

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

DENIS BULYCHEV,

Petitioner,

v.

Case No. 4:26-cv-193

TODD LYONS, Acting Director of ICE;
JASON STREEVAL, Warden, Stewart
Detention Center; **KRISTEN SULLIVAN**,
Acting ERO Director of Atlanta Field
Office, U.S. Immigration and Customs
Enforcement (“ICE”); **KRISTI NOEM**,
Secretary of the U.S. Department of
Homeland Security; **PAM BONDI**,
Attorney General of the United States; and
WILLIAM KEYES, U.S. Attorney for the
Middle District of Georgia,
in their official capacities,

Respondents.

**AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF UNDER THE
ADMINISTRATIVE PROCEDURE ACT**

INTRODUCTION

1. Petitioner **Denis Bulychev** (“Petitioner”) seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging his ongoing civil immigration detention at **Stewart Detention Center** in Lumpkin, Georgia.

2. Petitioner is a **citizen of Russia**, born [REDACTED]
3. Petitioner has a pending removal proceeding under **Alien number** [REDACTED]
4. Petitioner has been detained since December 4, 2025, after ICE detained him during a scheduled check-in at an ICE office in Charlotte, NC.
5. ICE's stated reason for detention was the presence of several "speeding tickets," even though those citations were **reduced** in court to "**improper speedometer use**" (a minor/non-moving violation), and all fines were paid.
6. Petitioner respectfully requests that this Court order his **immediate release**, and/or order constitutionally adequate process, including a **prompt custody hearing** before a neutral decisionmaker where the government bears the burden to justify detention.
7. Petitioner has never been ordered removed. His asylum application is still pending. His next immigration court hearing is February 17, 2026. He has no criminal record and just some minor traffic infractions.
8. The Due Process Clause applies to "all persons within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (quotation marks omitted). "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).

9. Immigration detention is civil and thus is permissible for only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community. *Zadvydas*, 533 U.S. at 690. Here, Petitioner has no criminal history, has complied with all immigration requirements, and was taken into immigration custody following a local arrest that was not based on any criminal conduct. Petitioner does not present a flight risk or a danger to the community. Under these circumstances, his detention is thus not justified under the Constitution. See *ibid*.
10. Additionally, generally "the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (emphasis added).
11. Consistent with these principles, a growing number of district courts have held that individuals who were previously released by DHS on an Order of

Recognizance are entitled to pre-deprivation hearings before ICE can re-detain them.¹²

12. Petitioner respectfully seeks a writ of habeas corpus ordering the government to immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer him outside of the jurisdiction of this Court or deport him for the duration of this proceeding.

JURISDICTION

13. Petitioner is in the physical custody of Respondents and is detained at Stewart

¹ *Jocop v. Albarran*, No. 25-cv-09059-JD, 2025 WL 2988354, at *2–3 (N.D. Cal. Oct. 23, 2025); *Rodriguez Diaz v. Kaiser*, No. 25-CV-05071-TLT, 2025 WL 3011852, at *43 (N.D. Cal. Sept. 16, 2025); *Leandro v. Albarran*, No. 3:25-cv-10042, 2025 WL 3247767, at *3–4 (N.D. Cal. Nov. 20, 2025); *Bernal v. Albarran*, No. 25-cv-09772-RS, 2025 WL 3281422, at *7 (N.D. Cal. Nov. 25, 2025); *Andundia-Carillo v. Albarran*, No. 3:25-cv-10380, 2025 WL 2480572, at *3 (N.D. Cal. Dec. 3, 2025); *Paternina v. Albarran*, No. 4:25-cv-10378-YGR, 2025 WL 2487774, at *3 (N.D. Cal. Dec. 3, 2025); *J.O.L.R. v. Wofford*, No. 1:25-cv-01241-KES-SKO, 2025 WL 2908740, at *6–7 (E.D. Cal., Oct. 14, 2025); *J.C.L.A. v. Wofford*, No. 1:25-cv-01310-KES-EPG, 2025 WL 2959250, at *4 (E.D. Cal., Oct. 17, 2025); *Alvarenga Matute v. Wofford*, No. 1:25-CV-01206-KES-SKO (HC), 2025 WL 2996577, at *19 (E.D. Cal. Oct. 24, 2025); *F.M.V. v. Wofford*, No. 1:25-cv-01381-KES-SAB, 2025 WL 3083934, at *6–7 (E.D. Cal. Nov. 4, 2025); *Vilela v. Robbins*, No. 1:25-cv-01393-KES-HBK, 2025 WL 3101334, at *8 (E.D. Cal. Nov. 6, 2025); *J.A.E.M. v. Wofford*, No. 1:25-cv-01380-KES-HBK, 2025 WL 3013377, at *7–8 (E.D. Cal. Oct. 27, 2025); *Sharan S. v. Chestnut*, No. 1:25-cv-01427-KES-SKO, 2025 WL 3167826, at *12 (E.D. Cal. Nov. 12, 2025); *Perez v. Albarran*, No. 1:25-cv-01540-DAD-CSK, 2025 WL 3187578, at *5 (E.D. Cal., Nov. 14, 2025).

² Decisions from other circuits and districts are cited as persuasive authority. M.D. Ga. L.R. 7.1 (requiring citation to supporting authorities); Fed. R. App. P. 32.1 (authorizing citation of unpublished federal dispositions); 11th Cir. R. 36-2 (“Unpublished opinions are not considered binding precedent, but they may be cited as persuasive authority.”)

Detention Center in Lumpkin GA.

14. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* and the APA, 5 U.S.C. §§ 500–596, 701–706.

15. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); the APA, 5 U.S.C. §§ 500–596, 701–706; and the United States Constitution.

16. 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.*, the All Writs Act, 28 U.S.C. § 1651, and the Court’s inherent equitable powers.

VENUE

17. Venue is proper because Petitioner is detained at Stewart Detention Center in Lumpkin, Georgia, which is within the jurisdiction of this District.

18. Venue is proper in this District and Division because Respondents are officers, employees, or agencies of the United, States and a substantial part of the events or omissions giving rise to his claims occurred in this District. 28 U.S.C. §§ 1391(b)(2), 1391(e), and 28 U.S.C. § 2241(a).

REQUIREMENTS OF 28 U.S.C. § 2243

19. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not

entitled to relief. 28 U.S.C. § 2243.

PARTIES

20. Petitioner Denis Bulychev is detained at Stewart Detention Center in Lumpkin, Georgia (facility address used in EOIR/filings: 146 CCA Road, Lumpkin, GA 31815). Petitioner is single and has no children. Petitioner is in removal proceedings before the Lumpkin Immigration Court. EOIR last scheduled an Individual hearing for February 17, 2026 (internet-based hearing). He is in the custody, and under the direct control, of Respondents and their agents. After detaining him, ICE did not set bond. Respondents are being sued in their official capacity.

21. Respondent Jason Streeval is the Warden of Stewart Detention Center and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Streeval is a legal custodian of Petitioner. Respondent is sued in their official capacity.

22. Respondent Kristen Sullivan is the Acting ERO director for the Atlanta Field Office of the Immigration and Customs Enforcement Agency ("ICE"), a brand of the Department of Homeland Security ("DHS") and is sued in his official capacity. Respondent Sullivan is responsible for local custody decisions relating to aliens charged with being removable from the United States, including the

custody status of Petitioner. Respondent Sullivan is a legal custodian of Petitioner and has authority to release him.

23. Respondent Todd M Lyons is the acting director of ICE and is sued in his official capacity. Respondent has authority over the actions of Kristen Sullivan and ICE in general. ICE's mission includes the enforcement of criminal and civil laws related to immigration. Among other things, ICE is responsible for the stops, arrests, and custody of individuals believed to be in violation of civil immigration law.

24. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and is being sued in her official capacity. Respondent has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS which is responsible for implementing and enforcing the nation's immigration laws pursuant to 8 U.S.C. § 1103(a). Respondent Noem is a legal custodian of the Petitioner.

25. Respondent Pam Bondi is the Attorney General of the United States and is being sued in her official capacity. In this capacity, she has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103 and the most senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the

immigration courts and the Board of Immigration Appeals (“BIA”). Respondent Bondi is a legal custodian of Petitioner.

26. Respondent William Keyes is the U.S. Attorney for the Middle District of Georgia. Respondent Keyes is being sued in his capacity as a legal representative of the federal government.

EXHAUSTION

27. There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest, detention, or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioners will “suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

LEGAL FRAMEWORK

A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.

28. The Fifth Amendment guarantees that “[n]o person shall be . . . deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. These due process rights are both substantive and procedural. *Benitez v. Wallis*, 337

F.3d 1289, 1300 (11th Cir. 2003) *vacated on other grounds*, *Benitez v. Wallis*, 402 F.3d 1133 (11th Cir. 2005).

29. *First*, “[t]he touchstone of due process is protection of the individual against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any reasonable justification in the service of a legitimate government objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

30. These protections extend to noncitizens facing detention, as “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom 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*, 533 U.S. at 690.

31. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510, 519–20, 527–28, 531 (2003).

32. *Second*, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.
33. Generally, “the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property.” *Zinermon*, 494 U.S. at 127. This is so even in cases where that freedom is lawfully revocable. See *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).
34. After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated has a protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions.” *Ibid*. “By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution].” *Ibid*.

B. Due process requires not only “changed circumstances” but also “evidence of urgent concerns,” if Respondents seek to re-detain a person without a hearing.

35. DHS has the authority to release certain noncitizens on an Order of Recognizance (formally called “conditional parole”) while their removal proceedings are

pending before an immigration judge. 8 U.S.C. § 1226(a)(2); *Castillo-Padilla v. United States AG*, 417 Fed. Appx. 888, 891 (11th Cir. 2011) (citing *Ortega-Cervantes*, 501 F.3d 1111, 1115 (9th Cir. 2007)) (“An alien may be “paroled into the United States” by the Attorney General . . . which contrasts starkly with being released on conditional parole (quoting 8 U.S.C. § 1226(a)(2)).

36.DHS may only release a noncitizen on an Order of Recognizance if “such release would not pose a danger to property or persons, and that the [noncitizen] is likely to appear for any future proceedings.” 8 C.F.R. § 236.1(c)(8). As such, release on an Order of Recognizance reflects a determination by the government that the noncitizen is not a danger to the community or a significant flight risk. *United States v. Chinchilla*, 987 F.3d 1303, 1310–11 (11th Cir. 2021).

37.After a determination has been made that an individual is not a flight risk or danger, DHS may not re-arrest them “absent a change of circumstance.” See *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981); see also *Chinchilla*, 987 F.3d at 1312. (“Separate and apart from the immigration statutes and regulations, an order [for release] is a document prescribed by certain federal entitlement regulations as evidence of legal permission to stay in the United States. The alien’s stay in the United States is necessarily temporary, as an order [for release] does not change the alien’s unlawful immigration status.”); *id.* at 1310 (“In order to remove an unlawful alien subject to an order of supervision, immigration

officials must first revoke the order of supervision, *see* 8 C.F.R. § 241.4(l), and must notify the alien of “the reasons for revocation,” *see id.* § 241.13(i)(3)).

38. In recent months, ICE has increasingly taken individuals into immigration custody through a variety of encounters, including arrests at routine ICE check-ins, inside or near immigration court buildings, and following street stops or encounters with local law enforcement. Many of these individuals had submitted asylum applications and were patiently waiting without issue for their next immigration court date.

39. In other cases, Respondents have attempted to justify re-detention by pointing to circumstances unrelated to any individualized assessment of flight risk or danger, including arrests by local law enforcement that do not result in criminal charges. Courts have rejected such justifications where the government fails to explain how the underlying circumstances support continued civil detention. *See, e.g., Bernal v. Albarran*, No. 25-cv-09772-RS, 2025 WL 3281422, at *7 (N.D. Cal. Nov. 2025) (rejecting re-detention where respondents failed to show how the asserted grounds established danger or flight risk). Here, as in this case, Respondents have not identified any conduct by Petitioner that would support a finding that he is a danger to the community or a flight risk.

40. Instead, Respondents argue that the individuals are properly re-detained under the government’s new and implausible interpretation of 8 U.S.C. § 1225(b)(2).

However, Respondents arguments “fail to contend with the liberty interests created by the fact that [the noncitizens]...were released on recognizance *prior to the manifestation of this interpretation*. See *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785, at *10 (E.D. Cal. Sept. 18, 2025) (emphasis in original). Moreover, Respondents’ mandatory detention argument has failed in almost every court to hear it because it does not accord with basic tenets of statutory interpretation. See *Bernal*, 2025 WL 3281422, at *2 (collecting cases).

41.As courts evaluate Respondents’ tenuous justifications for re-detaining noncitizens previously released on an Order of Recognizance, it has become clear that due process requires not only “changed circumstances” but also “evidence of urgent concerns,” if Respondents seek to re-detain a person without a hearing. See *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d 1021, 1036 (N.D. Cal. 2025) (“absent evidence of urgent concerns, a pre-deprivation hearing is required to satisfy due process, particularly where an individual has been released on bond by an IJ”) (emphasis added). *Rodriguez v. Kaiser*, 2025 WL 2855193, at *7 (E.D. Cal. Oct. 8, 2025) (concluding that, “given the absence of evidence of urgent concerns . . . a pre-deprivation hearing [was] required to satisfy due process”) (collecting cases); *Y.M.M.*, No. 2:25-cv-02075, 2025 WL 3101782, at *2 (“Numerous courts in this district and throughout the Ninth Circuit have recognized this requirement” of a pre-deprivation hearing, “absent evidence of

urgent concerns”) (quotation marks and citation omitted). A pre-deprivation hearing before the government can re-detain a noncitizen is a crucial safeguard against pretextual arrests, especially in the current political environment where ICE is under intense pressure to meet arrest quotas. See *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1322 (W.D. Wash. Aug. 19, 2025). The legal principle is clear: Once the government makes the release determination, the individual has a liberty interest that cannot be taken away without a hearing—unless an “urgent” “change of circumstances” makes such a pre-deprivation hearing infeasible.

C. The Constitution Protects Noncitizens from Cruel and Unusual Punishment.

42. The Constitution requires government actors to ensure the safety and general well-being of all persons taken into custody, including non-citizens and persons who are not legally admitted to the United States. Convicted prisoners are protected by the Eighth Amendment, which prohibits cruel and unusual punishment despite an adjudication of criminal guilt.
43. The Eighth Amendment prohibits “[d]eliberate indifference to serious medical needs.” *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). However, detainees in immigration detention—in civil, not criminal detention—need not demonstrate “deliberate indifference” to establish a constitutional violation. See *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004). A serious medical need exists

where the “failure to treat a prisoner’s condition could result in further significant injury or the unnecessary and wanton infliction of pain.” *Clement v. Gomez*, 298 F.3d 898, 904 (9th Cir. 2002) (internal quotations omitted). Other factors for consideration include whether (1) “a reasonable doctor or patient would perceive the medical need in question as important and worthy of comment or treatment; (2) whether the medical condition significantly affects daily activities, and (3) the existence of chronic and substantial pain.” *Brock v. Wright*, 315 F.3d 158, 162 (2d Cir. 2003) (internal quotations omitted).

44. Deliberate indifference constitutes a reckless disregard for a substantial risk of serious harm to a prisoner. *Farmer v. Brennan*, 511 U.S. 825, 836 (1994). Deliberate indifference constitutes a two-part test: 1) there must be a substantial risk of serious harm or a serious medical need; and 2) there must be a “sufficiently culpable state of mind.” *Id.* at 834; *Estelle*, 429 U.S. at 105.
45. DHS has the authority to release certain noncitizens on an Order of Recognizance (formally called “conditional parole”) while their removal proceedings are pending before an immigration judge. 8 U.S.C. § 1226(a)(2); *Castillo-Padilla v. United States AG*, 417 Fed. Appx. 888, 891 (11th Cir. 2011) (citing *Ortega-Cervantes*, 501 F.3d 1111, 1115 (9th Cir. 2007)) (“An alien may be “paroled into the United States” by the Attorney General . . . which contrasts starkly with being released on conditional parole (quoting 8 U.S.C. § 1226(a)(2)).

FACTUAL ALLEGATIONS

A. Petitioner Is Unlawfully Arrested and Taken into ICE Custody Following an Erroneous Arrest by Local Law Enforcement

46. Petitioner is currently 23 years old. He was born on 

47. Petitioner last entered the United States on December 3, 2023, at Progreso, Texas, with status listed as “DT” and an expiration date of December 1, 2024. Petitioner entered after using CBP One and were released on parole following standard processing (fingerprints/documents). He was apprehended by Department of Homeland Security (“DHS”) officials at the border and subsequently released into the community after DHS determined that he did not pose a flight risk or danger. Petitioner has remained in the United States while awaiting the resolution of his immigration proceedings.

48. The family filed a family Form I-589 when Petitioner was 20, and a separate I-589 was also filed for Petitioner on January 13, 2026. Petitioner’s proceedings are pending at the Lumpkin Immigration Court, and EOIR has issued a Notice of Internet-Based Hearing setting an Individual hearing on February 17, 2026.

49. For approximately 3 years, Petitioner and his family complied with ICE reporting requirements and attended scheduled check-ins.

50. On December 3 and on December 4, 2025, Petitioner appeared for a scheduled ICE check-in at the ICE office in Charlotte, North Carolina. On

December 3, the Petitioner waited in line for several hours, but the office closed for the day before it was his turn to enter the building. The following day, the family arrived at 4:00 a.m. and was able to gain entry. The check-in process lasted approximately 6 hours. After that prolonged processing, ICE separated Petitioner from his family and detained him at Stewart Detention Center in Lumpkin, Georgia.

51. ICE reportedly cited “speeding tickets” as the basis for detaining Petitioner. Petitioner addressed those tickets in court: the allegations were reduced to “improper speedometer use,” described as a “minor/non-moving” violation without points, and the fines were paid.

52. Prior to detention, Petitioner worked as an “Uber Eats driver” and as a contractor with “Dennis Roofing LLC” (including locating roofing inspection leads), and he contributed approximately half of the family’s rent.

53. Petitioner’s family includes his father, Aleksei Bulychev, his mother Natalia Bulycheva, and his sister, Daria Bulycheva. Since Petitioner’s detention, the family’s financial situation has materially worsened.

54. None of the circumstances that led the government to previously release Petitioner have changed. Upon information and belief, Petitioner has only minor traffic violation (infraction), poses no danger to the community, and has consistently complied with all immigration requirements.

B. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable Harm.

55. Petitioner is being deprived of his liberty without any permissible justification. The Petitioner was previously detained during his entry to the United States and then released by government because he did not pose any sufficient risk of flight or danger to the community to warrant detention.

56. Petitioner has a long history of severe asthma that is not being properly treated in detention and that is worsening due to his imprisonment. Recent medical records show that Petitioner battles daily with shortness of breath and difficulty breathing.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process (Substantive Due Process - Detention)

57. The allegations in the above paragraphs are realleged and incorporated herein.

58. The Fifth Amendment provides that “[n]o person” shall be “be deprived of life, liberty, or property, without due process of law.”

59. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.”

Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

60. Moreover, “[t]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.

61. Respondents’ mandatory detention of Petitioner without consideration for release on bond or access to a bond hearing violates his due process rights.

62. Immigration detention is constitutionally permissible only when it furthers the government’s legitimate goals of ensuring the noncitizen’s appearance during removal proceedings and preventing danger to the community. See *ibid.*

63. Civil immigration detention may serve only legitimate regulatory purposes (appearance and safety). Detention that is arbitrary, punitive, or not reasonably related to those purposes violates due process.

64. ICE detained Petitioner during a scheduled check-in, after years of compliance, reportedly based on minor traffic history that Petitioner resolved in court. Continued detention under these circumstances is not reasonably related to appearance or safety and violates the Fifth Amendment.

65. Petitioner was released into the United States by Respondents. This previous release constituted a determination by Respondents that he was neither dangerous to the community nor a flight risk.

66. Petitioner has not become a danger or flight risk since his release from custody. His re-detention thus does not serve a legitimate goal. Accordingly, his re-detention violates the Due Process Clause.

COUNT TWO

Violation of Fifth Amendment Right to Due Process (Procedural Due Process - Detention)

67. The allegations in the above paragraphs are realleged and incorporated herein.

68. ICE has not provided any bond hearing and has informed the family that the Petitioner is “not eligible for it.”

69. The Fifth Amendment guarantees noncitizens present in the country with due process rights, including the right to not be deprived of a liberty or property interest without notice and a hearing before a neutral decision-maker.

70. Petitioner has already been determined not to pose a flight risk or danger to the community. He has a protected liberty interest in his continued freedom from detention and is entitled to due process before the government can deprive him of his liberty by re-detaining him. The Due Process Clause prohibits Petitioner’s re-detention without a pre-deprivation hearing before a neutral decision-maker in which the government bears the burden of demonstrating that he poses a flight risk or danger to the community.

COUNT THREE

Violation of Eighth Amendment (Cruel and Unusual Punishment)

71. The allegations in the above paragraphs are realleged and incorporated herein.

72. Petitioner has a right to be free from cruel and unusual punishments pursuant to the Eighth Amendment of the U.S. Constitution.

73. Stewart Detention Center authorities and more specifically, the warden of this detention facility, have shown a deliberate indifference for Petitioner's health and well-being that constitutes a reckless disregard for a substantial risk of serious harm to him.

74. Petitioner has filed medical requests to no avail. He reports high levels of allergens triggering his asthma condition. The medication he is provided is not assisting him and is causing adverse reactions as it is not the same medication he uses to treat his asthma. He has also been denied some requested medical tests due to the lack of resources at Stewart and therefore does not have access to a proper diagnosis of his condition.

75. The current conditions of Petitioner's detention constitute cruel and unusual punishment under the Eight Amendment of the United States Constitution and violate Petitioner's right to due process under the Fifth Amendment of the United States Constitution. Petitioner should be released on medical grounds.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;

- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
- (4) Declare that Petitioner's arrest and detention violates the INA, implementing regulations, and Due Process Clause of the Fifth Amendment.
- (5) Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
- (6) Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

This February 13, 2026.

COCHRAN IMMIGRATION

/s/ Johanna Cochran
by: Johanna Cochran
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Denis Bulychev, and submit this verification on his 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 February 13, 2026.

/s/ Johanna Cochran
by: Johanna Cochran
Georgia Bar No. 611902
Attorney for the Petitioner