IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED
FEB 26 2026
Clerk, U.S. District Court
By: Deputy Clerk

SALMON MAMADZHONOV
Pro Se, Petitioner

V. 26-3038-JWL

CRYSTAL CARTER, Warden, FCI-Leavenworth,
TODD LYONS, Acting Director, ICE
KRISTI NOEM, Secretary, DHS
PAM BONDI, Attorney General of the United States
Respondents.

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

I. INTRODUCTION

1. Petitioner, SALMON MAMADZHONOV, a legally admitted noncitizen and a long-time resident of the United States, is currently detained by Immigration and Customs Enforcement ("ICE") pursuant to 8 U.S.C. § 1231(a)(6). Petitioner has been continuously detained since august 9, 2025, post removal order, for a period exceeding one hundred and eighty (180) days. Because there is no significant likelihood of his removal in foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due Process under the principles established by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001). Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody under an appropriate Order of Supervision.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is held in custody in violation of the constitution and laws of the United States.
3. Federal district courts have jurisdiction to review habeas challenges by noncitizens to the lawfulness of their immigration detention, including post-removal detention under 8 U.S.C. § 1231(a).
4. This Court also has jurisdiction under 28 U.S.C. § 1331 and the declaratory Judgment Act, 28 U.S.C. §§ 2201 02, because this petition raises questions arising under the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the Fifth Amendment.
5. Venue is proper in the District of Kansas under 28 U.S.C. § 1391(e) and 2241 because Petitioner is detained in this district and his immediate custodian, CRYSTAL CARTER is located here.

III. PARTIES

6. Petitioner, SALMON MAMADZHONOV (A# [redacted]), is a native of Russia who is currently detained in ICE custody at FCI Leavenworth, Kansas
7. CRYSTAL CARTER, Warden at FCI-Leavenworth
8. TODD LYONS, Acting Director, ICE
9. KRISTI NOEM, Secretary, DHS
10. PAM BONDI, Attorney General of the United States
11. All Government Respondents are sued in their official capacity

IV. FCATUAL BACKGROUND
12. Petitioner entered ICE custody on or about August 9, 2025.
13. Petitioner was never provided with any explanation as to why he was detained, and when asked, he was told that he has been detained because of [redacted]
14. Petitioner has been detained by ICE for more than six months (180 days) for removal purposes.
15. During this time, DHS/ICE has been unable to remove Petitioner to Russia.
16. Petitioner has cooperated fully with ICE's efforts to obtain travel documents including providing information, completing necessary forms.
17. ICE has provided little to no information about any concrete steps taken toward Petitioner's removal or any timeframe for removal.
18. Petitioner does not pose a danger to the community and does not present a flight risk that cannot be addressed by conditions of supervised release, such as reporting requirements, or other standard conditions.
19. Petitioner has close ties in the United Sates, including Family members, Friends, Neighbors, Co-worker, etc., and is willing to comply with any conditions of release composed by the Court or ICE.
20. Continued detention is causing Petitioner significant physical, emotional, and psychological harm, particularly given the indefinite and uncertain nature of the confinement.

VII. LEGAL FRAMWORK
22. Under 8 U.S.C. § 1231(a), DHS is generally required to remove an individual within 90 days of a final order of removal with limited authority to continue detention beyond that period.
23. In Zadvydas v. Davis, the Supreme Court construed § 1231(a)(6) to avoid serious constitutional concerns by reading into the statute explicit "reasonable time" limitation on post-order detention and establishing a six month presumptively reasonable period.
24. After six months, once the noncitizen provides "good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future," the burden shifts to the government to provide evidence to rebut that showing; if it cannot, continued detention is unlawful.

25. The Fifth Amendment Due Process Clause limits civil immigration detention to purpose of ensuring appearance at proceedings and protecting the community and detention must bear a reasonable relation to those purposes and not to be arbitrary or indefinite.

VIII. CLAIMS FOR RELIEF

First Claim for Relief: Statutory Claim Under 8 U.S.C. § 1231(a) as interpreted by Zadvydas v. Davis

26. Petitioner re-alleges and incorporates by reference paragraphs 1-25.
27. Petitioner has been detained for more than six months (180 days) for removal purposes.
28. Petitioner has presented good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.
29. Respondents have not provided evidence sufficient to rebut Petitioner's showing that removal is not significantly likely in the reasonably foreseeable future.
30. Under Zadvydas, continued detention under these circumstances exceeds the authority granted by § 1231(a)(6) and is unlawful.
31. Accordingly, Petitioner's continued detention violates the INA and must cease.

Second Claim For Relief: The Fifth Amendment Violation

32. Petitioner re-alleges and incorporates by reference paragraphs 1-31.
33. The Fifth Amendment Prohibits arbitrary and indefinite civil detention that i snot reasonably related to a legitimate governmental purpose.
34. Any legitimate purpose that might initially justified Petitioner's detention such as facilitating removal have dissipated because removal is not significantly likely in the reasonably foreseeable future.
35. Continued detention is excessive and disproportionate in relation to any legitimate governmental interest and therefore violates substantive due process.

Third Claim For Relief: The Purpose Of Detention Effecting Removal No Longer Exists

36. Petitioner re-alleges and incorporates by reference paragraphs 1-35.
37. The Statutory scheme contemplates detention only as long as necessary to effect removal. 8 U.S.C. § 1231(a)(i)(A) gives 90-day removal period; then § 1231(a)(6) gives discretionary further detention only if removal is reasonably foreseeable.
38. Once it becomes apparent that removal is no longer "reasonably foreseeable," continued detention becomes punitive in nature, which raises due process concerns. Zadvydas, 533 U.S. at 690.

Fourth Claim For Relief: Constitutional And Human Rights Concerns

39. Petitioner re-alleges and incorporates by reference paragraphs 1-38.
40. Indefinite detention without release or bond hearing raises serious due-process and liberty interest issues. See e.g., Congress research Service note: "indefinite detention raises 'serious constitutional-concerns'."
41. the burden on the government must increase when liberty is at stake.

Fifth Claim For Relief: No Meaningful Prospect of Removal
42. Petitioner re-alleges and incorporates by reference paragraphs 1-41.
43. The detention period (more than 6 months) exceeds the presumptive "reasonably necessary" period identified in Zadvydas (six months)
44. Government must show removal in foreseeable future, here no evidence of country acceptance, consulate cooperation, travel documents etc.
45. Under regulatory guidance, if removal is not reasonably foreseeable, detainee must be released after 180 days.
46. These conditions this case detention well past six months, no indication of removal triggers the logic of Zadvydas/Clark v. Martinez: continued detention becomes unjustified.
47. "The Government must provide concrete evidence, not speculation." Nube v. INS, 2000 WL 1466117, at *4 (S.D.N.Y. 2000).

Sixth Claim For Relief: Failure to Follow Governing Regulations 8 C.F.R. §§ 241.4, 241.13
48. Petitioner re-alleges and incorporates by reference paragraphs 1-47.
49. DHS regulations require that ICE conduct timely, periodic and meaningful post-order custody reviews, including interviews and consideration of specific criteria regarding danger, flight risk, and likelihood of removal.
50. Respondents have failed to conduct them in a perfunctory, rubber-stamp fashion that did not comply with the regulatory requirements, since the Petitioner was not provided with any interview opportunity at the start or during his detention period.
51. An agency's failure to follow its own regulations is unlawful and violates due process.
52. For these reasons as well, Petitioner's continued detention is unlawful.

IX. PRAYER FOR RELIEF
WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;
B. Issue a Writ of Habeas Corpus ordering Respondents to show cause;
C. Order Petitioner's immediate release from ICE custody under such reasonably conditions of supervision as the Court deems appropriate;
D. Grant such other and further relief as the Court deems just and proper.

X. VERIFICATION

I Salmon Mamadzhonov declare under penalty of perjury under the laws of the United States that I am the Petitioner in the above-entitled action, that I have read the foregoing Writ of Habeas Corpus and know the contends, therefore; and that the same is true and correct to the best of my knowledge, information and belief.

2/23/26

FCI Leavenworth



SALMON MAMADZHONOV
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