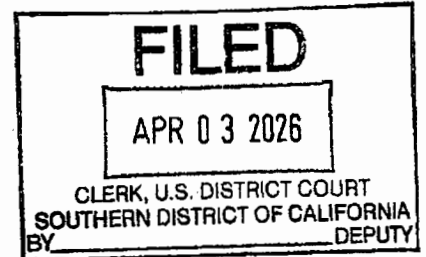


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



GOKOEV DZANSIR )

Petitioner, )

v. )

Jaremy Casey, Warden, Imperial Regional )  
Detention Facility; Todd Lyons, Director of U.S. )  
Immigration and Customs Enforcement; )  
Kristen Noem, Secretary of the U.S. Department of )  
Homeland Security; and Pamela Bondi, )  
Attorney General of the United States, )  
in their official capacities, )

Respondents. )

'26CV2127 DMS AHG



**PRO-SE PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C § 2241**

This is a petition for a writ of Habeas Corpus filed Pro-se by Gokoev Dzansir [REDACTED] seeking relief of release from custody or setting of bind hearing to remedy his unlawful detention. Mr. Gokoev Dzansir is not a flight risk or a danger to the community.

Release of the Petitioner would alleviate the expenditures of the U.S. government and taxpayers and would serve the public interest. Petitioner's release would be conducive to implications of due process rights preservation as he is an asylum applicant and should be on the low priority list for removal. He presents a viable claim based on his ethnic nationality and political opinion. The summarized facts are set forth as follows:

1. The Respondent is a citizen of Russia.
2. The Respondent is 39 years old. He was born on [REDACTED]
3. The Respondent entered the United States on October 3, 2022.
4. The Respondent filed for asylum on December 7, 2023.
5. He was recently detained at the gas station by Border Patrol Officers on January 17, 2026.
6. The respondent needs a Russian-speaking interpreter.
7. Following the Respondent's opposition activities, the Russian government attempted to use military mobilization as a tool for retaliation. Despite being legally unfit for service and lacking the military experience required by the state's own selection criteria, the Respondent was specifically targeted for the draft.
8. The Respondent is not flight risk. He has no criminal history in the United States, other than traffic infractions. He has no history of missing Court hearings.
9. The Respondent fears ethnic persecution, unlawful detention, criminal prosecution, torture, and death in Russia.
10. We urge DHS to join the undersigned with this request to preserve judicial resources and prevent draining of the U.S. economy and taxpayers' money.

#### **I. JURISDICTION**

1. This Court has jurisdiction under 28 U.S.C. § 2241.
2. Petitioner is in custody under the authority of the United States, specifically U.S. Immigration and Customs Enforcement (ICE).
3. Petitioner is detained at Imperial Regional Detention Facility in Calexico, California, within this District.
4. Petitioner challenges the legality of his detention as unconstitutional under the Fifth Amendment.

### **III. CUSTODY**

7. Petitioner has been detained by ICE for approximately three months.
8. Petitioner was arrested by immigration officers while working as a truck driver.
9. Petitioner remains in detention at Imperial Regional Detention Facility.

### **IV. PROCEDURAL HISTORY**

10. Petitioner previously resided in Florida.
11. Petitioner later relocated to Chicago, Illinois.
12. Petitioner did not have legal counsel.
13. Petitioner did not receive any notice of immigration court proceedings.
14. All notices were sent to a prior Florida address.
15. Petitioner had no actual knowledge of any scheduled hearing.
16. An immigration judge entered a removal order in absentia.
17. Petitioner first became aware of the removal order only after being detained by ICE.
18. Petitioner has never had an opportunity to appear before an immigration judge.

### **V. STATEMENT OF CLAIM**

Petitioner's detention is unlawful because:

- A. The underlying removal order is constitutionally defective due to lack of notice
- B. Petitioner was denied a meaningful opportunity to be heard
- C. Continued detention violates due process where removal is not reasonably foreseeable

### **VI. GROUNDS FOR RELIEF**

#### **GROUND ONE**

Violation of Fifth Amendment Due Process – Lack of Notice

19. Due process requires notice reasonably calculated to inform the individual of proceedings.

Mullane v. Central Hanover Bank, 339 U.S. 306

Jones v. Flowers, 547 U.S. 220

20. Petitioner did not receive notice because:
  - a. Notices were sent to an outdated Florida address
  - b. Petitioner had relocated to Chicago
  - c. Petitioner had no attorney
21. The government relied solely on mailing, despite circumstances indicating a high likelihood of non-delivery.
22. As a result, the removal order was entered without Petitioner's knowledge.

23. This constitutes a violation of due process.

## **GROUND TWO**

### **Invalid In Absentia Removal Order**

24. An in-absentia removal order requires proper notice.

8 U.S.C. § 1229a(b)(5)

25. The Board of Immigration Appeals has held that notice must be actually received where no proper address exists.

Matter of G-Y-R-, 23 I&N Dec. 181

26. Petitioner did not receive notice.  
27. Therefore, the removal order is invalid.

## **GROUND THREE**

### **Unlawful Detention Under the Fifth Amendment**

28. Detention must bear a reasonable relation to its purpose.  
29. Zadvydas v. Davis, 533 U.S. 678  
29. Petitioner is a citizen of Russia.  
30. Petitioner does not possess a valid passport.  
31. The Russian consulate has not issued travel documents.  
32. ICE has not demonstrated that removal is reasonably foreseeable.  
33. Continued detention is therefore arbitrary and unconstitutional.

## **VII. ARGUMENT**

34. Due process requires more than formal compliance; it requires fundamental fairness.  
35. Mailing notice to an address that is no longer valid is not reasonably calculated to inform.  
36. The government cannot rely on a presumption of delivery where facts indicate non-receipt.  
37. Petitioner was completely deprived of the opportunity to appear and defend himself.  
38. The resulting removal order is constitutionally defective.  
39. Detention based on such an order violates due process.  
40. Additionally, removal is not reasonably foreseeable due to lack of travel documents.  
41. Continued detention therefore serves no lawful purpose.

**VIII. REQUESTED RELIEF**


WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the writ of habeas corpus
2. Declare Petitioner's detention unlawful
3. Order immediate release OR a bond hearing
4. Declare the removal order constitutionally defective
5. Grant any further relief deemed just and proper

**IX. DECLARATION**

I, Gokoev Dzansir, declare under penalty of perjury that the foregoing is true and correct.

Date: March 13, 2026

Signature: 

**X. CERTIFICATE OF SERVICE**

I certify that a copy of this Petition was served on:

United States Attorney's Office  
Southern District of California

Date: March 13, 2026

Signature: 