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

VADIM ODINTSOV, Petitioner, v. JASON STREEVAL, Warden, Stewart Detention Center; LADEON FRANCIS, Field Office Director, U.S. Immigration and Customs Enforcement, 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; TODD BLANCHE, Attorney General of the United States; and SIRCE E. OWEN, Acting Director, Executive Office for Immigration Review. Respondents.	Case No. _____ **PETITION FOR WRIT OF HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Vadim Odintsov [redacted] is a native of Kazakhstan and a citizen of Russia. He is detained by U.S. Immigration and Customs Enforcement at the Stewart Detention Center in Lumpkin, Georgia. He reports no United States criminal arrest, charge, or conviction, and Respondents have identified no predicate under 8 U.S.C. § 1226(c) as a basis for his confinement.

2. On January 13, 2023, Petitioner applied for admission at the San Ysidro Port of Entry, was inspected there by an examining immigration officer, and was served in person the same day with a Notice to Appear charging him under 8 U.S.C. § 1182(a)(7)(A)(i)(I) and placing him directly into removal proceedings under 8 U.S.C. § 1229a. App. 004-006. The Department did not refer him to expedited removal. Neither the credible-fear box nor the box for vacatur of a section 235(b)(1) order is marked on the charging document. Id. Respondents released him from custody, and he departed the port of entry and traveled to the interior of the United States.

3. Petitioner then lived at liberty in the United States for three years, seven months, and thirteen days. He resided at reported addresses in California and later in North Carolina, pursued an application for asylum and withholding of removal that remains pending before the immigration court, and appeared as required for reporting appointments with Enforcement and Removal Operations.

4. On August 26, 2026, Petitioner appeared for a scheduled annual reporting appointment with Enforcement and Removal Operations in Charlotte, North Carolina. He was arrested there. He was then transported out of the State and is now confined at Stewart, more than four hundred miles from the immigration court where his removal case is docketed.

5. The Department did not, before taking Petitioner into custody, give him written notice of the reasons for taking him back into custody, afford him an opportunity to be heard, identify any changed circumstance bearing on danger, flight risk, compliance, or appearance, or provide any determination by a neutral decisionmaker that his continued liberty had become inconsistent with the public interest. No immigration judge has made, and under the Department's own position none may make, an individualized determination whether Petitioner presents a danger to the community or a risk of flight.

6. Petitioner seeks a writ of habeas corpus ordering his immediate release. In the alternative, he seeks an order requiring that he be afforded, within seven days, an individualized custody hearing before a neutral decisionmaker at which Respondents bear the burden of proving by clear and convincing evidence that his continued detention is justified, with release to follow automatically if no such hearing occurs.

JURISDICTION

7. This Court has jurisdiction under 28 U.S.C. § 2241, which extends the writ of habeas corpus to a person who is 'in custody in violation of the Constitution or laws or treaties of the United States.' 28 U.S.C. § 2241(c)(3). Jurisdiction also lies under 28 U.S.C. § 1331, because this Petition arises under the Constitution and laws of the United States, and under Article I, Section 9, Clause 2 of the Constitution.

8. District courts retain jurisdiction over statutory and constitutional challenges to immigration detention. Zadvydas v. Davis, 533 U.S. 678, 687-88 (2001); Demore v. Kim, 538 U.S. 510, 516-17 (2003).

9. Petitioner also invokes 28 U.S.C. § 2201 and 28 U.S.C. § 1651. He does not seek review of any order of removal, and nothing in this Petition asks the Court to adjudicate his admissibility, his eligibility for asylum, or any other question committed to the immigration court in the first instance.

10. Section 1226(e) does not bar this action. As amended by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025), that subsection withdraws review of the Department's discretionary judgments concerning detention, bond, and parole. It does not reach a claim that the Department has applied the wrong statutory framework, nor a claim arising under the Due

Process Clause. Demore, 538 U.S. at 516-17; Jennings v. Rodriguez, 583 U.S. 281, 295-96 (2018). Petitioner does not ask this Court to set a bond amount, to review the weight assigned to any custody factor, or to substitute its discretion for the agency's. He asks the Court to decide which statute governs his confinement and whether the manner of his re-detention satisfied the Constitution.

VENUE

11. Venue is proper in this District under 28 U.S.C. § 1391(e) and under the immediate custodian rule, because Petitioner is confined at the Stewart Detention Center in Stewart County, Georgia, and his immediate custodian is present in this District. Rumsfeld v. Padilla, 542 U.S. 426, 442-43 (2004); Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 494-95 (1973).

12. Stewart County lies within the Columbus Division. 28 U.S.C. § 90(b)(3); M.D. Ga. L.R. 3.4.

13. This Court's jurisdiction, once it attaches, is not defeated by a subsequent transfer of Petitioner out of the District. Ex parte Endo, 323 U.S. 283, 304-06 (1944); accord Ahrens v. Clark, 335 U.S. 188, 193 (1948). A transfer would nonetheless impair the Court's ability to provide prompt and effective relief and would complicate the immediate-custodian posture, and Petitioner therefore asks that Respondents be directed to give advance written notice of any transfer while this Petition is pending.

REQUIREMENTS OF 28 U.S.C. § 2243

14. Section 2243 provides that a court entertaining an application for a writ of habeas corpus 'shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto,' and that the return shall be made 'within three days unless for good cause additional time, not exceeding twenty days, is allowed.' 28 U.S.C. § 2243.

15. The statute further directs that the court 'shall summarily hear and determine the facts, and dispose of the matter as law and justice require.' Id. The writ is the fundamental instrument for safeguarding individual liberty against arbitrary executive action. Fay v. Noia, 372 U.S. 391, 400-02 (1963). Petitioner is confined, and every day of confinement compounds the injury alleged.

PARTIES

16. Petitioner Vadim Odintsov is a native of Kazakhstan and a citizen of Russia, born in 1994. He is assigned Alien Registration Number [redacted]. He is detained at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815. App. 027.

17. Respondent Jason Streeval is the Warden of the Stewart Detention Center and is Petitioner's immediate custodian. He is sued in his official capacity. Fed. R. Civ. P. 25(d) applies to any successor.

18. Respondent LaDeon Francis is the Field Office Director for Enforcement and Removal Operations, Atlanta Field Office, whose area of responsibility includes Georgia, North Carolina, and South Carolina, and who exercises custody and release authority over Petitioner. He is sued in his official capacity, and Fed. R. Civ. P. 25(d) applies to any successor.

19. Respondent David J. Venturella is the Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement. He is sued in his official capacity, and Fed. R. Civ. P. 25(d) applies to any successor.

20. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has ultimate authority over Petitioner's detention. He is sued in his official capacity, and Fed. R. Civ. P. 25(d) applies to any successor.

22. Respondent Todd Blanche is the Attorney General of the United States and has authority over the Executive Office for Immigration Review. He is sued in his official capacity, and Fed. R. Civ. P. 25(d) applies to any successor.

23. Respondent Sirce E. Owen is the Acting Director of the Executive Office for Immigration Review. She is sued in her official capacity, and Fed. R. Civ. P. 25(d) applies to any successor.

STATUTORY AND REGULATORY FRAMEWORK

25. The Immigration and Nationality Act supplies three general pathways for the detention of a noncitizen. Section 1226 governs the arrest and detention of a noncitizen 'pending a decision on whether the alien is to be removed from the United States.' 8 U.S.C. § 1226(a). Section 1225 governs the inspection of applicants for admission at the border. Section 1231 governs detention after a final order of removal. Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami, 175 F.4th 1258 (11th Cir. 2026), slip op. at 5-7 (No. 25-14065, May 6, 2026).

26. Section 1226(a) is the default. It authorizes the Secretary to arrest and detain a noncitizen on a warrant, and it authorizes the Secretary, in the exercise of discretion, to continue detention or to release the noncitizen on bond or on conditional parole. 8 U.S.C. § 1226(a)(1)-

(2). A noncitizen detained under section 1226(a) is ordinarily entitled to a custody redetermination hearing before an immigration judge. 8 C.F.R. §§ 1003.19(a), 1236.1(d)(1).

27. Section 1225(b)(2)(A) provides 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 of this title.' 8 U.S.C. § 1225(b)(2)(A).

28. The Eleventh Circuit has construed that provision. It holds that section 1225(b)(2)(A) commands detention only where a noncitizen (1) is arriving in the United States or is present 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. Hernandez Alvarez, slip op. at 20. The court held that 'the two relevant sections on detention govern distinct classes of aliens: § 1225 applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully in the interior.' Id. at 36. It concluded that Congress 'preserved the longstanding border-interior distinction for purposes of detention.' Id. at 56.

29. The Eleventh Circuit further held that the word 'seeking' is a present participle 'describing some active and temporally ongoing step or process on the part of the alien,' id. at 17, and that the relevant moment is the examination by an immigration officer, which 'occurs before a § 1229a proceeding even commences,' id. at 54-55. It rejected the government's contention that a noncitizen who contests removal is for that reason 'seeking admission,' holding that 'seeking relief from removal is not the same thing as seeking admission.' Id. at 55; see Sanchez v. Mayorkas, 593 U.S. 409, 415 (2021).

30. Shortly after the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the agencies explained that, '[d]espite being applicants for admission, aliens who are present without having been admitted or paroled . . . will be eligible for bond and bond redetermination.' 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). That was the settled administrative construction for nearly three decades. Hernandez Alvarez, slip op. at 51-53.

31. A separate regulation withdraws an immigration judge's custody jurisdiction over 'arriving aliens in removal proceedings.' 8 C.F.R. § 1003.19(h)(2)(i)(B); accord 8 C.F.R. § 1236.1(c)(11). The Board of Immigration Appeals has expressly declined to decide whether that regulatory bar reaches a noncitizen in Petitioner's posture. Matter of Q. Li, 29 I&N Dec. 66, 68 n.2 (BIA 2025).

32. Parole under 8 U.S.C. § 1182(d)(5)(A) terminates automatically upon departure or upon the expiration of the authorized period, and service of a charging document may itself constitute written notice of termination. 8 C.F.R. § 212.5(e)(1), (e)(2)(i). A grant of release under section 1226(a) may be revoked by an official enumerated in 8 C.F.R. § 236.1(c)(9). Each pathway identifies who may act. Respondents have identified to Petitioner no pathway, no authorized official, and no record, if any, reflecting an individualized exercise of discretion.

STATEMENT OF FACTS

A. Inspection, Referral, and Release at the San Ysidro Port of Entry

33. On January 13, 2023, Petitioner applied for admission to the United States at the San Ysidro Port of Entry in California. App. 004 (allegation 3).

34. The same day, a Customs and Border Protection officer at San Ysidro issued and personally served a Notice to Appear, Form I-862, Event No. [redacted]. The Notice to Appear alleges that Petitioner is not a citizen or national of the United States, that he is a native of Kazakhstan and a citizen of Russia, that he applied for admission on January 13, 2023 at the San Ysidro Port of Entry, and that he is an immigrant not in possession of a valid unexpired immigrant visa or other valid entry document. App. 004.

35. The box on the Notice to Appear designating Petitioner an arriving alien is marked. The box indicating that the notice was issued after an asylum officer found a credible fear is not marked. The box indicating that an order under section 235(b)(1) was vacated is not marked. App. 004. Petitioner was therefore placed directly into removal proceedings under 8 U.S.C. § 1229a rather than referred to expedited removal.

36. The Notice to Appear ordered Petitioner to appear before an immigration judge at 606 South Olive Street, 15th Floor, Los Angeles, California, on October 4, 2023. App. 004.

37. The Notice to Appear charges Petitioner under section 212(a)(7)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an immigrant who at the time of application for admission was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document. App. 006 (Form I-831 Continuation Page). That is the only charge lodged against him.

38. The certificate of service on the Notice to Appear states that the document was served on Petitioner in person on January 13, 2023, with oral notice given in the Russian language. App. 005. Petitioner, through prior counsel, conceded proper service of the Notice to Appear on January 13, 2023. App. 012.

39. The sequence of that service relative to Petitioner's release bears on the parole regulations. Under 8 C.F.R. § 212.5(e)(2)(i), service of a charging document ordinarily constitutes written notice of the termination of parole, while under 8 C.F.R. § 212.5(e)(1) parole may terminate automatically on expiration without written notice. Petitioner pleads the alternative and does not contend that the order of events on January 13, 2023 has been established. If Respondents contend that any parole terminated that day, the consequence is that Petitioner thereafter resided in the interior of the United States, not at the border, for three years, seven months, and thirteen days before the detention at issue.

40. Petitioner's spouse, Yuliya Odintsova, [redacted], was inspected at the same port of entry on the same day and was issued a materially identical Notice to Appear, Event No. [redacted]. App. 008. Petitioner alleges that Respondents released both spouses. Respondents have now detained one of them and not the other, and have identified no changed circumstance bearing on danger, flight risk, compliance, or appearance that distinguishes the two.

41. Respondents released Petitioner from custody at or about the time of the January 13, 2023 inspection and permitted him to depart the port of entry and travel into the interior of the United States.

42. Petitioner's Form I-589, filed with the immigration court on November 3, 2023, records that entry as follows: date January 13, 2023, place San Ysidro, status PAROLED, date status expires January 12, 2024. It identifies Form I-94 No. [redacted]. App. 010.

43. The Form I-94 itself, and any parole authorization stating the duration, purpose, and conditions of the release, are not in Petitioner's possession. Petitioner therefore does not concede the precise statutory source of the release, the sequence of events on January 13, 2023, or the

mechanics by which any parole ended, and he asks that Respondents be directed to produce the arrival and release records.

44. Petitioner pleads the expiration branch affirmatively. Assuming that parole granted on January 13, 2023 expired by its own terms on January 12, 2024 under 8 C.F.R. § 212.5(e)(1), Respondents thereafter left Petitioner at liberty in the interior of the United States, under a reporting obligation, for a further two years, seven months, and fourteen days before the arrest at issue. The expiration of a parole period is a legal event on a calendar. It is not evidence that Petitioner became a danger to the community or a risk of flight.

45. Whichever instrument Respondents used, and whenever and however any parole ended, the Department in fact left Petitioner at liberty in the community, under a reporting obligation, for the three years, seven months, and thirteen days that followed the inspection.

B. Three Years, Seven Months, and Thirteen Days at Liberty

46. Petitioner reported an address in Los Angeles, California on the Notice to Appear, and later an address in North Hollywood, California, which appears on the notices of action issued to him by U.S. Citizenship and Immigration Services. App. 004, 021, 023.

47. On April 12, 2023, an application for asylum and for withholding of removal, Form I-589, was received by U.S. Citizenship and Immigration Services. The receipt notice, Receipt No. [redacted], identifies the applicants as Yuliya Odintsova, [redacted] and Vadim Odintsov, [redacted]. App. 021.

48. The Notice to Appear was filed with the immigration court, and the docket date recorded by the Executive Office for Immigration Review is June 29, 2023. App. 025.

49. On October 2, 2023, through counsel, Petitioner filed written pleadings admitting the four factual allegations of the Notice to Appear, conceding removability under section

212(a)(7)(A)(i)(I), declining to designate a country of removal, and stating that he would apply for asylum, withholding of removal, and protection under the Convention Against Torture. App. 012. Petitioner has therefore contested removal on the merits and has sought protection, rather than seeking admission.

50. Venue in the removal proceedings changed twice. On October 10, 2023, the Los Angeles Immigration Court granted the Department's oral motion to change venue to Van Nuys, California, effective October 4, 2023. On September 27, 2025, the Van Nuys Immigration Court granted Petitioner's own motion to change venue to Charlotte, North Carolina, reflecting his move to Mooresville, North Carolina. App. 014.

51. On July 23, 2025, Petitioner filed a Change of Address form, Form EOIR-33, reporting his move from California to North Carolina. App. 019. He signed it under penalty of perjury and served it on the Department.

52. On October 2, 2025, the Charlotte Immigration Court entered a Relief Scheduling Order finding that Petitioner had filed his applications for relief within the time limit, vacating the master calendar hearing, and stating that the case is ready for trial and that a hearing notice will be sent. App. 016-017. The individual merits hearing has not yet been calendared. That is why the Automated Case Information system reflects no future hearing. App. 025.

53. On January 17, 2024, U.S. Citizenship and Immigration Services issued a Defensive Receipt Notice, Receipt No. [redacted], acknowledging receipt of a copy of Petitioner's own Form I-589 filed in defense of removal before the immigration court. App. 023. Petitioner's application for asylum and withholding of removal remains pending.

54. Petitioner's removal proceedings are venued before the immigration court in Charlotte, North Carolina. As of the most recent inquiry to the Automated Case Information

system, no decision has issued, no appeal has been taken to the Board of Immigration Appeals, and no future hearing is scheduled. App. 025.

55. Petitioner reports that he has resided continuously in the United States since January 13, 2023, that he has appeared for the reporting appointments required of him by Enforcement and Removal Operations, and that he has complied with the conditions imposed upon his release.

56. Petitioner reports that for approximately the six months preceding his arrest he was self-employed through a limited liability company providing small engine and lawn mower repair services, and that before that he worked as a commercial driver.

57. Petitioner reports no United States criminal arrest, charge, or conviction, and Respondents have identified no predicate under 8 U.S.C. § 1226(c), including 8 U.S.C. § 1226(c)(1)(E), as a basis for his detention.

C. The August 26, 2026 Arrest at a Reporting Appointment

58. On August 26, 2026, Petitioner appeared as scheduled for an annual reporting appointment with Enforcement and Removal Operations in Charlotte, North Carolina. He appeared voluntarily. He was arrested at that appointment.

59. Three years, seven months, and thirteen days elapsed between Petitioner's release on January 13, 2023 and his arrest on August 26, 2026.

60. Petitioner was thereafter transported from North Carolina to the Stewart Detention Center in Lumpkin, Georgia, where he remains confined. App. 027. Stewart lies in a different State and a different federal judicial circuit's district than the immigration court where his removal case is docketed.

61. Petitioner has remained in continuous custody since August 26, 2026.

D. The Absence of Any Custody Process

62. On August 26, 2026, Respondents ended Petitioner's conditional liberty and took him into custody without providing any of the following:

a. written notice of the reasons for taking him into custody;

b. a hearing, or any opportunity to be heard, before the deprivation of his liberty;

c. any disclosed or produced individualized assessment of whether he presents a risk of flight or a danger to the community;

d. any disclosed or produced finding that circumstances bearing on danger, flight risk, compliance, or appearance had changed since the Department released him;

e. the identification of an authorized decisionmaker who made the custody or revocation decision, or the authority under which that official acted.

63. On January 13, 2023, the Department released Petitioner and permitted him to travel into the interior of the United States. It knowingly permitted him to remain at liberty for three years, seven months, and thirteen days, during which Petitioner reported as required. The presently available record identifies no violation of a condition of release, no changed circumstance bearing on danger, flight risk, compliance, or appearance, and no identified exigency supporting the August 26, 2026 arrest, and none has been disclosed or produced to Petitioner. A circumstance the Department treated as compatible with Petitioner's liberty for three years, seven months, and thirteen days cannot, without more, explain a sudden arrest.

64. Respondents have identified and produced to Petitioner no determination that he poses a danger to the community, no determination that he is unlikely to appear, and no individualized custody assessment made by an official shown to possess custody or revocation

authority under 8 C.F.R. § 236.1(c)(9). The records that would reflect any such determination are exclusively within Respondents' control.

E. Exhaustion

65. Exhaustion of administrative remedies is not a jurisdictional prerequisite to relief under 28 U.S.C. § 2241 in this Circuit. Santiago-Lugo v. Warden, 785 F.3d 467 (11th Cir. 2015).

66. Respondents designated Petitioner an arriving alien on the face of the charging document. App. 004. If that regulatory classification applies to him, 8 C.F.R. § 1003.19(h)(2)(i)(B) itself withdraws the immigration judge's custody-redetermination jurisdiction over arriving aliens in removal proceedings, including aliens paroled after arrival. Matter of Q. Li addresses the statutory question whether section 235(b) or section 236(a) governs and expressly reserved the regulatory question. 29 I&N Dec. 66, 68 n.2 (BIA 2025).

67. Nor is this a case in which an immigration judge could simply grant a bond hearing based on Hernandez Alvarez alone: Respondents' own charging document invokes the arriving-alien classification, and 8 C.F.R. § 1003.19(h)(2)(i)(B), unless held inapplicable or unlawful as applied, directs the immigration judge to decline custody jurisdiction.

68. A district court in this Circuit has excused exhaustion as futile on precisely that reasoning, where the government itself classified the petitioner as an arriving alien and an immigration judge would deny bond for want of jurisdiction under 8 C.F.R. § 1003.19(h)(2)(i)(B). Martinez Jimenez v. Warden, Florida Baker Correctional Institution, No. 3:26-cv-1521-JEP-LLL (M.D. Fla. July 27, 2026).

69. An appeal to the Board would not supply the missing determination. Where an immigration judge declines custody jurisdiction, the judge makes no findings under Matter of Guerra, 24 I&N Dec. 37 (BIA 2006), for the Board to review, and the Board ordinarily does not

find facts on appeal. 8 C.F.R. § 1003.1(d)(3)(i), (iv). Affirmance yields no individualized merits custody determination; reversal requires further proceedings; and Petitioner remains confined throughout.

70. The constitutional injury pleaded in Counts One and Two was complete on August 26, 2026, and no administrative proceeding can restore the liberty already taken.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment: Re-Detention After Established Conditional Liberty Without Notice or a Hearing

71. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

72. This Count is pleaded independent of the statutory classification of Petitioner's custody. It is unaffected by whether section 1226(a) or section 1225(b)(2)(A) supplies the authority for his detention, because the constitutional defect lies in the manner in which Respondents ended a conditional liberty they had themselves conferred and then maintained for years. The theory does not depend on the existence or survival of any formal parole instrument. Whatever became of the paper, Respondents knowingly maintained Petitioner's liberty in the community, and his reporting obligation, for more than two and a half years after the expiration date recorded on his own Form I-589.

73. Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Freedom from bodily restraint

'has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.' Foucha v. Louisiana, 504 U.S. 71, 80 (1992); accord Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004). The Due Process Clause protects all persons within the United States, without regard to immigration status. Zadvydas, 533 U.S. at 693.

74. A person released from custody on conditions holds a liberty interest in continued liberty. Morrissey v. Brewer, 408 U.S. 471, 482 (1972). That liberty, 'although indeterminate, includes many of the core values of unqualified liberty,' and its termination 'inflicts a grievous loss' on the released individual and often on others. Id. Morrissey supplies the protected interest and the requirement of review by a neutral decisionmaker. Id. at 485-89; accord Goldberg v. Kelly, 397 U.S. 254, 267-71 (1970). Morrissey is not itself a pre-arrest-hearing case. What supplies the pre-deprivation timing here is the Mathews balance applied to these facts: a planned arrest at an appointment Respondents themselves scheduled, years of compliance preceding it, and no exigency identified anywhere in the available record.

75. Applying Mathews v. Eldridge, 424 U.S. 319, 335 (1976):

a. The private interest is at its maximum. Petitioner was deprived of an established and concrete liberty that he had exercised without interruption for three years, seven months, and thirteen days. He had a household, an occupation, and an application for asylum, withholding of removal, and protection under the Convention Against Torture that the immigration court has found ready for trial and that he can no longer prepare from liberty. App. 016-017.

b. The risk of erroneous deprivation is high, and the value of the omitted procedures is correspondingly great. The purposes of civil immigration detention are to secure appearance and to protect the community. Neither purpose can be

served accurately without an individualized assessment. The presently available record identifies none, and Respondents have disclosed and produced no changed circumstance bearing on danger, flight risk, compliance, or appearance, no violation of a release condition, no post-release adverse fact, and no derogatory information postdating the release.

c. The government's interest in dispensing with pre-deprivation process is slight. Petitioner's arrest was planned. Respondents chose the date and the place: a reporting appointment they had scheduled and at which Petitioner appeared voluntarily. The record identifies no exigency, and the administrative burden of notice and a hearing in advance of a scheduled arrest is modest measured against the liberty at stake.

76. On August 26, 2026, Respondents re-detained Petitioner without providing any of the process the Due Process Clause requires. Petitioner received no written notice of the reasons for the re-detention. He received no hearing before a neutral decisionmaker. Respondents have disclosed and produced no individualized assessment of flight risk or danger and no finding of changed circumstances bearing on danger, flight risk, compliance, or appearance. The Department arrested Petitioner at the very appointment its own supervision regime required him to attend, and his attendance at that appointment is itself evidence of the compliance the Department now implicitly disclaims.

77. The Department's own conduct bears on its present position. It released Petitioner into the community and knowingly permitted him to remain at liberty for three years, seven months, and thirteen days. Petitioner built his life in reliance on that liberty. Respondents have identified and produced no contemporaneous assessment of danger or flight risk supporting the arrest.

78. Mejias Tellez v. Warden, Glades County Detention Center, No. 2:26-cv-2269-SPC-KRH (M.D. Fla. Aug. 13, 2026), is closely analogous on the re-detention-process question. The court there applied the Mathews factors to the revocation of a longstanding release effected without reasonable notice and a meaningful opportunity to be heard, found the revocation unconstitutional, and ordered release. The enforcement maneuver in that case differed from this one, and Petitioner does not equate the two records.

79. Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment. Because the deprivation was executed with no process at all, the remedy is restoration of the liberty taken, not the belated supply of the procedures that were omitted.

COUNT TWO

Fifth Amendment: Confinement Without Any Individualized Merits Custody Determination

80. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

81. Civil detention is constitutionally permissible only where it bears a reasonable relation to its regulatory purpose and is accompanied by adequate procedural safeguards. Zadvydas, 533 U.S. at 690-91.

82. Petitioner has been confined since August 26, 2026 without any individualized determination by a neutral decisionmaker that his confinement is necessary to secure his appearance or to protect the community.

83. Respondents designated Petitioner an arriving alien on the charging document. App. 004. If that regulatory classification applies, 8 C.F.R. § 1003.19(h)(2)(i)(B) itself withdraws the

immigration judge's custody-redetermination jurisdiction, and, unless the regulation is held inapplicable or unlawful as applied, the immigration judge is directed to decline. The Board reserved the regulatory question. Matter of Q. Li, 29 I&N Dec. 66, 68 n.2 (BIA 2025). The practical consequence is that Petitioner is confined without having received an individualized merits custody determination, and the presently available record identifies none conducted by a neutral decisionmaker.

84. The result is a categorical denial of custody review that turns entirely on a box marked by a Customs and Border Protection officer at a port of entry three years, seven months, and thirteen days before the arrest at issue, and not on anything about Petitioner. A classification made at the border in January 2023 cannot supply the individualized justification the Constitution requires for a confinement imposed in the interior in August 2026.

85. Due process requires an individualized determination by a neutral decisionmaker that confinement is necessary. As the remedy for its absence, Petitioner requests a hearing at which Respondents bear the burden of proving by clear and convincing evidence that his continued detention is justified. Petitioner requests that allocation as the appropriate remedial standard and does not contend that this Circuit has announced it as a constitutional minimum.

86. Petitioner does not plead a free-standing prolonged-detention claim. The defect is not the elapsed duration of his confinement but the total absence of any individualized merits determination supporting it.

COUNT THREE

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (Pleaded in the Alternative)

87. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

88. A court of this Circuit has decided the question presented here on facts in the same relevant statutory posture. In Sylvaince v. Warden of the Miami Federal Detention Center, No. 1:26-cv-23991 (S.D. Fla. Aug. 31, 2026) (Ruiz, J.), a Haitian national sought admission and was paroled into the United States at San Ysidro, California, was issued a Notice to Appear charging him as an immigrant not in possession of a valid unexpired immigrant visa or other valid entry document, and was taken into custody in the interior roughly two years later. The government argued that upon the expiration of his parole he became subject to mandatory detention under section 1225(b)(2), relying on 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i). The court rejected that argument, holding that the expiration of parole does not require treating a noncitizen as if he had never been paroled at all, and that a person re-detained in the interior after living in the United States for years is properly detained under section 1226(a). The court ordered an individualized bond hearing or release.

89. Sylvaince rests on the published construction of the statute adopted by the Eleventh Circuit. Hernandez Alvarez v. Warden, Federal Detention Center Miami, 175 F.4th 1258 (11th Cir. 2026), holds that the text, structure, and history of the Act yield the conclusion that no-bond detention generally applies to arriving aliens seeking lawful entry to the country, and not to aliens who are simply present here, id. at 1262; that section 1225 applies to arriving aliens seeking entry at the border while section 1226 applies to aliens unlawfully in the interior, id. at

1276; and that Congress preserved the longstanding border-interior distinction for purposes of detention, id. at 1286. The court rejected the contention that mere presence in the interior transforms a noncitizen into an applicant who is seeking admission. Id. at 1269. It relied on Jennings v. Rodriguez, 583 U.S. 281, 288-89 (2018), which describes section 1226 as generally governing the arrest and detention of noncitizens present in the country. 175 F.4th at 1279.

90. The Eleventh Circuit's binding construction requires the same result here, as Sylvaince confirms in the parolee context. Petitioner was arrested in the interior of North Carolina, not at the border. He was not applying for entry in any literal sense when he was detained, and the record does not reflect that he was then seeking lawful entry after inspection and authorization by an immigration officer. See id. at 1269. He was pursuing asylum, which is a status distinct from admission. Sanchez v. Mayorkas, 593 U.S. 409, 415 (2021); Hernandez Alvarez, slip op. at 55 (No. 25-14065, May 6, 2026) (seeking relief from removal is not the same thing as seeking admission).

91. The temporal structure of section 1225(b)(2)(A) reinforces the point. The Eleventh Circuit held that the present participle in the phrase alien seeking admission describes an active and temporally ongoing step or process, slip op. at 17, and that the operative event is the determination of the examining immigration officer, which occurs before a section 1229a proceeding commences, id. at 54-55. Petitioner's examination by an immigration officer occurred on January 13, 2023 at San Ysidro, and it produced the section 1229a referral the provision contemplates. Whatever Petitioner's status was on that date, the question under the governing construction is what he was doing on August 26, 2026, in Charlotte, North Carolina, and on that date he was not seeking lawful entry after inspection.

92. Petitioner states candidly that the Hernandez Alvarez petitioners entered the United States without inspection and that the panel did not separately analyze a noncitizen paroled or released at a port of entry. The Sylvaince court addressed that gap directly, holding that although the opinion did not specifically address the circumstances of an individual initially paroled into the country, its reasoning applies. Petitioner does not contend that his record is precisely the same as the Sylvaince record; Sylvaince involved a second charging document and an intervening criminal arrest that was dropped. He contends that he stands in the same relevant statutory posture. Both he and the Sylvaince petitioner were charged under section 212(a)(7)(A)(i)(I), App. 006; both were inspected at the San Ysidro Port of Entry; both were released; and both were re-detained in the interior years later.

93. Whether any parole ended by expiration on January 12, 2024 or by service of the Notice to Appear on January 13, 2023 affects the termination date, but not the restoration theory. Sylvaince rejected the contention that the termination of parole returns a noncitizen to section 1225 treatment upon later re-detention in the interior, holding that the end of parole does not require treating a noncitizen as though the parole had never occurred, and that a person re-detained in the interior after years of residence is detained under section 1226(a).

94. Accord Martinez Jimenez v. Warden, Florida Baker Correctional Institution, No. 3:26-cv-1521-JEP-LLL (M.D. Fla. July 27, 2026) (parolee re-detained in the interior; section 1226(a) governs under Hernandez Alvarez; bond hearing or release within seven days); Ortiz Arreiche v. Warden, Baker Correctional Institution, No. 3:26-cv-1724-WWB-SJH (M.D. Fla. July 15, 2026) (government conceded that an interior parolee is detained under section 1226); Arnay Gonzales Martinez v. Warden, No. 3:26-cv-1453-WWB-LLL (M.D. Fla. July 2, 2026).

95. This District has ordered custody hearings under 8 U.S.C. § 1226(a)(2) for noncitizens detained at Stewart on the Department's contrary reading of section 1225(b)(2)(A). 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). Petitioner notes that he was inspected at a port of entry and does not rest this Petition on the parameters recited in this Court's Standing Order 2026-01. Counts One and Two are pleaded independent of the statutory question, and Count Three rests on Hernandez Alvarez and Sylvaince.

96. Because Petitioner is detained under section 1226(a), he is eligible for release on bond or conditional parole and for a custody redetermination before an immigration judge. 8 U.S.C. § 1226(a)(1)-(2); 8 C.F.R. §§ 1003.19(a), 1236.1(d)(1). The application of section 1225(b)(2)(A) to mandate his detention violates the Immigration and Nationality Act and the bond regulations, including 8 C.F.R. §§ 236.1, 1003.19, and 1236.1.

COUNT FOUR

Failure to Identify the Detention Authority and the Individualized Exercise of Discretion

97. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

98. An agency must follow its own regulations. United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 266-68 (1954). Where a regulation prescribes a discrete step for an individual custody decision, that step is a legally required act. Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55, 64 (2004).

99. The regulations supply distinct pathways with distinct decisionmakers. Termination of parole is governed by 8 C.F.R. § 212.5(e). Revocation of a grant of release under section

1226(a) is committed to the officials enumerated in 8 C.F.R. § 236.1(c)(9). The two are not interchangeable, and the authority actually invoked determines which official could lawfully act and what discretion was to be exercised.

100. This Count is pleaded as a demand for identification, not as an assertion that no determination exists. Petitioner asks the Court to require Respondents to identify: which statutory and regulatory pathway they contend authorizes his confinement; which official made the custody or revocation decision and under what delegated authority; and which record reflects the individualized exercise of discretion that the identified pathway requires.

101. Respondents have identified to Petitioner no governing regulatory pathway, no authorized decisionmaker, and no individualized custody assessment supporting the re-detention. If Respondents cannot identify a coherent authority and a corresponding exercise of discretion, the confinement rests on no shown determination at all, and the writ should issue.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Issue an Order to Show Cause directing Respondents to show cause, within three days as provided by 28 U.S.C. § 2243, why the writ should not be granted, and directing Respondents to produce the records identified in the accompanying proposed Order to Show Cause;

c. Order that Respondents give Petitioner's counsel not less than forty-eight hours' advance written notice before transferring Petitioner outside this District while this Petition is pending, except in the case of a bona fide medical emergency;

d. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

e. Declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a);

f. Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately;

g. In the alternative, order Respondents to provide Petitioner, within seven days, an individualized custody hearing before an immigration judge at which Respondents bear the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified, and at which 8 C.F.R. § 1003.19(h)(2)(i)(B) shall not be applied to withhold jurisdiction, and order that Petitioner be released if no such hearing occurs within that period;

h. Order that Respondents shall not re-detain Petitioner following release absent written notice of the reasons, a finding by a neutral decisionmaker that circumstances have changed, and an individualized hearing;

i. Award Petitioner reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis provided by law; and

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

Respectfully submitted,

Dated: __September 5, 2026_____

s/ Rachel Effron Sharma
Rachel Effron Sharma
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Counsel for Petitioner

VERIFICATION

I, Deron Smallcomb, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Texas, and I am counsel of record for Petitioner Vadim Odintsov in this matter.

2. Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia, and is therefore unable to execute this verification without delay that would prejudice his rights. I execute this verification on his behalf pursuant to 28 U.S.C. § 1746 and Rule 2(c)(5) of the Rules Governing Section 2254 Cases, applied here through Rule 1(b).

3. The factual allegations of the Petition are true and correct to the best of my knowledge, information, and belief formed after an inquiry reasonable under the circumstances, based on the documents appended to the Petition and on information provided by Petitioner and by persons acting on his behalf.

4. Where an allegation is made on information and belief, or is attributed to Petitioner's own report, it is so identified in the Petition.

Executed on September 3, 2026.

s/ Deron Smallcomb
California Bar No. 282493
Texas Bar No. 24122767

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2026, I electronically filed the foregoing Writ of Habeas with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Rachel Effron Sharma

Rachel Effron Sharma
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