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

CHAPLYGIN STEPAN

(A# )

Petitioner,

v.

JASON STREEVAL, Warden of the Stewart
Detention Center;

KRISTEN SULLIVAN, Field Office Director
for ICE's Atlanta Field Office;

TODD LYONS, Acting Director of U.S.
Immigration and Customs Enforcement;

MARKWAYNE MULLIN, Secretary of the
U.S. Department of Homeland Security;

TODD BLANCHE, Attorney General of
the United States,

Respondents.

Civil Action No.

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

I. INTRODUCTION

1. Petitioner, Stepan Chaplygin ("Petitioner"), files this petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the lawfulness of his immigration detention. Immigration and Customs Enforcement ("ICE") officers unlawfully detained him despite the

government's earlier decision to allow him to enter the United States and remain at liberty while his own asylum application, filed with U.S. Citizenship and Immigration Services in May 2023, remained pending. He was taken into custody without a judicial warrant, without ever being shown a Form I-200 administrative warrant, without prior written notice of parole termination, without a pre-deprivation process of any kind, including a pre-deprivation bond hearing, and without any individualized assessment of risk. Each of these failures, independently, renders his detention unlawful.

2. For the reasons stated below, Petitioner respectfully asks this Court to grant his habeas petition.

II. JURISDICTION AND VENUE

3. This action arises under the Constitution, laws, and treaties of the United States, including 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (the Suspension Clause). Relief is also authorized by the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.
4. Claims where non-citizens challenge immigration enforcement-related detention "fall within the 'core' of the writ of habeas corpus and thus must be brought in habeas." *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025) (quoting *Nance v. Ward*, 597 U.S. 159, 167 (2022)). Petitioner is "in custody" within the meaning of § 2241 while confined at the Stewart Detention Center (146 CCA Road, Lumpkin, GA 31815).
5. Venue is proper in this District, and in the Columbus Division specifically, because Petitioner is confined at the Stewart Detention Center, which lies within Stewart County, Georgia, within the Columbus Division, and because the Warden of the Stewart Detention Center and the Atlanta ICE Field Office Director exercised custody and control over Petitioner at the time this Petition was filed. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973).

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. When Congress mandates it, courts require petitioners to exhaust their administrative remedies. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). But when, as here, Congress has not imposed a statutory exhaustion requirement, the decision whether to require a petitioner to exhaust lies within “sound judicial discretion.” *Id.* In exercising that discretion, the Supreme Court has explained that “federal courts must balance the interest of the individual in retaining prompt access to a federal judicial forum against countervailing institutional interests favoring exhaustion.” *McCarthy*, 503 U.S. at 146. Those institutional interests are “protecting administrative agency authority and promoting judicial efficiency.” *Id.* at 145.
7. The Supreme Court also identified situations in which the interest of the individual weighs heavily against the institutional interests. *See id.* at 146–49. Relevant here, “an administrative remedy may be inadequate where the administrative body . . . has otherwise predetermined the issue before it.” *Id.* at 148 (citing *Gibson v. Berryhill*, 411 U.S. 564, 575, n. 14 (1973); *Houghton v. Shafer*, 392 U.S. 639, 640 (1968)).
8. The Eleventh Circuit has confirmed that § 2241 exhaustion is prudential, not jurisdictional, and remains squarely within this Court’s discretion to excuse. *Santiago-Lugo v. Warden*, 785 F.3d 467, 474–75 (11th Cir. 2015) (“[F]ailure to exhaust administrative remedies is not a jurisdictional defect” in a § 2241 proceeding).
9. The BIA adjudicates administrative appeals of Immigration Judge bond decisions. 8 C.F.R. § 1236.1(d)(3). It lacks authority to review constitutional challenges. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). The BIA process is long, and the lengthy delays in adjudication often moot pending bond appeals before they are adjudicated. In 2024, EOIR data showed an average processing time of 204 days for bond appeals. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248 (W.D. Wash. 2025). Between 2015 and 2024, bond appeal cases took a year or longer to resolve. *Id.*
10. Eleventh Circuit in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, 175 F.4th 1258 (11th Cir. 2026), forecloses *Matter of Yajure Hurtado’s*, 29 I. & N. Dec. 216 (BIA 2024), broad application in this Circuit to noncitizens who are already present in the United States and are not affirmatively seeking admission. Because this Petition is filed in

the Middle District of Georgia, within the Eleventh Circuit, *Hernandez Alvarez* is binding, controlling law. Yet even after *Hernandez Alvarez* was decided, the BIA continued to apply *Yajure Hurtado* in *Matter of N-A-G-C-*, while expressly acknowledging that the Eleventh Circuit had reached a contrary interpretation of §§ 1225 and 1226. *Matter of N-A-G-C-*, 29 I. & N. Dec. 662, 663 n.1 (BIA 2026). An agency's open refusal to apply binding circuit precedent to noncitizens detained within that circuit is the paradigm of a "predetermined" outcome that renders further administrative process futile under *McCarthy*.

11. Petitioner challenges the legality of his arrest, the revocation of his prior release without constitutionally adequate pre-deprivation process, the absence of an individualized custody determination before or contemporaneously with his re-detention, and the resulting deprivation of his liberty without due process. Those constitutional questions are not matters an Immigration Judge can finally adjudicate in a bond proceeding. Requiring Petitioner to pursue a bond remedy that EOIR itself is disregarding would be futile, and his individual interest in prompt access to this forum outweighs any institutional interest in exhaustion under these circumstances.

IV. PARTIES

12. Petitioner, Chaplygin Stepan, is a citizen of the Russian Federation, who is now detained at the Stewart Detention Center (146 CCA Road, Lumpkin, GA 31815).
13. Respondent Jason Streeval is the Warden of the Stewart Detention Center and is Petitioner's immediate custodian at the time this petition is filed.
14. Respondent Ladeon Francis is the Field Office Director for ICE's Atlanta Field Office, who oversees enforcement and removal operations within this district, including Petitioner's detention.
15. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement (ICE).
16. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and oversees ICE.

17. Respondent Todd Blanche is the Attorney General of the United States.

V. STATEMENT OF FACTS

18. Petitioner, a native of the former Soviet Union and citizen of the Russian Federation, presented himself at the San Ysidro Port of Entry in San Diego, California, on October 10, 2022. He was taken into custody at the port of entry and subsequently paroled into the United States, evidenced by a Form I-94.
19. Since being paroled into the United States, Petitioner has fully complied with all conditions of his release, reported for every required ICE check-in, maintained a stable residence, legally worked pursuant to an Employment Authorization Document valid from November 14, 2023 through November 13, 2028, paid taxes, and has not committed any criminal offense.
20. On May 17, 2023, Petitioner filed his own application for asylum with U.S. Citizenship and Immigration Services, which remains pending. No interview or hearing on that application has ever been scheduled, and no Immigration Judge or immigration officer has issued a removal order against Petitioner.
21. At no point prior to August 11, 2026 did Respondents serve Petitioner with any written notice terminating his parole. Petitioner received no communication from Department of Homeland Security ("DHS") advising him that his parole had been or was being terminated, and no such notice preceded his arrest.
22. On August 11, 2026, Petitioner appeared, as directed, at the DHS office located at 6130 Tyvola Centre Drive, Charlotte, North Carolina, for his regular check-in, as he had done on multiple prior occasions.
23. While there, Petitioner was taken into custody by three armed, uniformed ICE officers without a judicial warrant, without prior notice, without a pre-deprivation custody determination of any kind, including a bond hearing, and without any individualized assessment of risk. The officers did not show Petitioner a Form I-200 administrative warrant before, during, or after the arrest, and explained the reason for the arrest only partially.

24. The officers communicated with Petitioner in English, were not fluent in his native language, Russian, did not provide an interpreter, and Petitioner did not fully understand what the officers told him.
25. Petitioner was subsequently served with a Form I-200 Warrant for Arrest of Alien and a Notice to Appear—the first written documentation he received purporting to terminate his parole—only *after* he had already been physically taken into custody. To Petitioner's knowledge, no Notice to Appear had been issued or served on him at or before the time of his arrest.
26. After being taken into ICE custody, Petitioner was transported to, and remains detained at, the Stewart Detention Center in Lumpkin, Georgia, where he has now been held for approximately two weeks without any bond hearing having been held or even scheduled.
27. Petitioner was misinformed by ICE officers that his family had already departed the country, which resulted in documents intended for his family not being delivered to them despite ICE's promise to mail them. Petitioner was further given inaccurate information by ICE officers regarding the conditions and expected duration of his detention.
28. Petitioner is scheduled for a master hearing at the Immigration Court on September 8, 2026.
29. Based on these facts, Petitioner files a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his detention.

VI. LEGAL BACKGROUND

A. Statutory Framework for Immigration-Related Detention

30. Congress established two statutes which principally govern detention of noncitizens pending removal proceedings, 8 U.S.C. §§ 1225 and 1226. The first—Section 1225—is a mandatory detention provision that states, in relevant part, that “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall* be detained for a proceeding under section 1229a.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added).

31. The second statutory provision—Section 1226—provides for a discretionary detention framework: “[o]n a warrant issued by the Attorney General, an alien *may* be arrested and detained pending a decision on whether the alien is to be removed from the United States,” and the Attorney General “may continue to detain the arrested alien” or “may release the alien” on bond or conditional parole. 8 U.S.C. § 1226(a) (emphasis added).
32. The Eleventh Circuit, in its highly instructive opinion in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, 175 F.4th 1258 (11th Cir. 2026), squarely rejected the Government’s equation of the concepts of an “applicant for admission” and an “alien seeking admission.” *See id.* at 1267–71.
33. “[A]n alien shall be detained for a § 1229a proceeding if he (1) is arriving in the United States or is present in the United States without having been granted lawful entry; (2) is seeking lawful entry after inspection and authorization by an immigration officer; and (3) is not clearly and beyond a doubt entitled to lawful entry, as determined by the examining immigration officer.” *Id.* at 1269–70. Seeking relief from removal—including a pending asylum application—“is not the same thing as seeking admission.” *Id.* at 1284–85.
34. The Eleventh Circuit warned that the Government’s contrary reading “would create a binary choice for unadmitted aliens present in the interior: they either seek admission or they voluntarily self-deport,” and would read out the statutory nuance Congress built into the INA for aliens who, like Petitioner, hold a status short of formal admission but nevertheless have a lawful basis to remain—such as a pending asylum application. *Id.* at 1270–71 & n.6.

B. Humanitarian Parole and Detention

1. Section § 1182(d)(5)(A) Does Not Provide an Independent Basis for Mandatory Detention

35. The only exception to the mandatory detention required by section 1225(b) is that “applicants for admission may be temporarily released on parole ‘for urgent humanitarian reasons or significant public benefit.’” 8 U.S.C. § 1182(d)(5)(A). Such parole “shall not be regarded as an admission of the alien.” *Id.* When parole ends, “the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission.” *Id.*; see *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

36. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court rejected the government’s attempt to justify continued detention on the authority of § 1182(d)(5)(A), explaining that the statute “provides that, when parole is revoked, ‘the alien shall . . . be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission.’” *Id.* at 385–86. As the Supreme Court held, this “finds nothing in this text that affirmatively authorizes detention, much less indefinite detention.” *Id.* at 385.
37. As recognized in *Rodriguez-Acurio v. Almodovar*, 811 F. Supp. 3d 274 (E.D.N.Y. 2025), because “any other applicant for admission residing in the United States for more than three years would be detained under [Section] 1226,” a previously paroled noncitizen who has resided in the interior likewise is held under that section, not § 1225. See also *Martinez v. Marich*, No. 25-CV-1110-LJV, 2025 U.S. Dist. LEXIS 268379, at *15–17 (W.D.N.Y. Dec. 31, 2025); *Kobzar v. Mullin*, 2026 U.S. Dist. LEXIS 181792, *1–2 (M.D. Fla. Aug. 14, 2026) (applying the same reasoning to paroled noncitizens).

2. “Unlawful Presence” and “Entry Fiction”

38. Further support for the conclusion that the “entry fiction” ends once a person has been living in the country after parole expires can be found in 8 U.S.C. § 1182(a)(9)(B)(ii), which provides that “an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled.” So the “entry fiction”—which deems someone on parole not to be legally “present” in the country—must end when someone overstays “the period of [parole] authorized by the Attorney General.” See *Martinez*, 2025 U.S. Dist. LEXIS 268379, at *17–18.

C. Due Process Rights of Noncitizens

39. The Due Process Clause prohibits the government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

40. Attorneys for the Government have conceded before the Supreme Court “that as-applied constitutional challenges remain available to address 'exceptional' cases” in the context of immigration detention. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 583 (2022) (citing *Jennings*, 583 U.S. at 312).
41. When evaluating due process challenges to government action, the *Mathews v. Eldridge* test calls for consideration of (1) “the private interest that will be affected by the [government] action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional procedural safeguards”; and (3) “the Government’s interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail.” 424 U.S. 319, 321 (1976).

VII. LEGAL CLAIMS

COUNT ONE

Violation of the INA: Detention under the Wrong Statutory Provision

42. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. As relevant here, it does not apply to individuals who previously entered the United States, were paroled into the country, and were residing in the country before being detained. Such noncitizens are detained under § 1226(a), unless they are subject to § 1226(c) or § 1231.
44. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA. Petitioner was paroled into the interior of the United States and has lived here at liberty for nearly four years. He legally worked, paid taxes, has developed community ties, and therefore cannot be analogized to a person detained at the port of entry. See *Rodriguez-Acurio*, 811 F. Supp. 3d at 313–15. Petitioner was not applying for entry in any literal sense, nor was he taking any cognizable step to obtain the rights and privileges of lawful entry when he was detained in August 2026; that is, he was not “seeking lawful entry after inspection and authorization by an immigration officer.” *Hernandez Alvarez*, 175 F.4th at 1269–70; *Kobzar*, 2026 U.S. Dist. LEXIS 181792, at *1–2. Respondents cannot

simultaneously insist that Petitioner remains, as a matter of law, an applicant knocking at the door while he pursues his own pending asylum application from within the interior.

45. Thus, Respondents should have treated Petitioner as a noncitizen subject to § 1226(a), not as a noncitizen subject to mandatory detention under § 1225(b). Accordingly, Petitioner's detention is governed by the discretionary detention framework of § 1226(a), and Petitioner is entitled to the procedural protections that framework affords, including a warrant issued by the Attorney General and, upon request, an individualized bond determination.

COUNT TWO

Violation of Due Process: Revocation of Release Without Notice or Hearing

46. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.
47. Applying *Mathews v. Eldridge*, Petitioner's detention without notice or a pre-deprivation hearing cannot survive due process scrutiny.

A. Petitioner's private interest in being free from detention is strong

48. "[I]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *Hernandez-Lara v. Lyons*, 10 F.4th 19, 27 (1st Cir. 2021) (citing *United States v. Salerno*, 481 U.S. 739, 755 (1987)). "The private interest affected by the official action is the most significant liberty interest there is—the interest in being free from imprisonment." *Black v. Decker*, 103 F.4th 133, 151 (2d Cir. 2024).
49. "When an immigrant is placed into parole status after having been detained, a protected liberty interest may arise," and the "Due Process Clause may protect this liberty interest even where a statute allows the immigrant's arrest and detention and does not provide for procedural protections." *Espinoza v. Kaiser*, 2025 WL 2675785, *9 (E.D. Cal. 2025). Respondents therefore implicitly promised Petitioner's continued release, and he reasonably relied on that promise. See *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1034 (N.D. Cal. 2025). That promise carried with it the understanding that Petitioner would be detained only if he demonstrated that he had become a danger or a flight risk. *Sun v. Santacruz*, No. 5:25-CV-02198-JLS-JC, 2025 U.S. Dist. LEXIS 165913, at *6 (C.D. Cal. Aug. 26, 2025). Once established, a liberty interest is a constitutional right that may be revoked only through

procedures comporting with due process, including a hearing before a neutral decisionmaker to determine whether re-detention is warranted.

B. The risk of erroneous deprivation is high—and was compounded by Respondents’ own regulatory violation

50. Our immigration law has long recognized that noncitizens have an interest in an individualized hearing *prior to detention* in connection with immigration proceedings. *See Yamataya v. Fisher (The Japanese Immigrant Case)*, 189 U.S. 86, 101 (1903). Petitioner is entitled to “adequate procedural protections” before being deprived of his liberty. *Zadvydas*, 533 U.S. at 690.
51. Respondents’ own regulations confirm the process Petitioner was due—and confirm that Respondents did not provide it. Where, as here, parole is not automatically terminated by departure or the bare expiration of an authorized period under 8 C.F.R. § 212.5(e)(1), but is instead terminated because an official has determined that “neither humanitarian reasons nor public benefit warrants the continued presence of the alien,” the regulation commands that “parole shall be terminated *upon written notice* to the alien.” 8 C.F.R. § 212.5(e)(2)(i) (emphasis added). The regulation permits a charging document to serve as that written notice—but only where it is served *as* the notice of termination, not where physical custody is seized first and paperwork follows after the fact. *Id.*
52. Here, Respondents inverted that sequence. Petitioner was seized, handcuffed, and transported into custody before he received any charging document or other written notice purporting to terminate his parole. The Notice to Appear and Form I-200 he eventually received were handed to him *after* his liberty had already been extinguished, not before or contemporaneously with it. A charging document delivered after the deprivation has already occurred cannot function as the “written notice” that 8 C.F.R. § 212.5(e)(2)(i) requires *precede* termination; to hold otherwise would collapse the regulation’s notice requirement into a nullity, satisfied by definition every time the government arrests first and paperwork later. Respondents’ failure to comply with their own regulation is, independently of the constitutional violation, an unlawful agency action that this Court may and should remedy in habeas.

53. Respondents do not dispute that Petitioner fully complied with the terms of his parole for nearly four years before he was suddenly re-arrested and detained by ICE in August 2026. Nor have Respondents identified any change in the posture of his immigration case. Petitioner's release into the United States reflected ICE's determination that he does not pose a danger to the community or a flight risk. ICE's decision to re-arrest and detain Petitioner in 2026 does not reflect any change in that assessment—nor could it, as nothing material has changed. Respondents have never provided any evidence of a material change in circumstances.
54. This Court has recognized that a detainee who is not subject to mandatory detention is entitled to a bond hearing under 8 U.S.C. § 1226(a)(2) and its implementing regulations. Here, Petitioner has been afforded neither a bond hearing nor any lesser form of individualized custody review, notwithstanding that nothing in the record indicates he is subject to mandatory detention.

C. The government's burden does not outweigh Petitioner's interests

55. Finally, the government has an interest in maintaining its current procedures. While providing a bond hearing or other form of due process prior to depriving someone of their liberty poses some degree of "fiscal and administrative burden," *Diaz-Rodriguez v. Garland*, 53 F.4th 1209, 1209 (9th Cir. 2022) (quoting *Mathews*, 424 U.S. at 335), the government has not provided any evidence that the burden would be significant—least of all the minimal burden of mailing a notice of termination before, rather than after, sending armed officers to make an arrest. This factor therefore weighs in favor of Petitioner, especially when balanced against the significant liberty interest at stake.

56. In sum, Respondents incarcerated Petitioner without affording adequate process to determine whether any change in circumstances justified revoking his prior release, relying instead on a legally erroneous assertion of mandatory detention under 8 U.S.C. § 1225(b), in violation of Respondents' own written-notice regulation at 8 C.F.R. § 212.5(e)(2)(i), and while ignoring the liberty interest Petitioner acquired. Due process required a pre-deprivation,

individualized assessment before a neutral decisionmaker—not a belated, post hoc bond hearing after liberty had already been extinguished.

COUNT THREE

Arrest and Detention Void Ab Initio: Violation of the Fourth Amendment, the INA, and 8 C.F.R. § 1236.1(b)(1)

57. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
58. Section 1226(a) authorizes detention only “[o]n a warrant issued by the Attorney General” leading to arrest. *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018). That warrant—the Form I-200—has no independent legal force; it derives its authority entirely from the Notice to Appear it is meant to execute. Implementing regulation 8 C.F.R. § 1236.1(b)(1) permits arrest under a Form I-200 only “[a]t the time of issuance of the [NTA], or at any time thereafter.” A Form I-200 issued or executed *before* a predicate NTA exists is not a defective warrant subject to harmless-error review—it is *no warrant at all*. Thus, “the NTA begins the removal process, and at that time or after its issuance, the government can then effectuate [an individual’s] arrest.” *Gopie v. Lyons*, No. 25-CV-5229 (SJB), 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025). A “[Form] I-200 [Warrant] cannot be used to effectuate an arrest *before* an NTA has been issued.” *Yeleshev v. Larocco*, No. 26-CV-2294 (SJB), 2026 WL 1353806, at *2 (E.D.N.Y. May 14, 2026) (collecting cases).
59. An arrest executed on a warrant that had not yet come into legal existence is *void ab initio*—a nullity from the moment of seizure, not merely voidable. Here, Petitioner was arrested on August 11, 2026, without ever being shown a Form I-200 warrant—before, during, or after his arrest—and, to Petitioner’s knowledge, without a Notice to Appear having yet issued. If, as Petitioner believes and as the record will confirm, no NTA had been issued at the time ICE took him into custody, the I-200 warrant Respondents later produced was void from its inception, could not retroactively authorize the seizure that had already occurred, and Petitioner’s arrest constituted an unreasonable seizure in violation of the Fourth Amendment, the INA, and 8 C.F.R. § 1236.1(b)(1).
60. Because the warrant purporting to authorize Petitioner’s arrest was void ab initio, everything that flowed from it—the seizure itself, the subsequent transport, and the ongoing detention

at Stewart—is likewise without lawful basis. “[I]f a Form I-200 Warrant is without effect, it cannot serve as the predicate warrant necessary to justify arrest and detention.” *Okeke v. Maldonado*, 2026 U.S. Dist. LEXIS 158189, at *9–11 (2026). This defect constitutes a “dispositive and independent basis for granting the writ.” *Gopie*, 2025 WL 3167130, at *1 (collecting cases).

VIII. SCOPE OF RELIEF

A. Immediate, Unconditional Release Is the Primary and Preferred Remedy

61. District courts have the power and authority to dispose of habeas corpus matters “as law and justice require.” 28 U.S.C. § 2243.
62. In essence, habeas is “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). “The typical remedy is, of course, release.” *Id.*; see also *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020). Where, as here, the arrest itself was void ab initio for want of a valid predicate warrant, a post-hoc bond hearing cannot cure the defect—it merely regularizes an unlawful seizure after the fact. The only remedy commensurate with an arrest that was unlawful *from its inception* is Petitioner’s immediate, unconditional release.
63. The most appropriate remedy in a case like this, where Petitioner has been detained in violation of the Due Process Clause, is release on recognizance without further conditions of release. See *Ambroladze v. Maldonado*, No. 26-CV-00474 (HG), 2026 WL 280182, at *3 (E.D.N.Y. Feb. 3, 2026); *Faizyan v. Casey*, No. 3:25-cv-02884-RBM-JLB, ECF No. 1, at 15 (S.D. Cal. Nov. 17, 2025); *Domingo v. Kaiser*, No. 25-cv-05893 (RFL), 2025 WL 1940179, at *3 (N.D. Cal. July 14, 2025); *Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026).
64. In *Salto-Salto v. Soto*, No. 26-cv-612, ECF No. 6, at 4 (D.N.J. Jan. 23, 2026), the Court explained that where the basis for a petitioner’s continued detention was “blatantly unlawful from the start, the only commensurate and appropriate equitable remedy . . . is to immediately release him and enjoin the Government from further similar transgressions.”

65. The flexibility of habeas relief allows the Court to restore Petitioner to the position he would have occupied had DHS adhered to law. *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025).
66. In multiple cases nationwide, immigration judges have failed to conduct neutral, individualized bond hearings or to apply the burden of proof as directed by habeas courts. U.S. district courts are increasingly identifying a systemic and troubling pattern in which such hearings are fundamentally flawed, at times reflecting predetermined outcomes rather than a meaningful evaluation of the evidence.¹
67. The Court cannot ignore that the circumstances surrounding these proceedings raise substantial concerns as to whether any non-citizen can receive the impartial hearing that due process requires. *Haiguang Zheng v. Rokosky*, No. 26-cv-01689, 2026 U.S. Dist. LEXIS 60485, at *18–19 (D.N.J. Mar. 23, 2026).²
68. It is undisputed that Petitioner was detained *without any pre-deprivation process*. Therefore, *immediate, unconditional release* is warranted and necessary to remedy the ongoing violation of Petitioner’s rights.

B. In the Alternative: A Prompt Bond Hearing With the Burden on the Government

69. Should the Court decline to order immediate release outright, it should, in the alternative, order Respondents to provide a prompt bond hearing before a neutral Immigration Judge within seven days, consistent with constitutional requirements. Critically, such a hearing must place the burden squarely and explicitly *on the Government*—not on Petitioner—to justify continued detention *by clear and convincing evidence*. Anything less inverts the presumption of liberty this Circuit and the Supreme Court have long recognized.
70. As previously noted, a noncitizen who, like Petitioner, has been paroled into the interior of the United States and complied with every condition of release for years has already been determined by a government official to pose neither a danger to the community nor a flight

¹ Kyle Cheney, *Judges Keep Ordering Immigration Hearings—but Say the Results Are a Sham*, Politico (Mar. 6, 2026), available at <https://www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660> (last visited August 24, 2026).

² See <https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html> (last visited August 24, 2026).

risk. In this posture, it is the Government that should bear the burden of demonstrating a substantial change in circumstances warranting the revocation of release. Courts routinely place the burden of proof on the Government in these circumstances. See *J.C.G. v. Genalo*, No. 24-cv-8755 (JLR), 2025 WL 88831 (S.D.N.Y. Jan. 14, 2025); *Giri v. Lyons*, No. 5:26-CV-00149, 2026 U.S. Dist. LEXIS 108662, at *35–37 (S.D. Tex. May 12, 2026).

IX. 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 shall not be transferred, except to his current detention facility, 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. Declare Petitioner’s arrest and detention unlawful and void ab initio;
- f. As the **primary remedy**, order Petitioner’s **immediate, unconditional release** from custody, without bond or further conditions of supervision, given that Petitioner's arrest was void from its inception for want of a valid predicate warrant and was accomplished without any pre-deprivation process whatsoever;
- g. In the **alternative**, if the Court does not order immediate release, order Respondents to provide Petitioner a bond hearing before a neutral Immigration Judge within seven (7) days of the Court's order, at which **the Government bears the burden of proving by clear and convincing evidence** that Petitioner's continued detention is justified by present dangerousness or flight risk;

- h. Order enjoining Respondents from re-detaining Petitioner absent a valid exercise of discretion under 8 U.S.C. § 1226(a);
- i. Order limiting Respondents to the restraints on Petitioner's liberty that existed prior to his unlawful re-detention, if any. See *Khabazha v. United States Immigr. & Customs Enf't*, No. 25-cv-5279, 2025 WL 3281514, at *8 (S.D.N.Y. Nov. 25, 2025);
- j. Order Respondents to return to Petitioner any and all funds or property seized from Petitioner at the time of his arrest. See *Ambroladze v. Maldonado*, No. 26-CV-0473 (PKC), 2026 U.S. Dist. LEXIS 23367, at *5 (E.D.N.Y. Feb. 4, 2026);
- k. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- l. Grant such further relief as this Court deems just and proper.

Date: August 26, 2026

Respectfully submitted,

/s/ Alexis Ruiz
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**Motion for Pro Hac Vice Forthcoming*

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

I, Sergey Risko, Esq., represent the Petitioner, Stepan Chaplygin, and submit this verification on his 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: August 26, 2026

/s/ Sergey Risko

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**Motion for Pro Hac Vice Forthcoming*