UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ALBERT NORMATOV, Petitioner(s) v. LADEON FRANCIS, Acting Field Office Director of New York, Immigration Customs and Enforcement; TODD LYONS, Acting Director, U.S. Immigrations and Customs Enforcement; PAMELA BONDI, U.S. Attorney General; and KRISTI NOEM, U.S. Secretary of Homeland Security Respondents(s).	Case No. 1:26-cv-132

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1. When a noncitizen is ordered removed, pursuant to statutory authority, the Attorney General *shall* remove the noncitizen from the United States within a period of 90 days. *See* 8 U.S.C. § 1231. This 90-day period is known as the "removal period." *Id.*

2. During the "removal period," the U.S. government *shall* detain the noncitizen. *See* 8 U.S.C. § 1231(a)(2)(A). The "removal period" begins on the latest of three possible dates. *See* 8 U.S.C. § 1231(a)(1)(B).[1]

[1] 8 U.S.C. § 1231(a)(1)(B) – The "removal period" begins on the latest of the following:

(i) The date the order of removal becomes administratively final;

(ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the noncitizen, the date of the court's final order;

(iii) If the noncitizen is detained or confined (except under an immigration process), the date the noncitizen is released from detention or confinement.

3. After the "removal period," a noncitizen may be released through two mutually exclusive regulations codifying 8 U.S.C. § 1231(a)(6) and the *Zadvydas v. Davis* "reasonable time" limitation, respectively. *Compare* 8 CFR § 241.4, ("Continued detention of inadmissible, criminal, and other aliens beyond the removal period") *and* 8 CFR § 241.13, ("Determination of whether there is a significant likelihood of removing a detained alien in the reasonably foreseeable future."); *see generally* 8 U.S.C. 1231(a)(6) *and Zadvydas v. Davis*, 533 U.S. 678 (2001).
4. The standard under which a noncitizen's release may be revoked depends on whether the noncitizen was released pursuant to 8 CFR § 241.13 or 8 CFR § 241.4. *See* 8 CFR § 241.13(i) *and* 8 CFR § 241.4(l)(1), (2).
5. Revocation of release pursuant to 8 CFR § 241.13 requires that the noncitizen was released pursuant to the 8 CFR § 241.13 procedures. *See* 8 CFR § 241.4(b)(4) *and* 8 CFR § 241.13(b)(1).
6. There is nothing in the record indicating that Petitioner was released pursuant to 8 CFR § 241.13. Petitioner was released pursuant to 8 CFR § 241.4.
7. Revocation of release under 8 CFR § 241.4 is accomplished pursuant to several distinct procedures:
    a. First, release can only be revoked if the noncitizen (a) violates a condition of release or (b) in the discretion of the Executive Associate Director of ICE or district director[2] in special circumstances. *See* 8 CFR § 241.4(l)(1), (2); *see also Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 160 (W.D.N.Y. 2025) (explaining

[2] "On or after March 1, 2003, pursuant to delegation from the Secretary of Homeland Security or any successive re-delegation, the term [district director] means, to the extent that authority has been delegated to such official: asylum office director; director, field operations; district director for interior enforcement; district director for services; field office director; service center director; or special agent in charge." 8 CFR § 1.2.

Executive Associate Director of ICE is successor to Executive Associate Commissioner).

b. Second, release can only be revoked if the noncitizen is given notice and an opportunity to be heard. *See* 8 CFR § 241.4(l)(1). ("Upon revocation, the [noncitizen] will be notified of the reasons for revocation of his or her release or parole").

c. Third, if revoked by a "district director," the district director must make special findings that both "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director of ICE]." *See* 8 CFR § 241.4(l)(2).

8. At the date of this writing, to Petitioner's counsel's knowledge, Petitioner has been given no reason for the revocation of his supervision and no notice or opportunity to be heard regarding that revocation.

9. Revocation of supervision without specified reasons or notice and opportunity to be heard constitutes a deprivation of Due Process warranting release. *See Zhu v. Genalo*, 798 F. Supp. 3d 400 (S.D.N.Y. 2025) (ordering release when Petitioner was not provided with Notice of Revocation of Release nor an informal interview); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137 (W.D.N.Y. 2025) (ordering release when ICE did not follow own regulations); *Perez-Escobar v. Moniz*, 792 F. Supp. 3d 224 (D. Mass. 2025) (ICE's failure to give Petitioner meaningful notice for basis of revocation of release violated Due Process); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ICE's failure to follows section 241.4 procedures warranted release); see also *Noem v. Abrego Garcia*, 145 S. Ct. 1017 (2025) ("in order to revoke [section 241.4 or 241.13] release, the

Government must provide adequate notice and 'promptly' arrange an 'initial informal interview…to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.").

10. Petitioner's detention constitutes a deprivation of his right to Due Process under the 5th Amendment.

11. Courts have broad discretion in conditioning a judgment for Habeas Corpus relief. *See* 28 U.S.C. § 2243 ("The court shall summarily hear and determine the facts, and dispose of [the application for a Writ of Habeas Corpus] as law and justice require").

12. Therefore, as law and justice require, the Court should order Petitioner's release pursuant to the Court's broad discretionary under 28 U.S.C. § 2243.

STATEMENT OF FACTS

13. Petitioner Albert Normatov ([redacted]) is male, former citizen of the U.S.S.R. Petitioner has no state or citizenship. *See* Exhibit ("Ex.") A.

14. Petitioner first entered the United States on January 26, 1993. He was admitted as a refugee at New York City. *See* Ex. B.

15. On August 21, 2007, Petitioner was ordered removed from the United States. Petitioner was detained pursuant to that removal order.

16. On or about December 12, 2007, Petitioner was released on an Order of Supervision because ICE could not effect his deportation during the 90-day removal period. *See* Ex. C.

17. Petitioner was released on certain conditions of release and required to periodically report to ICE pursuant to his Order of Supervision. *See id.*

18. Petitioner last reported to ICE on December 17, 2019. His next reporting dating was scheduled for June 17, 2020. *See* Ex. D

19. Upon information and belief, Petitioner's June 17, 2020 ICE reporting appointment was cancelled because of the COVID-19 pandemic.

20. Since 2019, Petitioner has received no notice or request from ICE to report pursuant to his Order of Supervision.

21. In 2023, Petitioner was convicted of Health Care Fraud in the Second Degree. *NY PL 177.20.* Petitioner was sentenced to no period of incarceration but was sentenced to five years of probation and required to periodically report to a probation officer. *See* Ex. E

22. On January 6, 2026, Petitioner was requested to report to his probation officer pursuant to his criminal conviction. Petitioner had not been scheduled to report this day but had been asked to report less than a week before.

23. When Petitioner reported to his probation officer on January 6, 2026, ICE detained Petitioner, effectively revoking his release and Order of Supervision.

24. Upon information and belief, Petitioner is currently detained in the New York City Holding Room at 26 Federal Plaza, New York, NY 11232. *See* Ex. F.[3]

25. Upon information and belief, Petitioner has received no notice or opportunity to be heard regarding his revocation of release.

PARTIES

26. Petitioner Albert Normatov is a noncitizen from the former U.S.S.R. who is currently detained by ICE. On information and belief, Petitioner is currently detained at 26 Federal Plaza, New York, NY 10278.

[3] Petitioner was detained in Nassau County. In the morning of January 7, 2026, the ICE Detainee Locator indicated that details on Petitioner could be reached by calling Nassau County Correctional Center. A few hours later, the ICE Detainee Locator stated, contemporaneous to this filing, that information on Petitioner can be attained from the New York Docket Control Office at 26 Federal Plaza, New York, NY 10278. Upon information and belief, Petitioner has been moved to the jurisdiction of this court.

27. Defendant Ladeon Francis is the Acting Field Office Director of New York of Immigration and Customs Enforcement. He is being sued in his official capacity. He is Petitioner's immediate custodian

28. Defendant Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is being sued in his official capacity. He is Petitioner's legal custodian.

29. Defendant Kristi Noem is the Secretary of the U.S. Department of Homeland Security. She is being sued in her official capacity. She is Petitioner's legal custodian.

30. Defendant Pamela J. Bondi is the United States Attorney General. She is being sued in her official capacity. She oversees Immigration Judges and the Board of Immigration Appeals. She is Petitioner's legal custodian.

JURISDICTION

31. Officials and agencies of the United States have been named as defendants. The Court has personal jurisdiction over the defendants under 28 U.S.C. § 1346(a)(2).

32. The Court has subject matter jurisdiction to hear Petitioner's request for relief under 28 U.S.C. § 2241 and Article I, § 9 cl. 2 of the United States Constitution.

33. This Court may grant relief under the Habeas Corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C § 1651.

VENUE

34. Venue is proper in the Southern District of New York because, upon information and belief, Petitioner is confined in this district at 26 Federal Plaza, New York, NY 10278. 28 U.S.C. § 1391(b)(2); *see Rumsfield v. Padilla*, 542 U.S. 426, 442 (2004) (the Writ of Habeas Corpus is "issuable only in the district of confinement.")

REQUIREMENTS OF 28 U.S.C § 2243

35. The Writ of Habeas Corpus provides a "swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963)

36. The Court must grant this Petition for Writ of Habeas Corpus or issue and Order to Show Cause ("OSC") to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process
(Procedural Due Process)

1. The allegations in paragraph 1 through 36 are realleged and incorporated herein.
2. Procedural Due Process guarantees fair process. *See U.S. v. Salerno*, 481 U.S. 739, 746 (1987); *see also Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (articulating factors).
3. Petitioner is being deprived of his right to liberty, the risk of deprivation is high, and there would be great value in additional procedural safeguards.
4. The Government has little interest in Petitioner's continued detention.
5. Continued detention of Petitioner is a violation of Procedural Due Process.

COUNT TWO
Violation of Fifth Amendment Right to Due Process
(Substantive Due Process)

1. The allegations in paragraph 1 through 36 are realleged and incorporated herein.

2. The Due Process Clause covers a substantive sphere "barring certain government actions regardless of the fairness of the procedures used to implement them." *See Matzell v. Annucci*, 64 F.4th 425, 436 (2d Cir. 2023)
3. ICE's decision to detain Petitioner is so arbitrary that it constitutes a gross abuse of government authority.
4. Even in the presence of procedural protections, the government's actions are wholly without justification. *See Southerland v. City of New York*, 680 F.3d 127, 152 (2d Cir. 2012)
5. Continued detention of Petitioner is a violation of Substantive Due Process.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Order that Petitioner shall not be transferred out of New York;

(3) Declare that Petitioner's detention is unlawful;

(4) Issue an Order to Show Cause ordering Defendants to show cause why this Petition should not be granted within three days;

(5) Order Petitioner's release pursuant to the Court's broad discretionary under 28 U.S.C. § 2243;

(6) In the alternative, hold a bail hearing and order Petitioner's release through the Court's inherent authority under *Mapp v. Reno*, pending adjudication of this Petition;

(7) In the second alternative, this Court should order the noncitizen released on supervision under 8 U.S.C. § 1231(a)(3);

(8) Award attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law;

(9) Order any further relief this Court deems just and proper.

Respectfully submitted this 7TH Day of January 2026.

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia

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

I represent Petitioner and submit this verification on their behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 7th day of January, 2026.

/s/ Edward J. Cuccia
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