IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

VIKTOR VDOVIN, A[redacted], Petitioner, v. JASON STREEVAL, Warden, Stewart Detention Center; FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Atlanta Field Office; DAVID J. VENTURELLA, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; TODD BLANCHE, United States Attorney General; SIRCE E. OWEN, Acting Director, Executive Office for Immigration Review; and EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, all in their official capacities, Respondents.	Case No. _____ **PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241** (Verified)

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Viktor Vdovin, by and through undersigned counsel, petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, and alleges as follows.

I. INTRODUCTION

1. Viktor Vdovin lived openly in the United States for nearly four years. The Department of Homeland Security knew where he was. The Department set his reporting schedule, and he kept it. On August 18, 2026, he appeared at a reporting appointment that the agency had scheduled in advance, as he had done each year since his release. Officers took him into custody at that appointment. He was given no reason then, and none has been given since.

2. Petitioner reports, and counsel's intake record reflects, that he has no criminal arrest, charge, or conviction; that he appeared for every immigration hearing and reporting appointment of which he received notice; and that no violation of any release condition was ever communicated to him. His removal proceedings under 8 U.S.C. § 1229a remain pending. The presently available records of the Executive Office for Immigration Review identify no merits hearing and list the next proceeding as a master calendar hearing on November 24, 2027.

3. Based on the arriving-alien designation on the Notice to Appear and on published agency precedent, Respondents appear to be treating Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) because he was inspected at a port of entry in October 2022 and released rather than admitted.

4. On that classification, no immigration judge may conduct an individualized merits custody determination in Petitioner's case. 8 C.F.R. § 1003.19(h)(2)(i)(B). Petitioner may ask an immigration judge to consider custody and, upon a declination of jurisdiction, may appeal that legal ruling to the Board of Immigration Appeals. That route reviews only the antecedent question of which detention statute governs. It cannot weigh danger or flight risk, it cannot supply the individualized custody hearing Petitioner has never received, and it cannot restore the liberty lost while it proceeds. Published Board precedent forecloses the classification question in advance.

5. That is not enough process for what was taken. Petitioner's leading claim does not depend on which detention statute the Court concludes applies. Whatever the source of Respondents' authority, the Government created Petitioner's liberty in the community, sustained it for nearly four years, supervised it through conditions he met, and then withdrew it without notice, without a statement of reasons, and without any individualized determination by a neutral decisionmaker that anything had changed. *See Morrissey v. Brewer*, 408 U.S. 471 (1972); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

6. Independently, and in the alternative, 8 U.S.C. § 1226(a) supplies the governing framework. A person who has lived in the interior of the United States for nearly four years is not an applicant *seeking admission* at the border. *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, 175 F.4th 1258 (11th Cir. 2026). This Court has reached the same conclusion repeatedly in petitions arising from the Stewart Detention Center.

7. Petitioner asks this Court to grant the writ and order his immediate and unconditional release. In the alternative, he asks the Court to order a custody hearing before an immigration judge within seven days at which the Government bears the burden of justifying continued detention by clear and convincing evidence. At a minimum, he asks for a custody hearing under § 1226(a) within seven days, with release to follow if it is not provided.

II. JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241(a) and (c)(3), 28 U.S.C. § 1331, and Article I, Section 9, Clause 2 of the United States Constitution. Petitioner also invokes 28 U.S.C. §§ 2201 and 2202.

9. Petitioner is in custody within the meaning of § 2241. He is physically confined at the Stewart Detention Center in Lumpkin, Georgia. Ex. B (APP. 004).

10. Respondent Jason Streeval, the Warden of the Stewart Detention Center, is Petitioner's immediate custodian and the proper respondent. *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). The remaining Respondents are named not as habeas custodians but because they exercise the authority that produced and maintains the detention, and because they would be required to carry out the relief requested, the Department of Justice Respondents in particular where the prayer includes an alternative custody hearing before an immigration judge.

11. Venue lies in this District because Petitioner is confined here. Stewart County, Georgia, lies within the Columbus Division. 28 U.S.C. § 90(b)(3); M.D. Ga. L.R. 3.4.

12. No jurisdictional bar applies. Petitioner does not challenge a removal order, a decision to commence proceedings, or any discretionary determination committed to the Attorney General. He challenges the lawfulness of his physical detention. Sections 1252(b)(9) and 1252(g) of Title 8 do not reach such a challenge. *See Jennings v. Rodriguez*, 583 U.S. 281, 293-95 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

13. Section 1226(e) poses no bar either. It withdraws review of the *discretionary judgment* of the Attorney General regarding the application of § 1226, and of actions regarding detention or the revocation or denial of bond or parole. It does not bar a challenge to the statutory framework under which a person is held, and it does not bar a constitutional claim. *Demore*, 538 U.S. at 516-17. Petitioner does not ask this Court to set a bond amount or to substitute its discretion for the agency's. He asks it to decide which statute governs and what process the Constitution requires.

III. PARTIES

14. Petitioner Viktor Vdovin is a native and citizen of Russia, born in 1988. He is assigned Alien Registration Number A [redacted] and is presently detained at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815.

15. Respondent Jason Streeval is the Warden of the Stewart Detention Center and has immediate physical custody of Petitioner. He is sued in his official capacity. If a different individual now holds that office, Respondent is named by office and substitution is automatic. Fed. R. Civ. P. 25(d).

16. Respondent Field Office Director of the Atlanta Field Office of Immigration and Customs Enforcement, Enforcement and Removal Operations, directs immigration custody operations in Georgia, North Carolina, and South Carolina, and has legal custody of Petitioner. The Field Office Director is named by office and sued in an official capacity. Fed. R. Civ. P. 25(d).

17. Respondent David J. Venturella is the Senior Official Performing the Duties of the Director of Immigration and Customs Enforcement. He is sued in his official capacity.

18. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security, sued in his official capacity. Respondent United States Department of Homeland Security is the agency that detains Petitioner.

19. Respondent Todd Blanche is the Attorney General of the United States, sued in his official capacity. Respondent Sirce E. Owen is the Acting Director of the Executive Office for Immigration Review, and Respondent Executive Office for Immigration Review is the component of the Department of Justice that would conduct any custody hearing ordered by this Court. They are named because they are necessary to the alternative relief requested.

IV. EXHAUSTION IS NOT REQUIRED

20. Section 2241 contains no statutory exhaustion requirement, and any judicially created exhaustion rule is excused where the administrative process is inadequate to the relief sought or futile.

21. Petitioner's principal claim is a constitutional challenge to the manner in which Respondents revoked his established community liberty. No immigration judge and no administrative appellate body can adjudicate that claim or remedy it.

22. The administrative route that does exist begins with a declination of jurisdiction. An immigration judge has no authority over the custody of arriving aliens, *including aliens paroled after arrival pursuant to section 212(d)(5) of the Act*. 8 C.F.R. § 1003.19(h)(2)(i)(B); *Matter of Oseiwusu*, 22 I&N Dec. 19, 20 (BIA 1998). What follows is Board review of the antecedent legal classification, not an individualized adjudication of flight risk or danger. *See Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). Published Board precedent also forecloses that classification question in advance. *Id.*; *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

23. Petitioner would remain confined throughout that process. A later administrative ruling on a legal classification cannot return the liberty lost while the ruling is obtained, and it would not produce the individualized custody determination he has never received.

24. A request that Immigration and Customs Enforcement exercise its parole discretion is not an adequate substitute. Parole is discretionary, is decided by the agency that detains Petitioner rather than by a neutral decisionmaker, applies no burden of proof, produces no findings, and creates no reviewable record.

V. STATEMENT OF FACTS

A. Inspection at the port of entry and release into the community

25. On October 19, 2022, Petitioner applied for admission to the United States at the Calexico West Port of Entry in the vehicle lanes. Ex. A (APP. 002).

26. On October 20, 2022, the Department of Homeland Security issued Petitioner a Notice to Appear, Form I-862, charging him for removal proceedings under section 240 of the Immigration and Nationality Act. The Notice designates Petitioner an arriving alien and alleges that he is a native and citizen of Russia, that he applied for admission on October 19, 2022, and that he lacked a valid unexpired immigrant visa or other valid entry document and a valid unexpired passport. Ex. A (APP. 002).

27. The Notice to Appear states that the charges of removability are set forth on a continuation page made a part of the notice. The continuation page is not presently in counsel's possession and is in Respondents' records. Ex. A (APP. 002).

28. The Notice to Appear does not indicate that it followed a positive credible fear determination or a vacated section 235(b)(1) order. Neither box is checked. On the face of the presently available record, the Notice to Appear reflects the Department's selection of the section 240 process rather than the expedited-removal pathway. Ex. A (APP. 002).

29. Petitioner reports that on or about October 20, 2022, the Department released him from custody. The instrument of that release, its stated duration or purpose, its conditions, and the date, time, and manner of service of the Notice to Appear are not presently in counsel's possession and are maintained in Respondents' records. Petitioner gave the Department a residential address in Woodland Hills, California, and the Department ordered him to appear before an immigration judge in Los Angeles. Ex. A (APP. 002).

30. Petitioner reports that from his release in October 2022 until August 18, 2026, he lived openly in the United States at an address known to the Department; that the Department

required him to report periodically to Immigration and Customs Enforcement, including on an annual basis; and that he attended every appointment of which he received notice.

B. Nearly four years in the community

31. Petitioner reports, and counsel's intake record reflects, no criminal arrest, criminal charge, or conviction. No criminal history has been disclosed to Petitioner or appears in the presently available record.

32. Petitioner reports that he has never failed to appear for an immigration hearing or a reporting appointment, and that no violation of any condition of his release was ever communicated to him. No such failure or violation appears in the presently available record.

33. Petitioner is married and his wife resides in the United States.

C. The removal proceedings remain pending

34. The Department issued the Notice to Appear in October 2022. The presently available records of the Executive Office for Immigration Review list a docket date of October 1, 2025, reflect that the case is pending, and reflect that no appeal has been received. Ex. C (APP. 006).

35. Those records identify no merits hearing and list the next proceeding as a master calendar hearing scheduled in person for November 24, 2027, at 8:30 a.m., before Immigration Judge Charles N. Purnell at the immigration court at 5701 Executive Center Drive, Suite 400, Charlotte, North Carolina 28212. Ex. C (APP. 006).

36. That date is more than a year after the filing of this petition and more than five years after the Notice to Appear was issued.

D. The August 18, 2026 re-detention at a scheduled reporting appointment

37. Petitioner reports that on August 18, 2026, at approximately 12:00 p.m., he appeared at an office of Immigration and Customs Enforcement for a reporting appointment the agency had scheduled in advance, and that he appeared voluntarily and as directed.

38. Officers took Petitioner into custody at that appointment. His detention is reflected in the ICE Online Detainee Locator System. Ex. B (APP. 004).

39. Petitioner reports that he was given no reason for being taken into custody at the time, and that no reason has been given since. No statement of reasons has been disclosed to Petitioner or appears in the presently available record.

40. Petitioner reports that he received no advance notice that his release would be revoked, no opportunity to be heard before it was revoked, and no written statement of the grounds. No such notice or opportunity, and no individualized determination by a neutral decisionmaker, has been disclosed to Petitioner or appears in the presently available record.

41. Petitioner is unaware of any materially changed circumstance preceding the arrest. He reports no new arrest or charge, no failure to appear, and no communicated violation of any release condition, and no such circumstance appears in the presently available record.

42. Petitioner reports that he was transferred from the location of his arrest to the Stewart Detention Center in Lumpkin, Georgia, within days. He remains confined there. Ex. B (APP. 004).

E. No individualized custody determination has been made or is available

43. Petitioner reports that no custody hearing has occurred since his re-detention, and that none is scheduled. No individualized merits custody determination has been disclosed to Petitioner or counsel or appears in the presently available record.

44. Absent judicial relief, governing agency precedent would deny an immigration judge jurisdiction to conduct an individualized merits custody determination in Petitioner's case, and no other neutral decisionmaker is available to weigh flight risk or danger.

VI. LEGAL BACKGROUND

45. The Immigration and Nationality Act establishes two detention frameworks. Section 1225 governs applicants for admission being examined at the border or a port of entry. Section 1226 governs the detention of noncitizens already in the country pending a decision on removal. *Jennings*, 583 U.S. at 287-89.

46. Detention under § 1226(a) is discretionary. The noncitizen may be released on bond, and the regulations provide for a custody determination by an immigration officer and redetermination by an immigration judge. 8 C.F.R. §§ 236.1, 1003.19, 1236.1.

47. Section 1226(c) mandates detention only for enumerated categories. Section 1226(c)(1)(E) has two conjunctive requirements. Clause (i) requires inadmissibility under 8 U.S.C. § 1182(a)(6)(A), (a)(6)(C), or (a)(7). Clause (ii) requires that the person be charged with, arrested for, convicted of, or admit committing acts constituting the essential elements of burglary, theft, larceny, shoplifting, or assault of a law enforcement officer, or any crime resulting in death or serious bodily injury. Nothing in the presently available record satisfies clause (ii), and § 1226(c) does not apply.

48. Respondents' apparent position rests on the premise that parole is not admission. 8 U.S.C. § 1182(d)(5)(A); *Sanchez v. Mayorkas*, 593 U.S. 409, 414 (2021). The premise is correct. The conclusion Respondents draw from it does not follow. That a person has not been admitted says nothing about whether he is presently seeking admission at the border, which is the subject § 1225(b)(2)(A) addresses.

49. The Eleventh Circuit has rejected that reading. *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, 175 F.4th 1258 (11th Cir. 2026), holds that § 1225(b)(2)(A) does not apply to unadmitted noncitizens merely present in the interior of the United States, and that § 1226 governs their detention.

50. Petitioner is candid about the posture. The petitioners in *Hernandez Alvarez* entered without inspection and were later arrested in the interior; the panel did not separately analyze the statutory treatment of a noncitizen inspected and paroled at a port of entry. Its published construction of §§ 1225 and 1226 nevertheless binds this Court, and its border-interior distinction requires the same result where the Department re-detains a person nearly four years after inspection, while he is living in the interior and is not then seeking lawful entry. Courts in this Circuit have applied that reasoning to the parolee posture. *Ortiz Arreiche v. Warden, Baker Correctional Institution*, No. 3:26-cv-1724-WWB-SJH (M.D. Fla. July 15, 2026); *Arnay Gonzales Martinez v. Warden*, No. 3:26-cv-1453-WWB-LLL (M.D. Fla. July 2, 2026).

51. This Court has reached the same conclusion in petitions arising from the Stewart Detention Center. *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025); *V.G.G. v. Warden, Stewart Detention Center*, No. 4:25-cv-509-CDL-AGH (M.D. Ga. Jan. 6, 2026); *G.M.F. v. Warden, Stewart Detention Center*, No. 4:25-cv-535-CDL-ALS (M.D. Ga. Jan. 9, 2026). Standing Order No. 2026-01 (M.D. Ga. Jan. 29, 2026) directs the Magistrate Judges to screen each such petition and authorizes an order requiring a bond hearing within seven days where the petition falls within the parameters of those decisions.

52. Decisions of the Board of Immigration Appeals do not bind an Article III court on a question of statutory interpretation or on the requirements of the Due Process Clause, and the

Board's reading in *Matter of Yajure Hurtado* and *Matter of Q. Li* cannot be reconciled with *Hernandez Alvarez*.

53. Even where § 1225 supplies detention authority, the Due Process Clause independently constrains its exercise. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). *Jennings* resolved a question of statutory construction and expressly left the constitutional questions open on remand. 583 U.S. at 313-14.

VII. CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment: Procedural Due Process
Re-Detention After Established Community Liberty
(Pleaded independent of the statutory classification)

54. Petitioner realleges each preceding paragraph.

55. The Due Process Clause applies to all persons within the United States, including noncitizens whose presence is unlawful. *Zadvydas*, 533 U.S. at 693.

56. The Government created Petitioner's liberty interest and then sustained it. It released him in October 2022, set conditions on that release, supervised him under those conditions for nearly four years, and permitted him to build a life in reliance on it. Liberty of that kind, conditional and supervised though it was, is protected. *Morrissey*, 408 U.S. at 482.

57. This interest does not depend on the label Respondents attach to the release instrument. If Respondents contend that a grant of parole terminated years ago, by operation of 8 C.F.R. § 212.5(e) or otherwise, and that the Government nonetheless continued to permit and supervise Petitioner's liberty for years afterward, that contention makes the deprivation harder to justify, not easier. The Government cannot maintain a person in supervised liberty for years and then treat that liberty as though it never existed.

58. The process due is measured by the three factors of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): the private interest affected, the risk of erroneous deprivation under the procedures used together with the value of additional safeguards, and the Government's interest, including the burden of additional process.

59. The private interest is physical liberty, the most fundamental interest the Clause protects. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Zadvydas*, 533 U.S. at 690.

60. The risk of erroneous deprivation is high because no procedure was used. No notice, statement of reasons, opportunity to respond, evidentiary showing, burden of proof, or findings by any decisionmaker other than the officers who effected the arrest has been disclosed to Petitioner or appears in the presently available record. The value of additional safeguards is correspondingly high: an individualized determination by a neutral decisionmaker would test whether any ground for re-detention exists.

61. The Government's legitimate interests are in securing Petitioner's appearance and in protecting the community. Those interests are measured against the record actually before the Court: nearly four years of community liberty with no reported arrest, no reported failure to appear, and no communicated violation of any condition. The burden of additional process is slight, because the agencies conduct individualized custody determinations as a matter of routine.

62. A court in this Circuit reached that conclusion on closely related facts this month. In *Mejias Tellez v. Warden, Glades County Detention Center*, No. 2:26-cv-2269-SPC-KRH (M.D. Fla. Aug. 13, 2026), the court applied *Morrissey* and *Mathews* to a noncitizen the Department had released in 2022, found that the factors weighed heavily in his favor where no new information suggested he was a flight risk or a danger, held that revoking his release and detaining him "without reasonable notice and a meaningful opportunity to be heard" violated the Fifth Amendment, and

ordered release within twenty-four hours. The posture differed, in that the Government there had moved the petitioner into expedited removal. The reasoning about the revocation of an established release does not turn on that difference.

63. Due process therefore required, at a minimum, that before revoking Petitioner's established community liberty Respondents give notice of the grounds, a statement of reasons, an opportunity to be heard, and an individualized determination by a neutral decisionmaker that circumstances had materially changed. None of these has been disclosed to Petitioner or appears in the presently available record.

COUNT TWO

Fifth Amendment: Procedural Due Process Detention Without an Individualized Merits Custody Determination; 8 C.F.R. § 1003.19(h)(2)(i)(B) as Applied

64. Petitioner realleges each preceding paragraph.

65. This claim does not assert that every person detained under § 1225 is constitutionally entitled to an immediate bond hearing. It challenges the application of the regulatory jurisdictional bar to a person whom the Department knowingly maintained in supervised community liberty for nearly four years and then re-detained without any disclosed reason and without any individualized merits custody determination.

66. Under the classification Respondents appear to be applying, the only administrative route available begins with a declination of jurisdiction and permits review of a legal classification. No decisionmaker in that process may weigh whether this Petitioner presents a risk of flight or a danger to the community, and none may order his release on that basis.

67. *Demore* does not sanction that result. It upheld detention that was brief and of definite duration, for a lawful permanent resident with criminal convictions, under a statute supported by

specific congressional findings about flight risk and danger in that population. 538 U.S. at 513, 518-20, 529-31. None of those features is present here.

68. A discretionary parole decision by the agency detaining Petitioner is not a substitute. It involves no neutral decisionmaker, no governing standard, no allocation of the burden of proof, no evidentiary record, and no review.

69. To cure the constitutional violation, the Court should require Respondents to justify continued civil detention by clear and convincing evidence. The Supreme Court's civil commitment decisions supply analogous support for a heightened standard where physical liberty is at stake. *See Addington v. Texas*, 441 U.S. 418, 431-33 (1979); *Foucha*, 504 U.S. at 80-83.

70. To the extent 8 C.F.R. § 1003.19(h)(2)(i)(B) forecloses any individualized merits custody determination for Petitioner, it cannot constitutionally be applied to him on these facts, and this Court should so declare.

COUNT THREE

Statutory: Detention Is Governed by 8 U.S.C. § 1226(a)
(Pleaded in the alternative)

71. Petitioner realleges each preceding paragraph.

72. Section 1225(b)(2)(A) directs the detention of an applicant for admission who, in the course of an examination, is found not clearly and beyond a doubt entitled to be admitted. It addresses persons *seeking admission* at the border or a port of entry. It does not address a person who has lived in the interior of the United States for nearly four years under the Government's own supervision.

73. *Hernandez Alvarez* supplies the binding statutory construction of §§ 1225 and 1226 in this Circuit. Petitioner contends that, consistently with the recent decisions applying it to paroled noncitizens re-detained in the interior, it requires the same result here: § 1226(a) supplies the

governing authority, and Petitioner is eligible for release on bond under § 1226(a)(2) and 8 C.F.R. §§ 236.1 and 1236.1. In *Ortiz Arreiche*, the Government conceded that a parolee arrested in the interior is detained under § 1226.

74. Section 1226(c) does not apply. Nothing in the presently available record satisfies clause (ii) of § 1226(c)(1)(E).

75. Respondents' refusal to afford Petitioner the custody process that § 1226(a) and its implementing regulations provide is contrary to law.

COUNT FOUR

Failure to Follow the Agency's Own Regulations

(Pleaded in the alternative and conditionally)

76. Petitioner realleges each preceding paragraph.

77. An agency is bound by its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

78. If Respondents rely on 8 C.F.R. § 212.5(e), they must identify the parole authorization, its stated duration or purpose, the operative termination event, and the date and manner of service of any charging document said to constitute written notice of termination under 8 C.F.R. § 212.5(e)(2)(i).

79. The sequence may be dispositive. Petitioner's release and the issuance of the Notice to Appear both occurred on or about October 20, 2022. A charging document served before any grant of parole cannot have terminated a parole that did not yet exist. Respondents should identify the date, the time if recorded, and the order of the release decision and the service of the charging document.

80. If Respondents rely on 8 C.F.R. § 236.1(c)(9), they must identify the authorized official who exercised revocation authority and the agency action by which that discretion was exercised.

81. No release instrument, termination event, or revocation determination has been disclosed to Petitioner or appears in the presently available record. Because those materials are not presently in counsel's possession and are maintained in Respondents' records, this count is pleaded in the alternative, and Petitioner reserves the right to refine it upon service of the return and the administrative record. If Respondents cannot establish that the predicates of the regulation on which they rely were satisfied, detention premised on that asserted termination or revocation is contrary to the agency's governing regulation.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Issue a writ of habeas corpus and order Respondents to release Petitioner from custody immediately and without condition;

b. Alternatively, if the Court declines to order unconditional release, order Respondents to provide Petitioner, within seven days of the Court's order, an individualized custody hearing before an immigration judge at which the Government bears the burden of establishing by clear and convincing evidence that continued detention is justified, and order Petitioner released if that hearing is not provided within that period;

c. At a minimum, order Respondents to provide Petitioner a custody hearing under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1 and 1236.1 within seven days, and declare that 8 C.F.R. § 1003.19(h)(2)(i)(B) may not be applied to deprive the immigration judge of jurisdiction over that hearing;

d. Provide that a proceeding in which the immigration judge declines jurisdiction, or does not adjudicate flight risk and danger on the merits, does not satisfy the Court's order;

e. Order that, except in exigent circumstances involving an immediate and articulable risk of flight or danger, Respondents shall not re-detain Petitioner without written notice of the grounds, an individualized determination by a neutral decisionmaker that circumstances have materially changed, and a hearing before any such re-detention; and that where exigent circumstances make prior process impracticable, Respondents shall provide written reasons immediately and a hearing before a neutral decisionmaker within forty-eight hours;

f. Order that, pending resolution of this petition and until Respondents file a notice of compliance, Respondents shall not transfer Petitioner outside this District except for release, and shall give at least forty-eight hours' written notice to the Court and counsel of any intended transfer or removal;

g. Declare that Petitioner's detention violates the Fifth Amendment and 8 U.S.C. § 1226(a);

h. Retain jurisdiction to enforce its order;

i. Award costs and attorney's fees to the extent authorized by law; and

j. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted, this 25th day of August, 2026.

/s/ Rachel Effron Sharma
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VERIFICATION

I, Deron E. Smallcomb, declare under penalty of perjury under the laws of the United States of America that I am counsel for Petitioner in this matter; that I conducted the intake in this matter and have made diligent inquiry into the matters set forth in this Petition; that the factual allegations are true and correct to the best of my knowledge, information, and belief formed after that inquiry, based on the exhibits filed with this Petition, the presently available records of Immigration and Customs Enforcement and the Executive Office for Immigration Review, and information provided by Petitioner's spouse in counsel's intake; and that this verification is made on Petitioner's behalf because he is detained at the Stewart Detention Center and is not readily able to execute a verification. 28 U.S.C. § 1746.

Executed on August 24, 2026.

/s/ Deron E. Smallcomb
Deron E. Smallcomb
Pro Hac Vice