks release, which lies within the "core of habeas."
20 *Doe*, 109 F.4th at 1194.

21 10. And federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252.
22 *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No court has ruled on the
23 legality of Petitioner's detention.

24 11. Section 1252(b)(9) is not a jurisdictional bar here because Petitioner does
25 not seek review of removability, admission, or any order of removal; he
26 challenges only prolonged physical detention and seeks release (or, alternatively,
27 a bond hearing). *See Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018)
28 (plurality opinion) (holding that, "[u]nder these circumstances, § 1252(b)(9)

1 does not present a jurisdictional bar” to a prolonged-detention/bond-hearing
2 challenge).

3 12. The Third Circuit recently applied *Jennings* and explained that § 1252(b)(9)
4 channels into the petition-for-review process only those claims whose questions of
5 law or fact are closely tied to removal—i.e., “inextricably linked” to the
6 government’s authority or basis to remove—while distinguishing “length- and
7 conditions-of-confinement claims” as detention claims that are not channeled in
8 the same way. *Khalil v. President of the United States*, Nos. 25-2162 & 25-2357,
9 slip op. at 28-29 (3d Cir. Jan. 15, 2026).

10 13. Petitioner’s claims fall squarely on the detention-specific side of that line:
11 Petitioner does not contest removability or ask this Court to halt removal
12 proceedings; he seeks only release (or a prompt bond hearing) because detention
13 has become unreasonably prolonged without constitutionally adequate process.
14 See *Jennings*, 583 U.S. at 294-95 (plurality opinion).

15 14. Moreover, courts have recognized that channeling detention claims away
16 from district court would risk allowing the government to evade meaningful
17 judicial review simply by delaying the entry of a final order for an extended
18 period; *E.O.H.C.* recognized jurisdiction over a prolonged-detention claim in
19 district court notwithstanding § 1252(b)(9). See *E.O.H.C. v. Sec’y U.S. Dep’t of*
20 *Homeland Sec.*, 950 F.3d 177, 185-86 (3d Cir. 2020) (interpreting *Jennings*, 583
21 U.S. at 293 (plurality opinion)).

22 VENUE

23 15. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242
24 because at least one Respondent is in this District, Petitioner is detained in this
25 District, Petitioner’s immediate physical custodian is located in this District, and a
26 substantial part of the events giving rise to the claims in this action have taken
27 place in this District.

28

PARTIES

16. Petitioner is currently detained by the Respondents at the Imperial Regional Detention Facility, an immigration detention facility in Calexico, California. He has been in Immigration and Customs Enforcement (ICE) custody since on or about October 21, 2024. His case is currently pending appeal before the Board of Immigration Appeals (BIA).

17. Respondent Jeremy Casey is the Senior Warden at the Imperial Regional Detention Facility, where Petitioner is being held. Respondent Casey is Petitioner's immediate custodian. Petitioner sues him in his official capacity.


18. On information and belief, Respondent Daniel A. Brightman is the current Field Office Director responsible for the San Diego Field Office of ICE with administrative jurisdiction over Petitioner's immigration case. He is Petitioner's legal custodian. Petitioner sues him in his official capacity.

19. Respondent Todd M. Lyons is the Acting Director of ICE. ICE is a component of the U.S. Department of Homeland Security, 6 U.S.C. § 271, and an "agency" within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701(b)(1). It is the agency responsible for enforcing immigration laws, and it is detaining Petitioner. Respondent Lyons has custodial authority over Petitioner, who names him in his official capacity.

20. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). DHS is the federal agency responsible for enforcing immigration laws and granting immigration benefits. *See* 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. Respondent Noem has ultimate custodial authority over Petitioner, who names her in her official capacity.

21. Respondent Pam Bondi is the Attorney General of the United States. She is responsible for the Immigration and Nationality Act's implementation and enforcement (*see* 8 U.S.C. §§ 1103(a)(1), (g)), and oversees the Executive Office for Immigration Review. Petitioner names her in her official capacity.

STATEMENT OF FACTS

1
2 22. Petitioner is a 20-year-old national and citizen of Russia. He was born there
3 in 

4 23. Petitioner entered the United States on or about October 21, 2024, at or
5 near Calexico, California. *See* Exh. 1. He fled Russia to seek asylum in the United
6 States and has been detained at the Imperial Regional Detention Facility ever
7 since entering.

8 24. Petitioner was issued a Notice to Appear in immigration court and was
9 scheduled for an initial hearing before an Immigration Judge (IJ) on November
10 12, 2024. *See id.*

11 25. Petitioner timely filed all applications for relief and evidence with the
12 immigration court, and was subsequently scheduled for an individual merits
13 hearing on July 7, 2025.

14 26. At the merits hearing, the IJ denied all forms of relief sought by Petitioner
15 and ordered his removal to Russia. Exh. 2. Petitioner reserved his right to appeal
16 the decision, and timely filed a Notice of Appeal with the BIA on August 5, 2025.
17 *See id.*; *see also* Exh. 3.

18 27. Petitioner's BIA appeal remains pending, and the BIA has yet to issue a
19 briefing schedule despite the fact that Petitioner remains in immigration detention
20 and over seven months have passed since the Notice of Appeal was filed. *See* Exh.
21 4.

22 28. Petitioner has been detained continuously since October 21, 2024—
23 exceeding 17 months as of the filing of this Petition—without ever receiving a
24 bond hearing before an immigration judge at which the government must justify
25 continued detention based on flight risk or danger. *Zadvydas*, 533 U.S. at 718;
26 *Kydrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020).

1 29. Immigration and Customs Enforcement (ICE) has not provided Petitioner
2 with any meaningful process to challenge the necessity or duration of his
3 detention.

4 30. Petitioner has not been convicted of any crime in the United States or
5 elsewhere.

6 31. Petitioner does not pose a flight risk. He has identified a sponsor in the
7 United States and demonstrated his willingness to comply with removal
8 proceedings by appearing at every scheduled hearing.

9 32. Petitioner does not pose a danger to the community. There is no evidence in
10 the record suggesting that he has engaged in any violent or dangerous conduct.

11 33. Despite the absence of any individualized determination regarding
12 Petitioner's risk or dangerousness, Respondents continue to detain him
13 indefinitely while his appeal is pending before the BIA.

14 34. As of the filing of this Petition, there is no definite timeline for when the BIA
15 will order a briefing schedule or issue a decision on Petitioner's appeal, and thus
16 no definite end to his detention in sight.

17 EXHAUSTION OF REMEDIES

18 35. Exhaustion in habeas is prudential, not jurisdictional. *See Hernandez v.*
19 *Sessions*, 872 F.3d 976, 988 (9th Cir. 2017).

20 36. A court may waive the prudential exhaustion requirement if "administrative
21 remedies are inadequate or not efficacious, pursuit of administrative remedies
22 would be a futile gesture, irreparable injury will result, or the administrative
23 proceedings would be void." *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 993, 1000
24 (9th Cir. 2004) (citation and quotation marks omitted)).

25 37. Exhaustion should be waived for futility because Respondents assert
26 Petitioner is subject to mandatory detention and Immigration Judges in this
27 procedural posture invariably conclude they lack authority to hold a custody
28 redetermination hearing, rendering administrative efforts futile.

1 38. Moreover, every day that Petitioner remains detained causes him harm that
2 cannot be repaired.

3 39. The Court must consider the effects of prolonged detention on Petitioner in
4 its irreparable harm analysis. *See De Paz Sales v. Barr*, No. 19-CV-07221-
5 KAW, 2020 U.S. Dist. LEXIS 9851, at *5, *10 (N.D. Cal. Jan. 21, 17 2020) (noting
6 that the petitioner “continues to suffer significant psychological effects from his
7 detention, including anxiety caused by the threats of other inmates and two
8 suicide attempts,” in finding that petitioner would suffer irreparable harm
9 warranting waiver of exhaustion requirement).

10 LEGAL FRAMEWORK

11 Statutory Detention Authority

12 40. Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii), which
13 provides that noncitizens found to have a credible fear of persecution are subject
14 to mandatory detention pending consideration of an asylum application.

15 Due Process Constraints on Immigration Detention

16 41. The Due Process Clause applies to noncitizens, and the Supreme Court has
17 “long recognized that the Fifth and Fourteenth Amendments refer to all persons,
18 not just citizens.” *Yick Wo*, 118 U.S. at 369.

19 42. The Supreme Court has further held that “even one whose presence in this
20 country is unlawful, involuntary, or transitory is entitled to that constitutional
21 protection of the Due Process Clauses of the Fifth and Fourteenth Amendments.”
22 *Mathews*, 426 U.S. at 77-78; *see also Plyler v. Doe*, 457 U.S. 202, 210 (1982);
23 *Wong Wing*, 163 U.S. 228, 238 (1896).

24 43. And while the Supreme Court in *Department of Homeland Security v.*
25 *Thuraissigiam*, 591 U.S. 103, 107 (2020), rejected a habeas petitioner’s argument
26 that the Due Process Clause conferred additional rights to challenge expedited
27 removal beyond those Congress provided, and stated that “an alien at the
28 threshold of initial entry cannot claim any greater rights under the Due Process

1 Clause,” *Thuraissigiam* does not foreclose a constitutional challenge to prolonged
2 physical detention without an individualized bond hearing.

3 44. In *Thuraissigiam*, the Court reasoned that the political branches have
4 plenary authority over admission and exclusion and that “an alien in respondent’s
5 position has only those rights regarding admission that Congress has provided by
6 statute,” (*id.* at 140), but courts have distinguished admission-related due process
7 limitations from detention-related due process protections.

8 45. Consistent with that distinction, courts have recognized that “the Due
9 Process Clause stands as a significant constraint on the manner in which the
10 political branches may exercise their plenary authority—through detention or
11 otherwise,” and have concluded that “the holding in *Thuraissigiam* does not
12 foreclose” due process claims seeking a bond hearing with procedural protections.
13 *Hernandez v. Wofford*, No. 25-cv-986-KES-CDB HC, 2025 WL 2420390, at *6 (E.D.
14 Cal. Aug. 21, 2025) (citations omitted); *Padilla v. ICE*, 704 F. Supp. 3d 1163,
15 1171-72 (W.D. Wash. 2023).

16 46. And as courts have explained, “[n]owhere in [*Thuraissigiam*] did the
17 Supreme Court suggest that arriving aliens being held under § 1225(b) may be
18 held indefinitely and unreasonably with no due process implications, nor that
19 such aliens have no due process rights whatsoever.” *A.L. v. Oddo*, 761 F. Supp. 3d
20 822, 825 (W.D. Pa. 2025).

21 Prolonged Detention Standard

22 47. Courts evaluating whether § 1225(b) detention has become unreasonably
23 prolonged apply a fact-intensive balancing framework, including the six factors
24 articulated in *Banda v. McAleenan*. See *Banda v. McAleenan*, 385 F. Supp. 3d 1099,
25 1106 (W.D. Wash. 2019) (citing *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 858-
26 59 (D. Minn. 2019)) (accord *Kydyrali*, 499 F. Supp. 3d at 773-74).

27 48. Under that six-factor framework, courts consider: “(1) the total length of
28 detention to date (2) the likely duration of future detention (3) conditions of

1 detention (4) delays in the removal proceedings caused by the detainee (5) delays
2 in the removal proceedings caused by the government and (6) the likelihood that
3 the removal proceedings will result in a final order of removal.” *See Banda*, 385 F.
4 Supp. at 1106 (internal citations omitted).

5 49. Courts in this District have similarly recognized that, at some point,
6 prolonged mandatory detention under § 1225(b) without an individualized bond
7 hearing violates due process. *See Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772-74
8 (S.D. Cal. 2020); *Rash v. LaRose*, No. 26v0008-LL-DEB, 2026 U.S. Dist. LEXIS
9 19033 at *13 (S.D. Cal. Jan. 30, 2026) (“Considering all the factors, the Court
10 finds Petitioner’s mandatory detention under § 1225(b) has become unreasonable
11 and that due process requires that he be provided with a bond hearing.”
12 *See Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013) (“[W]e note that
13 the discretionary parole system available to § 1225(b) detainees is not sufficient
14 to overcome the constitutional concerns raised by prolonged mandatory
15 detention.”)); *Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 U.S. Dist. LEXIS
16 222822 at *11-*12 (S.D. Cal. Nov. 12, 2025); *Maksin v. Warden, Golden State
17 Annex*, No. 1:25-cv-00955-SKO (HC), 2025 U.S. Dist. LEXIS 200588 at *8 (E.D.
18 Cal. Oct. 9, 2025) (“Several courts including the Third, Sixth, and Ninth Circuit,
19 as well as numerous district courts, have found that unreasonably long detention
20 periods may violate the due process clause.” (collecting cases)); *Abdul-Samed v.
21 Warden of Golden State Annex Det. Facility*, No. 1:25-CV-00098-SAB-HC, 2025 U.S.
22 Dist. LEXIS 142973 at *16 (E.D. Cal. July 24, 2025) (“[E]ssentially all district
23 courts that have considered the issue agree that prolonged mandatory detention
24 pending removal proceedings, without a bond hearing, ‘will—at some point—
25 violate the right to due process.’” (quoting, *Martinez v. Clark*, No. C18-1669-RAJ-
26 MAT, 2019 WL 5968089, at *6 (W.D. Wash. May 23, 2019), *report and
27 recommendation adopted*, No. 18-CV-01669-RAJ, 2019 WL 5962685 (W.D. Wash.
28 Nov. 13, 2019))).

Bond Hearing Requirements

50. Where mandatory detention has become unreasonably prolonged, due process requires that Petitioner receive “a prompt and individualized bond hearing.” *See Banda*, 385 F. Supp. 3d at 1106.

51. At such a hearing, the Government must justify continued detention “by a showing of clear and convincing evidence that Petitioner would likely flee or pose a danger to the community if released.” *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011), abrogated on other grounds by *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *see also Martinez v. Clark*, 124 F.4th 775, 785-86 (9th Cir. 2024).

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Fifth Amendment Due Process Violation - Prolonged Mandatory Detention Without Bond Hearing

52. Petitioner re-alleges and incorporates by reference paragraphs 1-51 above as if fully set forth herein.

53. Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii) and has remained continuously detained since on or about October 21, 2024—now exceeding 17 months—without any individualized custody or bond hearing.

54. The Due Process Clause applies to noncitizens. *Yick Wo*, 118 U.S. at 369; *Mathews*, 426 U.S. at 77-78; *Plyler*, 457 U.S. at 210; *Wong Wing*, 163 U.S. at 238.

55. *Thuraissigiam* does not foreclose this detention-based due process claim, because *Thuraissigiam* addressed admission-related limits on review of expedited removal screening rather than whether a person may be held for an unreasonably prolonged period without an individualized custody hearing. *See Padilla*, 704 F. Supp. 3d at 1171-72 (*Thuraissigiam* does not foreclose bond-hearing due process claims); *Hernandez v. Wofford*, No. 25-cv-986-KES-CDB HC, 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025) (same).

1 56. -- Courts have likewise emphasized that *Thuraissigiam* does not suggest
2 § 1225(b) detainees may be held “indefinitely and unreasonably with no due
3 process implications.” *A.L. v. Oddo*, 761 F. Supp. 3d at 825.

4 57. Whether § 1225(b) detention has become unreasonably prolonged is
5 assessed under a fact-intensive balancing test considering (1) length of detention;
6 (2) likely future duration; (3) conditions; (4) detainee-caused delay; (5)
7 government-caused delay; and (6) likelihood of a final removal order. *Banda*, 385
8 F. Supp. 3d at 1106.

9 58. Applying these factors, Petitioner’s detention has become unreasonably
10 prolonged and arbitrary.

11 59. First, Petitioner has already been detained for over 17 months. Courts have
12 found detentions of similar and shorter duration without a bond hearing weigh
13 toward a finding that they are unreasonable. *See, e.g., Gao v. LaRose*, No. 25-CV-
14 2084-RSH-SBC, 2025 U.S. Dist. LEXIS 190572, at *10 (S.D. Cal. Sept. 26,
15 2025) (over ten months); *Masood v. Barr*, No. 19-CV-07623-JD, 2020 U.S. Dist.
16 LEXIS 4809, at *9 (N.D. Cal. Jan. 8, 2020) (nearly nine months); *Cabral v. Decker*,
17 331 F. Supp. 3d 255, 261 (S.D.N.Y. 2018) (over seven months); *Brissett v. Decker*,
18 324 F. Supp. 3d 444, 452 (S.D.N.Y. 2018) (over nine months).

19 60. Second, there is no definite end to Petitioner’s detention in sight.
20 Petitioner’s future detention can last several more months or even years during
21 the adjudication of his appeal to the BIA and, if unfavorable, Petitioner’s appeal to
22 the Ninth Circuit. *See Banda*, 385 F. Supp. 3d at 1119 (finding an appeal to the
23 BIA and subsequent judicial review “may take up to two years or longer”).

24 61. Third, Petitioner is detained at the Imperial Regional Detention Facility, a
25 jail-like detention center where he is confined with restricted liberty and limited
26 contact with the outside world, including his counsel. The conditions are punitive
27 in nature, despite the civil character of immigration detention. Every day of
28

1 Petitioner's prolonged detention takes an incalculable toll on his mental and
2 physical health.

3 62. Fourth, Petitioner has not caused any delays in his proceedings. He
4 appeared at every scheduled hearing and cooperated with the removal
5 proceedings process throughout.

6 63. Fifth, delays in Petitioner's proceedings were substantially caused by the
7 government, not Petitioner. Over seven months have passed since Petitioner filed
8 a Notice of Appeal with the BIA, and he has yet to receive a briefing schedule
9 from the BIA. A seven-month wait for a briefing schedule is a significant delay
10 considering Petitioner's detention status. And there is still no timeline for when
11 the BIA will issue its briefing schedule or, ultimately, a decision.

12 64. Finally, Petitioner's pending appeal challenges the IJ's decision to deny his
13 applications for relief. The appeal raises substantive questions about whether the
14 IJ properly applied the law, considered all relevant evidence under the relevant
15 standard, including Petitioner's young age at the time the incidents giving rise to
16 his fear of persecution occurred, and properly conducted an individualized
17 analysis of Petitioner's claim. Accordingly, Petitioner does not have an
18 administratively final removal order and may likely prevail on his appeal and have
19 his case remanded to the IJ for further proceedings.

20 65. These factors overwhelmingly weigh in favor of finding Petitioner's
21 detention unreasonable and unconstitutional.

22 66. Due process therefore requires a prompt individualized bond hearing. *See*
23 *Banda*, 385 F. Supp. 3d at 1106.

24 67. At that hearing, the Government must justify continued detention by clear
25 and convincing evidence that Petitioner is a flight risk or danger. *Singh*, 638 F.3d
26 at 1203.

27 68. By continuing to detain Petitioner without providing that prompt
28 individualized bond hearing with the Government bearing the clear-and-

1 convincing burden, Respondents are violating Petitioner's rights under the Fifth
2 Amendment's Due Process Clause. *Banda*, 385 F. Supp. 3d at 1106; *Singh*, 638
3 F.3d at 1203.

4 **SECOND CAUSE OF ACTION**
5 **Fifth Amendment Due Process Violation - Arbitrary and Unreasonable**
6 **Government-Caused Delay**

7 69. Petitioner re-alleges and incorporates by reference paragraphs 1-51 above as
8 if fully set forth herein.

9 70. Petitioner has been detained under 8 U.S.C. § 1225(b)(1)(B)(ii) since on or
10 about October 21, 2024, and remains confined at Imperial Regional Detention
11 Facility while his appeal remains pending before the BIA with no timeline for a
12 decision.

13 71. Separate and apart from Petitioner's claim that prolonged mandatory
14 detention without a bond hearing violates due process, Petitioner alleges here that
15 Respondents and other government actors have affirmatively prolonged his
16 detention through avoidable administrative delay, rendering continued
17 confinement arbitrary and constitutionally unreasonable.

18 72. Government-caused delays are a central consideration in determining
19 whether continued detention has become constitutionally unreasonable. See
20 *Banda*, 385 F. Supp. 3d at 1106 (including "delays . . . caused by the government"
21 as a factor in assessing whether detention has become unreasonably prolonged).

22 73. Petitioner has been detained for over 17 months, and the length of his
23 detention has been driven largely by government-caused delay rather than any
24 action by Petitioner. At the appellate stage, although Petitioner timely filed his
25 Notice of Appeal in August 2025, there is no stated timeline for a BIA decision.

26 74. These government-driven delays have directly extended Petitioner's civil
27 confinement under § 1225(b) while he has diligently pursued his claims and
28 complied with all obligations, transforming continued detention into an arbitrary
restraint on liberty in violation of the Fifth Amendment.

1 75. Because Petitioner's continued detention has been materially prolonged by
2 government-caused delays—contrary to the BIA's expedited detained-appeal
3 framework and without any individualized justification tied to danger or flight
4 risk—Respondents are violating Petitioner's Fifth Amendment due process rights,
5 and habeas relief is warranted. *See Banda*, 385 F. Supp. 3d at 1106.

6 **PRAYER FOR RELIEF**

7 Petitioner asks this Court to grant the following relief:

- 8 1. Assume jurisdiction over this matter;
 - 9 2. Order Respondents to show cause why the writ should not be granted
10 as to Petitioner within three days, and set a hearing on this Petition
11 within five days of the return, as required by 28 U.S.C. § 2243;
 - 12 3. Enjoin Respondents from transferring Petitioner out of the jurisdiction
13 during the pendency of the habeas petition;
 - 14 4. Issue a writ of habeas corpus requiring that Respondents immediately
15 release Petitioner from immigration custody;
 - 16 5. Alternatively, order Respondents to provide a prompt individualized
17 bond hearing before a neutral adjudicator at which the Government
18 bears the burden by clear and convincing evidence. *See Singh*, 638
19 F.3d at 1203;
 - 20 6. Enjoin Respondents from further detaining him without providing
21 notice to the Court and Petitioner's counsel, and a hearing at which
22 Respondents prove changed circumstances regarding his
23 dangerousness or risk of flight warrant his detention;
 - 24 7. Declare that Petitioner's detention violates the Due Process Clause of
25 the Fifth Amendment. *See Kydyrali*, 499 F. Supp. 3d at 772-74; and
 - 26 8. Grant such further relief as this Court deems just and proper.
- 27
28

1 Dated: March 27, 2026 Respectfully submitted,

2
3 By: /s/ Zohaile Kakavand
4 Zohaile Kakavand
5 Casa Cornelia Law Center
6 *Pro Bono Counsel for Petitioner*

7 **TABLE OF EXHIBITS**

8 Exhibit 1: Form I-862, Notice to Appear, dated October 26, 2024

9 Exhibit 2: Order of the Immigration Judge, dated July 7, 2025

10 Exhibit 3: BIA Filing Receipt for Appeal, dated August 7, 2025

11 Exhibit 4: Screenshot of EOIR Case Portal, *last accessed on March 27, 2026, at 11:50 a.m.*

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner Mr. Vladimir Ovchinnikov in these habeas corpus proceedings. I am submitting this verification on behalf of Petitioner because I am his attorney. I have reviewed with Petitioner the events described in this petition. Based on those discussions, I hereby verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

Dated: March 27, 2026

Respectfully submitted,

By: /s/ Zohaile Kakavand
Zohaile Kakavand
Casa Cornelia Law Center
Pro Bono Counsel for Petitioner