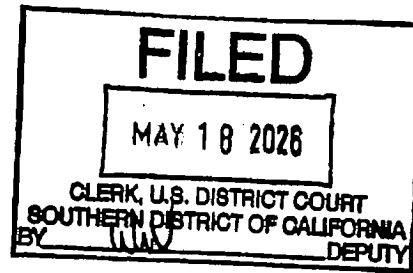


28 U.S.C. § 2241
28 U.S.C. § 1331
28 U.S.C. § 1746
8 U.S.C. § 1225(b)
U.S. Const. amend. V



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SVETLANA GRIGOROVICH,
Petitioner,

v.

CHRISTOPHER J. LAROSE, Senior Warden, Otay Mesa Detention Center, or his successor in office;
PATRICK DIVER, San Diego Field Office Director, ICE Enforcement and Removal Operations, or the current
successor San Diego Field Office Director;
TODD M. LYONS, Senior Official Performing the Duties of Director of U.S. Immigration and Customs
Enforcement, or his successor in office;
MARKWAYNE MULLIN, Secretary of Homeland Security, or his successor in office;
TODD BLANCHE, Acting Attorney General of the United States, or his successor in office,
Respondents.

Case No. '26CV3106 TWR VET

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

MEMORANDUM OF POINTS AND AUTHORITIES

MOTION FOR INDIVIDUALIZED BOND HEARING

I. INTRODUCTION

Petitioner Svetlana Grigorovich, through next friend Pavel Grigorovich, respectfully submits this renewed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging her prolonged immigration detention at the Otay Mesa Detention Center.

This renewed petition is based upon materially changed circumstances arising after denial of Petitioner's prior habeas petition.

At the time of the prior denial, Petitioner had been detained for approximately ten months. The Court concluded that detention at that time had not yet become constitutionally excessive.

Petitioner now remains detained for substantially longer while her immigration appeal remains pending before the Board of Immigration Appeals ("BIA"). The continued detention has become unreasonably prolonged, punitive in effect, and no longer reasonably related to the government's legitimate immigration purposes.

Petitioner has no criminal history, no history of violence, no disciplinary history in detention, a verified release sponsor, stable housing, community support, and documented medical and mental-health deterioration during confinement.

Petitioner does not seek review of the merits of her removal proceedings. Instead, she challenges the constitutionality of her continued prolonged detention without an individualized bond hearing under the Fifth Amendment Due Process Clause.

Petitioner respectfully requests:

1. An immediate individualized bond hearing before an Immigration Judge at which the government bears the burden of justifying continued detention;
2. Alternatively, supervised release under reasonable conditions, including electronic monitoring if necessary;
3. Expedited consideration of this Petition;
4. Any other relief the Court deems proper.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to:

- 28 U.S.C. § 2241;
- 28 U.S.C. § 1331;
- the Suspension Clause of the United States Constitution;
- and the Fifth Amendment Due Process Clause.


Petitioner is in custody within the Southern District of California at Otay Mesa Detention Center.

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2241 because Petitioner is detained within this judicial district.

III. PARTIES

Petitioner

Petitioner Svetlana Grigorovich is a native and citizen of Russia currently detained at Otay Mesa Detention Center in San Diego County, California.

Petitioner's A-Number is 

Country of Birth: Russia.

Petitioner remains in ICE custody at Otay Mesa Detention Center in California.

Respondents

Respondents are federal officials and detention authorities responsible for Petitioner's continued Immigration detention, including the Immediate custodian at Otay Mesa Detention Center, the ICE field office official with custody authority, ICE leadership, DHS leadership, and DOJ/EOIR leadership.

IV. FACTUAL BACKGROUND

A. Immigration Proceedings

Petitioner entered the United States seeking protection from persecution.

Petitioner applied for asylum and related protection.

On January 26, 2026, the Immigration Judge denied relief and ordered Petitioner removed to Russia. The written Immigration Court summary/order in the record is dated January 26, 2026.

Petitioner timely appealed to the Board of Immigration Appeals on February 7, 2026. The BIA filing receipt reflects receipt of the appeal and identifies the appeal as filed by Respondent/Applicant on February 7, 2026.

The BIA appeal remains pending.

Petitioner therefore remains in ongoing Immigration proceedings.

B. Length of Detention

Petitioner has remained continuously detained in ICE custody since approximately May 7, 2025, and is currently listed as detained at Otay Mesa Detention Center in California.

As of the mailing date of May 12, 2026, Petitioner has been detained for approximately one year and five days.

At the time the Court denied Petitioner's prior habeas petition, detention was approximately ten months in duration.

The present renewed petition is based on materially changed circumstances, including:

- substantially increased detention length;
- continuing BIA delay;
- worsening medical and mental-health conditions;
- continued confinement without individualized bond review.

C. Lack of Criminal History and Community Danger

To the best of Petitioner's knowledge, Petitioner has no criminal history.

Petitioner has no violent offenses.

Petitioner has no known warrants or pending criminal matters.

Petitioner does not pose a danger to the community.

Petitioner has family support, stable housing, and a verified sponsor willing to provide supervision and financial support.

D. Verified Release Plan

Petitioner has a verified release sponsor, Tihomir Todorov, a United States citizen residing in Kent, Washington.

Supporting documentation includes:

- sponsor declaration;
- identification documents;
- utility bills;
- tax returns;
- proof of address;

- financial support evidence.

Petitioner's sponsor has agreed to:

- provide housing;
- ensure transportation;
- assist with immigration hearings;
- support ICE compliance;
- supervise Petitioner if released.

Petitioner also has additional family support letters confirming stable community ties and willingness to assist compliance.

V. MEDICAL AND MENTAL HEALTH CONDITIONS

Petitioner suffers from documented hypertension requiring continuing medication and monitoring.

Medical records demonstrate:

- elevated blood pressure;
- repeated blood-pressure checks;
- cardiac evaluation;
- antihypertensive medication prescriptions;
- ongoing medical monitoring.

Exhibits also document:

- depression symptoms;
- anxiety;
- emotional distress;
- mental-health treatment;
- psychiatric follow-up;
- sertraline prescriptions.

Medical records further reflect repeated sick-call requests, ongoing medical complaints, and continuing psychological distress associated with detention.

Petitioner's prolonged detention has materially worsened her physical and mental condition.

The stress and uncertainty of prolonged confinement have contributed to worsening anxiety, elevated blood pressure, emotional deterioration, and mental-health symptoms.

VI. PRIOR HABEAS PETITION AND MATERIAL CHANGE IN CIRCUMSTANCES

Petitioner previously filed a habeas petition challenging her detention in this Court, Case No. 26-cv-01572-BAS-MSB.

The Court denied the petition on March 24, 2026, at a time when detention had lasted approximately ten months.

The Court did not hold that habeas jurisdiction was unavailable.

Instead, the Court concluded that the detention at that time had not yet become sufficiently prolonged to violate due process.

This renewed petition is based on materially changed circumstances arising after denial of the prior petition.

Those changed circumstances include:

1. Significantly Increased detention length;
2. Continued BIA delay;
3. Ongoing confinement without bond review;
4. Worsening physical health;
5. Worsening mental-health symptoms;
6. Continued punitive effects of detention;
7. Expanded evidentiary record.

This renewed petition therefore presents new constitutional circumstances not previously adjudicated.

VII. LEGAL STANDARD

The Fifth Amendment prohibits civil immigration detention that becomes unreasonably prolonged and no longer reasonably related to its regulatory purpose.

Immigration detention is civil rather than punitive.

Accordingly, detention must remain reasonably related to ensuring appearance at proceedings and protecting community safety.

When detention becomes excessive in relation to those purposes, due process requires meaningful individualized review.

VIII. ADDITIONAL CONSTITUTIONAL AND EQUITABLE CONSIDERATIONS

A. No Foreseeable End to Detention

Petitioner's BIA appeal remains pending.

As of the mailing date of this Petition, no briefing schedule has been issued.

Accordingly, there is presently no reasonably foreseeable end to Petitioner's detention.

The uncertainty and potentially indefinite duration of confinement substantially increase the constitutional concerns associated with continued detention without individualized review.

B. Detention Is Increasingly Excessive Relative to Government Interests

Although immigration detention may initially serve legitimate regulatory purposes, due process requires that detention remain reasonably related to those purposes over time.

Here, the government's interests can be fully protected through substantially less restrictive alternatives, including:

- bond conditions;
- reporting requirements;
- GPS monitoring;
- supervised release;
- sponsor supervision.

Petitioner has:

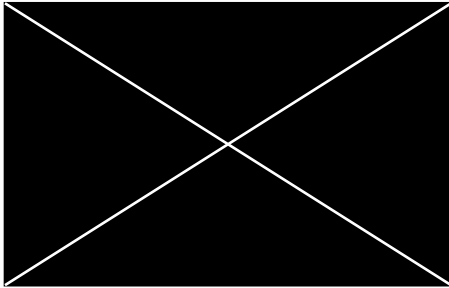
- no criminal history;
- no history of violence;
- stable housing;
- family support;
- a verified sponsor;
- willingness to comply with all immigration requirements.

Continued incarceration under these circumstances has become excessive relative to the government's stated objectives.

C. Medical and Psychological Deterioration During Detention

Petitioner's medical and mental-health records demonstrate continuing deterioration during confinement.

The record reflects:



The prolonged stress associated with detention and uncertainty regarding release materially contribute to worsening health conditions.

Even where treatment has been provided, the constitutional inquiry remains whether continued prolonged confinement has become excessively burdensome and punitive in effect.

Any intermittent medication refusal occurred in the context of language barriers, anxiety, concerns regarding medication side effects, psychological distress, and the stress of prolonged detention.

D. Petitioner Seeks Narrow Constitutional Relief

Petitioner does not request that this Court adjudicate the merits of her asylum claims.

Petitioner does not seek review of the Immigration Judge's factual findings.

Petitioner instead seeks only constitutionally required custody review in light of prolonged detention.

This Petition therefore falls squarely within traditional habeas review of executive detention.

IX. ARGUMENT

CLAIM ONE

PROLONGED DETENTION WITHOUT AN INDIVIDUALIZED BOND HEARING VIOLATES THE FIFTH AMENDMENT

Petitioner's continued detention has become unreasonably prolonged.

The Supreme Court has repeatedly recognized constitutional limitations on civil immigration detention.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that immigration detention cannot become indefinite and must remain reasonably related to immigration purposes.

In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court emphasized that detention contemplated under immigration statutes was expected to remain relatively brief.

Although *Jennings v. Rodriguez*, 583 U.S. 281 (2018), rejected a statutory interpretation requiring automatic bond hearings, *Jennings* did not eliminate constitutional due-process challenges to prolonged detention.

Petitioner's detention now exceeds the duration the Court previously considered constitutionally permissible.

The prolonged nature of detention now weighs heavily in favor of constitutional protection.

Several factors demonstrate that continued detention violates due process:

A. Extraordinary Length of Detention

As of May 12, 2026, Petitioner has been detained for approximately one year and five days.

The duration of confinement substantially exceeds the detention length previously reviewed by this Court.

As detention length increases, constitutional concerns intensify.

B. Lack of Individualized Review

Petitioner has never received a constitutionally adequate individualized custody determination evaluating:

- danger to the community;
- flight risk;
- medical condition;
- mental-health deterioration;
- sponsor support;
- release conditions.

C. No Danger to the Community

Petitioner has:

- no criminal history;
- no violent conduct;
- no disciplinary record;
- stable sponsor support;
- community ties.

Nothing in the record suggests Petitioner presents any danger to public safety.

D. Minimal Flight Risk

Petitioner has:

- stable housing;
- sponsor support;
- family support;
- pending legal proceedings;
- strong incentive to appear;
- willingness to comply with ICE conditions.

Any potential concerns can be addressed through reasonable release conditions.

E. Worsening Medical and Psychological Harm

The medical record demonstrates ongoing:





The continued confinement has become excessively burdensome and punitive in effect.

CLAIM TWO

CONTINUED DETENTION IS NO LONGER REASONABLY RELATED TO A LEGITIMATE GOVERNMENT PURPOSE

Civil immigration detention is constitutionally permissible only so long as it reasonably serves legitimate regulatory purposes.

Those purposes are:

1. Ensuring appearance at proceedings;
2. Protecting community safety.

Here, continued detention no longer meaningfully advances either purpose.

Petitioner has demonstrated:

- stable sponsor support;
- willingness to comply;
- no criminal history;
- no violence;
- no disciplinary problems.

The government's interests can be fully protected through:

- bond conditions;
- reporting requirements;
- electronic monitoring if necessary;
- supervised release.

Continued detention under these circumstances is excessive and constitutionally unreasonable.

CLAIM THREE

DUE PROCESS REQUIRES AN INDIVIDUALIZED BOND HEARING

At minimum, due process requires a meaningful individualized custody hearing.

Such hearing must evaluate:

- current detention length;
- present flight risk;
- present danger assessment;
- medical condition;
- release plan;
- sponsor support;
- less restrictive alternatives.

Petitioner has never received such individualized constitutional review.

Due process therefore requires an immediate bond hearing.

X. DISTINGUISHING PRIOR DENIAL

The present petition materially differs from the prior habeas petition previously denied by this Court.

At the time of the prior denial:

- detention was significantly shorter;
- the current medical evidence had not fully developed;
- current mental-health evidence had not fully developed;
- the prolonged nature of confinement had not yet reached its current constitutional severity.

The constitutional balance has now materially shifted.

Petitioner's continued detention has become substantially more burdensome and punitive.

The Due Process Clause therefore requires renewed constitutional review.

XI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order an Immediate individualized bond hearing before an Immigration Judge;
3. Alternatively order Petitioner released under reasonable supervision conditions;
4. Order expedited consideration of this matter;
5. Award any additional relief the Court deems just and proper;
6. Expedite consideration of this Petition;
7. Conduct any evidentiary hearing the Court deems appropriate.

XII. DECLARATION OF SVETLANA GRIGOROVICH

I, Svetlana Grigorovich, declare under penalty of perjury under the laws of the United States pursuant to 28 U.S.C. § 1746:

1. I am currently detained at Otay Mesa Detention Center.
2. I have been detained since approximately May 7, 2025.
3. I have no criminal history.
4. My prolonged detention has caused severe emotional distress.
5. I suffer from anxiety, depression, and elevated blood pressure.
6. My health has worsened during detention.
7. I experience stress, fear, emotional exhaustion, and uncertainty because of my prolonged confinement.
8. I have family support and a stable place to live if released.
9. I will comply with all immigration requirements and attend all hearings.
10. I do not present any danger to the community.

11. I respectfully request an individualized bond hearing or supervised release.

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

Date: May 12, 2026

Signature: _____ Svetlana Grigorovich

XIII. DECLARATION OF TIHOMIR TODOROV

I, Tihomir Todorov, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a United States citizen.
2. I reside in Kent, Washington.
3. I am willing to sponsor Svetlana Grigorovich upon release.
4. I will provide housing, transportation, and financial support.
5. I will assist her in attending all immigration hearings and complying with ICE conditions.
6. I believe she does not pose any danger to the community.
7. I believe she will fully comply with all immigration requirements.

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

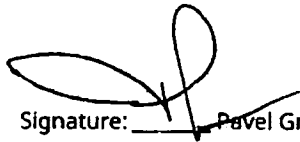
Date: May 12, 2026

Signature:  Tihomir Todorov

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

I, Pavel Grigorovich, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am filing this Petition as next friend for Petitioner Svetlana Grigorovich, who is detained at Otay Mesa Detention Center. I verify that the factual statements in this Petition are true and correct to the best of my knowledge, information, and belief, based on family knowledge, documents, ICE custody information, court records, and medical records.

Date: May 12, 2026


Signature: _____ Pavel Grigorovich

XV. PROPOSED ORDER

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

The Court having reviewed Petitioner's Renewed Petition for Writ of Habeas Corpus hereby ORDERS:

1. Respondents shall file a response within ____ days;
2. Petitioner shall receive an individualized bond hearing before an Immigration Judge within ____ days;
3. Alternatively, Respondents shall show cause why continued detention without bond review does not violate due process.

IT IS SO ORDERED.

DATED: ____

UNITED STATES DISTRICT JUDGE

XVI. EXHIBIT LIST

- Exhibit A — ICE Custody Verification
- Exhibit B — BIA Appeal Receipt
- Exhibit C — Immigration Judge Order
- Exhibit D — Medical Records
- Exhibit E — Mental Health Records
- Exhibit F — Sick Call Requests
- Exhibit G — Sponsor Declaration
- Exhibit H — Utility Bills
- Exhibit I — Tax Returns
- Exhibit J — Identification Documents
- Exhibit K — Family Support Letters
- Exhibit L — Humanitarian Parole Request
- Exhibit M — Prior Habeas Denial Order

XVII. DECLARATION OF PAVEL GRIGOROVICH AS NEXT FRIEND

I, Pavel Grigorovich, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the son of Petitioner Svetlana Grigorovich.
2. Petitioner is currently detained at Otay Mesa Detention Center.
3. Because of detention restrictions, limited legal access, limited ability to prepare legal filings independently, and practical limitations associated with detention, I am assisting Petitioner with preparation and mailing of this habeas filing.
4. I am acting solely in Petitioner's interests.
5. I have personal knowledge of Petitioner's prolonged detention, health deterioration, and family support circumstances.
6. Petitioner supports this filing and requests relief from continued prolonged detention.

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

Date: May 12, 2026

Signature: _____ Pavel Grigorovich

XVIII. CERTIFICATE OF SERVICE

I certify that on May 12, 2026, I mailed a true and correct copy of this Renewed Petition for Writ of Habeas Corpus and supporting documents by United States Mail to:

Office of the United States Attorney
Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

and

Office of Chief Counsel
U.S. Immigration and Customs Enforcement
Otay Mesa Detention Center

P.O. Box 438150
San Diego, CA 92143

Date: May 12, 2026

Signature: _____ Pavel Grigorovich

XIX. UPDATED JS-44 CIVIL COVER SHEET INFORMATION

Plaintiff/Petitioner: Svetlana Grigorovich

Filed by Next Friend: Pavel Grigorovich

Respondents: Christopher J. LaRose, Senior Warden, Otay Mesa Detention Center, et al.

Basis of Jurisdiction: Federal Question

Nature of Suit: 463 Allen Detainee

Cause of Action: 28 U.S.C. § 2241 Habeas Corpus – Unconstitutional Prolonged Immigration Detention

Jury Demand: None

Related Case: 26-cv-01572-BAS-MSB, Grigorovich v. Diwer et al., Southern District of California

XX. EXHIBIT COVER PAGES

Use the following separator pages before each exhibit:

EXHIBIT A — ICE Custody Verification

EXHIBIT B — BIA Appeal Receipt

EXHIBIT C — Immigration Judge Removal Order

EXHIBIT D — Prior Habeas Denial Order

EXHIBIT E — Medical Records

EXHIBIT F — Mental Health Records

EXHIBIT G — Sick Call Requests

EXHIBIT H — Sponsor Declaration

EXHIBIT I — Utility Bills / Proof of Address

EXHIBIT J — Tax Returns / Financial Records

EXHIBIT K — Identification Documents

EXHIBIT L — Family Support Letters

EXHIBIT M — Humanitarian Parole Request

XXI. FINAL MAILING CHECKLIST

Before mailing:

1. Sign all declarations.
2. Number all pages consecutively.
3. Put exhibit separator pages before each exhibit.
4. Include a \$5.00 filing fee check or U.S. Postal Service money order payable to "Clerk, U.S. District Court."
5. Include completed JS-44 cover sheet.
6. Make one full copy for records.
7. Use certified mail with tracking.
8. Keep mailing receipt and tracking number.
9. Write A-Number on first page of packet.
10. Mail on May 12, 2026.

XXII. FILING INSTRUCTIONS

Prepare separate mailing packets:

Original Packet for Court:

- Petition and Memorandum;
- Declarations;
- Exhibit volumes;
- Proposed Order;

- Civil Cover Sheet;
- \$5.00 filing fee.

Copy Packet:

- Full identical copy for records.

Prepare separate PDFs if additionally scanning electronically:

1. Renewed Petition + Memorandum;
2. Declarations;
3. Exhibits Volume 1;
4. Exhibits Volume 2;
5. Proposed Order;
6. Civil Cover Sheet JS-44;
7. Motion to Proceed In Forma Pauperis (if requesting fee waiver).

File in:

United States District Court
Southern District of California

Because Petitioner is detained at Otay Mesa Detention Center.

IMPORTANT NOTES

1. Sign every declaration.
2. Number all pages.
3. Put exhibit labels on each exhibit.
4. Include A-number on every filing.
5. Keep copies of everything mailed.
6. Send by certified mail with tracking if filing by mail.

Mailing Date: May 12, 2026.

Recommended Clerk Address:

Clerk of Court
United States District Court
Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101 7. If e-filing unavailable, include original signature pages.

END OF DOCUMENT