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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA**

ARTEM SOLONITSYN

(A# )

Petitioner,

v.

JASON STREEVAL, Warden of the Stewart
Detention Center, in their official capacity;

KRISTEN SULLIVAN, Field Office Director
for ICE's Atlanta Field Office, in their official
capacity;

TODD LYONS, Acting Director of U.S.
Immigration and Customs Enforcement,
in their official capacity;

MARKWAYNE MULLIN, Secretary of the
U.S. Department of Homeland Security,
in their official capacity;

TODD BLANCHE, Attorney General of
the United States, in their official capacity,

Respondents.

Civil Action No.

**PETITION FOR WRIT OF HABEAS
CORPUS
UNDER 28 U.S.C. § 2241**

I. INTRODUCTION

1. Petitioner, Artem Solonitsyn ("Petitioner"), has won his case. An Immigration Judge found that he faces persecution in Russia and granted him withholding of removal on September

23, 2025. The Department of Homeland Security did not appeal. That decision is final. Under federal law, Petitioner cannot lawfully be removed to his country of persecution—not now, not in the reasonably foreseeable future, and quite possibly ever. He has nonetheless remained in ICE custody for more than six months since that final grant, and continues to be imprisoned today. There is no lawful basis for his continued confinement. The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that post-removal-order detention is limited to a period reasonably necessary to effectuate removal, and that six months is presumptively reasonable. Once that period expires and the detainee demonstrates no significant likelihood of removal, the burden shifts to the government—and the government must produce actual evidence, not conjecture. As courts across the country have emphasized following *Zadvydas*, a bare representation from an agency to its lawyers, unsupported by a single document, cannot justify keeping a person behind bars. See *Romero v. Sec'y Kristi Noem*, No. 2:26-cv-353-KCD-NPM, 2026 LEXIS 119463, at *5-6 (M.D. Fla. Mar. 25, 2026); *Berkovskaya v. Bondi*, No. 25-1044, 2026 LEXIS 24658, at *7-8 (W.D. La. Feb. 2, 2026).

2. No third country has agreed to accept Petitioner. Third-country removals for withholding grantees are, as the Supreme Court itself has recognized, extraordinarily rare—in 2017, only 1.6% of individuals who were granted withholding of removal were actually removed to an alternative country. *Johnson v. Guzman Chavez*, 594 U.S. 523, 537, 141 S. Ct. 2271, 2286 (2021). There is no concrete timeline, no pending travel document, no country that has expressed willingness to receive him. Petitioner's detention has become what the Constitution forbids: indefinite imprisonment in the absence of any realistic prospect of removal.

3. Petitioner respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and the Fifth Amendment, and requests his immediate release under reasonable conditions of supervision.

II. JURISDICTION AND VENUE

4. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241(c)(3), which authorizes federal courts to grant the writ of habeas corpus to a prisoner held “in custody in violation of the Constitution or laws or treaties of the United States.”

5. The government may argue that 8 U.S.C. §§ 1252(g) or 1252(b)(9) strip this Court of jurisdiction. Those arguments fail. Section 1252(g) is “narrowly tailored to three discrete

actions” and does not operate as a blanket bar on habeas review of prolonged detention. *Romero*, 2026 U.S. Dist. LEXIS 65102, at *3 (citing *Jennings v. Rodriguez*, 583 U.S. 281, 841 (2018)). If § 1252(g) categorically barred such review, *Zadvydas* itself—the seminal Supreme Court case permitting habeas challenges to post-removal-period detention—would never have reached the merits. *Id.*

6. Section 1252(b)(9) likewise provides no bar. The Eleventh Circuit has held that § 1252(b)(9) “only affects cases that involve review of an order of removal.” *Canal A Media Holding, LLC v. U.S. Citizenship & Immigr. Servs.*, 964 F.3d 1250, 1257 (11th Cir. 2020). Petitioner is not challenging his removal order—he is challenging the duration and constitutionality of his detention. *See Romero*, 2026 U.S. Dist. LEXIS 65102, at *3.

7. Because Petitioner challenges the fact and duration of his confinement not the validity of the underlying order—this Court has jurisdiction. *See Zadvydas*, 533 U.S. at 687–89; *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).

8. Venue is proper pursuant to 28 U.S.C. § 2241(d) because Petitioner is physically confined within this judicial district at the Stewart Detention Center, 146 Cca Rd, Lumpkin, GA 31815.

III. PARTIES

9. Petitioner Artem Solonitsyn is a Russian national who entered the United States on December 22, 2022. He is currently detained by ICE at the Stewart Detention Center, Lumpkin, GA.

10. Respondent Jason Streeval is the Warden of the Stewart Detention Center and was Petitioner’s immediate custodian at the time this habeas petition was filed. Sued in his official capacity.

11. Respondent Kristen Sullivan is the Field Office Director for ICE’s Atlanta Field Office, has direct supervisory authority over Petitioner’s detention. Sued in their official capacity.

12. Respondent Markwayne Mullin is the Secretary of Homeland Security, responsible for ICE detention and removal operations. Sued in his official capacity.

13. Respondent Todd Blanch is the Acting Attorney General of the United States, responsible for administration of immigration laws including detention. Sued in his official capacity.

IV. STATEMENT OF FACTS

14. Petitioner Artem Solonitsyn is a 38-year-old national and citizen of Russia. He is a gay man who suffered persecution at the hands of private actors and the Russian state alike. While living in Russia, he was physically attacked by homophobic individuals on account of his sexual orientation. When he sought protection from the police, he was met not with assistance but with mockery and contempt. Rather than investigate the violence against him, the officers threatened to jail him — transforming the very institution charged with his protection into an additional source of harm. The message was unmistakable. In Russia, a gay man has no recourse and no refuge.

15. Fleeing persecution in his home country, Petitioner entered the United States on December 22, 2022, near Brownsville, Texas, to seek asylum. He filed for asylum and obtained an employment authorization.

16. On January 7, 2025, Petitioner was arrested for DWI by local police and was subsequently taken into ICE custody in March 2025.

17. On September 23, 2025, the Immigration Judge granted Petitioner withholding of removal, finding it more likely than not that his life or liberty would be threatened upon return to Russia on account of his sexual orientation. Although DHS reserved the right to appeal, it did not file one. Accordingly, the Immigration Judge's decision became final on October 23, 2025, following the expiration of the 30-day appeal period.

18. While in ICE custody, Petitioner pled guilty to one count of DWI, a misdemeanor. For sentencing purposes, the court found Petitioner at Level 5 (best) and sentenced him to 60 days of active time, with credit for time served while in ICE custody.

19. Notwithstanding the final grant of withholding and the statutory bar on his removal to Russia, ICE has continued to detain Petitioner without interruption since March of 2025, a period now exceeding 14 months.

20. ICE has not identified any third country willing to accept Petitioner for removal. Petitioner has no meaningful ties to any country other than Russia. Foreign governments routinely decline to accept nationals of other countries who have no connection to them.

21. The six-month presumptively reasonable detention period established in *Zadvydas* lapsed on March 23, 2026. Since that date, Petitioner has remained detained without any meaningful, individualized review of the lawfulness of his continued confinement.

V. LEGAL STANDARD

22. A court must grant the writ of habeas corpus where the petitioner demonstrates that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

23. Petitioner’s continued detention is governed by 8 U.S.C. § 1231 and *Zadvydas v. Davis*, 533 U.S. 678 (2001). Under § 1231(a)(1), the Government has 90 days in which to remove an alien once a removal order becomes final. Detention during this removal period is mandatory. 8 U.S.C. § 1231(a)(2). If the Government is unable to effect removal within the 90-day removal period, however, continued detention of aliens such as Petitioner becomes discretionary. 8 U.S.C. § 1231(a)(6). That discretion, however, is not unfettered, and indefinite detention is not permitted. *Zadvydas*, 533 U.S. at 689 (8 U.S.C. § 1231(a)(6) “does not permit indefinite detention.”). This is not to say that every alien like Petitioner must be released once the 90-day removal period has expired. 533 U.S. at 701. Rather, the Supreme Court in *Zadvydas* recognized an implicit post-§ 1231(a)(2) period in which continued detention is “presumptively reasonable” and does not violate the Fifth Amendment. *Id.* The *Zadvydas* Court concluded that this “presumptively reasonable” period extends for no more than 6-months once an order of removal becomes final. *Id.*¹ Thereafter, “once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.* If, after considering the evidence, the Court finds that “removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699.

24. Unsupported assertions and diplomatic platitudes do not suffice. *See Romero*, LEXIS 65102, at *6 (“A mere representation from an agency to its lawyers—unbacked by a shred of evidence—cannot justify keeping a man locked in a cell.”); *Berkovskaia*, 2026 LEXIS 24658, at *7-8 (“Respondents cannot rest on bald assertions that removal is foreseeable without providing supporting evidence.”).

VI. ARGUMENT

25. Petitioner’s removal order became final no later than on October 23, 2025. He has satisfied his initial burden because he has been granted withholding of removal to Russia. Thus,

¹ Although not expressly stated, the Supreme Court appears to view the six-month period to include the 90-day removal period plus 90 days thereafter. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

there is good reason to believe that there is no significant likelihood of his removal to Russia in the reasonably foreseeable future. The burden of proof now shifts to Respondents to provide sufficient evidence to rebut that showing. *Svetlana Lavreniuk v. David Rivas*, No. 2:26-cv-424-DJH-DMF, ECF No. 16, at 2–3 (D. Ariz. Mar. 5, 2026).

26. The Government has identified no third country willing to accept Petitioner. Moreover, the Government may not remove any individual to a country where their life or freedom would be threatened. *See* 8 U.S.C. § 1231(b)(3)(A). Given that Petitioner is an openly gay man, the likelihood of locating a safe country for his removal is exceedingly remote. Accordingly, the prospect of his removal is more than merely unlikely—it is effectively illusory.

27. The statistical reality underscores the point. In fiscal year 2017, only 1.6% of aliens granted withholding of removal were ever removed to an alternative country. *Johnson v. Guzman Chavez*, 594 U.S. 523, 537 (2021). Foreign governments have little incentive to accept individuals with no connection to their country, and they “routinely deny” such requests. *See Tevdore Khatchapuridze v. Kristi Noem*, No. 5:25-cv-169, ECF No. 38, at 7–8 (S.D. Tex. Dec. 31, 2025).

28. The Court in *Khatchapuridze* granted habeas relief to a Georgian national who, like Petitioner, had been granted withholding of removal following a finding that his life or liberty would be threatened upon return. ICE submitted I-241 requests to five countries—Panama, Costa Rica, Mexico, Belize, and Spain—all of which refused. The Government nonetheless argued removal was reasonably foreseeable. The court rejected that argument: the Government's good faith efforts did not move the needle because the “test is whether and to what extent the Government's efforts are likely to bear fruit.” *Id.* at 8–9 (citing *Hassoun v. Sessions*, 2019 WL 78984, at *5 (W.D.N.Y. Jan. 2, 2019)).

29. The duration of Petitioner's detention itself bears on the Government's burden—and the Government's burden only grows harder to meet as time passes. The *Zadvydas* Court was explicit: “as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” 533 U.S. at 701. As the *Berkovskaia* Court observed, “an excessive duration of detention post-removal order can meet a petitioner's burden” even standing alone. LEXIS 24658, at *5-6. After more than 6 months—with no identified country of removal, no travel document, and no concrete timeline—that threshold is plainly crossed.

30. Thus, since the removal order became final, ICE has taken no substantive steps to effectuate Petitioner's removal.

31. Even where statutory detention authority exists in theory, the Due Process Clause independently limits its exercise. Civil detention is permissible only where it “bear[s] a reasonable relation to a legitimate governmental purpose.” *Zadvydas*, 533 U.S. at 690 (citation omitted). Detention that “amount[s] to punishment” or that becomes “effectively indefinite” exceeds that constitutional limit. *Id.* at 690–91. The Government's sole legitimate interest in detaining Petitioner under § 1231 is to assure his presence at the moment of removal. *Id.* at 699. That purpose cannot be served—and therefore cannot justify continued detention—where removal is not realistically attainable.

32. The procedural safeguards afforded to Petitioner are also constitutionally inadequate under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Petitioner's liberty interest is among the weightiest the law recognizes. Deprivation of liberty is irreparable by definition. *See Zadvydas*, 533 U.S. at 690 (“[F]reedom from imprisonment . . . lies at the heart of the liberty that [the Due Process] Clause protects”). Each day of unlawful confinement is a harm that no post-hoc remedy can undo. Beyond the deprivation of liberty itself, Petitioner has suffered and continues to suffer a substantial deterioration of his physical and psychological health. These harms are ongoing and compounding. The risk of erroneous deprivation is substantial where detention in punitive conditions exceeds six months without individualized judicial review. ICE's internal post-order custody reviews (“POCRs”),—conducted by the agency itself, without a neutral arbiter and without opportunity for appeal—do not satisfy due process. *See Khatchapuridze*, ECF No. 38, at 10–12 (“ICE—not a neutral arbiter—solely conducts both POCRs, and the process does not allow an opportunity for an appeal.”). At this stage, the Government has no substantial interest in maintaining Petitioner's detention in the absence of any progress toward his removal or any meaningful process. Thus, all *Mathews* factors weigh heavily in Petitioner's favor.

33. For the foregoing reasons, this Court should grant the instant habeas petition.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;

- b. **Order that Petitioner shall not be removed from the United States without an order by this Court allowing such removal and transferred outside the Middle District of Georgia, absent further order of this Court;**
- c. **Expedite consideration of this Petition under 28 U.S.C § 1657 (“the court shall expedite the consideration of any action brought under chapter 153”, which includes petitions for habeas corpus);**
- d. Issue an Order to Show Cause directing Respondents to explain why the writ should not be granted within three days, as required by 28 U.S.C. § 2243;
- e. Order Petitioner’s **immediate release** under reasonable conditions of supervision, and that Respondents provide advance notice to Petitioner's counsel of the exact time and location of release, no less than two hours before release;
- f. Order Respondents to return to Petitioner any and all funds or property seized from Petitioner at the time of his arrest;
- g. Award reasonable attorney’s fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- h. Grant such further relief as this Court deems just and proper.

Respectfully submitted,
Date: May 18, 2026

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

I, Sergey Risko, Esq., represent the Petitioner, Artem Solonitsyn, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Date: May 18, 2026

/s/ Sergey Risko
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