

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION
CASE NO. 4:26-CV-351 (To be assigned)

TALGATBEK BUSURMANKULOV,

Petitioner,

v.

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
FIELD OFFICE DIRECTOR, ICE Enforcement and Removal Operations, Atlanta Field Office;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security;
PAMELA BONDI, Attorney General of the United States;
WARDEN, STEWART DETENTION CENTER,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Talgatbek Busurmankulov, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and alleges as follows:

INTRODUCTION

1. Petitioner is a civil immigration detainee presently confined at Stewart Detention Center in Lumpkin, Georgia.
2. Petitioner was paroled into the United States by U.S. Customs and Border Protection on June 6, 2023 at the San Ysidro Port of Entry. A Notice to Appear was issued on that same date.
3. Following his parole, Petitioner was released into the interior of the United States and resided openly for more than two years.

4. During that time, Petitioner complied with all immigration requirements, appeared for scheduled immigration proceedings, and was granted employment authorization by the Department of Homeland Security.
5. Petitioner established substantial ties within the United States, including residence with his spouse and two minor children.
6. On November 18, 2025, Petitioner was stopped by local law enforcement in Georgia during a routine traffic stop while operating a commercial vehicle in the course of lawful employment.
7. Following the stop, agents of U.S. Immigration and Customs Enforcement took Petitioner into custody in the interior of the United States.
8. Petitioner has remained continuously detained since November 18, 2025.
9. Petitioner's removal proceedings remain pending. No final order of removal has been entered.
10. Since the commencement of his detention, Petitioner has not received an individualized bond hearing before an Immigration Judge.
11. Nor has Petitioner received any adversarial custody determination before a neutral decisionmaker.
12. Petitioner has not been afforded any 30-day or 90-day custody review by DHS.
13. As applied to Petitioner, Respondents' continued detention without neutral review violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

JURISDICTION

14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody in violation of the Constitution and laws of the United States.

15. Jurisdiction is also proper under 28 U.S.C. § 1331.

16. The writ of habeas corpus is guaranteed by Article I, Section 9, Clause 2 of the United States Constitution.

VENUE

17. Venue is proper in this District because Petitioner is confined within the Middle District of Georgia.

PARTIES

18. Petitioner Talgatbek Busurmankulov is a native of Kyrgyzstan and citizen of Russia.

19. Petitioner is detained at Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia.

20. Respondent Todd M. Lyons is the Acting Director of ICE and is responsible for enforcement and detention policy nationwide.

21. The Field Office Director of ICE Enforcement and Removal Operations, Atlanta Field Office, exercises immediate legal custody over Petitioner.

22. Respondent Kristi Noem, Secretary of DHS, oversees ICE and has ultimate custodial authority.

23. Respondent Pamela Bondi, Attorney General of the United States, oversees the Executive Office for Immigration Review.

24. The Warden of Stewart Detention Center exercises immediate physical custody over Petitioner.

FACTUAL BACKGROUND

25. Petitioner entered the United States at the San Ysidro Port of Entry on June 6, 2023 and was paroled into the country by CBP.

26. A Notice to Appear was issued charging Petitioner under INA § 212(a)(7)(A)(i)(I) and designating him as an “arriving alien”.

27. Following parole, Petitioner was released into the interior of the United States.

28. Petitioner resided openly and continuously in the United States for more than two years prior to his detention.

29. During that time, DHS granted Petitioner employment authorization.

30. Petitioner lawfully worked and provided financial support for his household.

31. Petitioner is the sole financial provider for his spouse and two minor children, ages five (5) and one year and four months (1 year, 4 months).

32. The younger child is a United States citizen.

33. Petitioner’s detention has deprived the household of its sole source of income.

34. Petitioner was not apprehended at the border, nor was he in expedited removal proceedings at the time of his arrest.

35. Petitioner was arrested within the interior of Georgia during a traffic stop while engaged in lawful employment.

36. Removal proceedings remain pending and no final order has been entered.
37. Despite the discretionary nature of detention under 8 U.S.C. § 1226(a), Petitioner has not been afforded a bond hearing.
38. Immigration Judges have declined bond jurisdiction based on the regulatory classification of “arriving alien.”
39. As a result, Petitioner’s detention rests solely on executive discretion without neutral adjudicatory review.

LEGAL FRAMEWORK

40. Pre-final-order detention during removal proceedings is governed by 8 U.S.C. § 1226.
41. Section 1226(a) authorizes discretionary detention and contemplates individualized custody determinations.
42. Civil immigration detention is regulatory, not punitive, and must comport with due process.
43. The Due Process Clause requires meaningful procedural safeguards when the government restrains liberty.

COUNT I

UNCONSTITUTIONAL DETENTION WITHOUT NEUTRAL REVIEW

44. Petitioner realleges and incorporates paragraphs 1 through 43.
45. Civil detention without a neutral custody determination violates fundamental principles of due process.

46. Petitioner has received no bond hearing before an Immigration Judge.
47. Petitioner has received no adversarial custody hearing before a neutral decisionmaker.
48. Petitioner has received no periodic custody review.
49. Petitioner's continued detention rests solely on unilateral executive discretion.
50. Such detention, as applied to Petitioner, violates the Fifth Amendment.

COUNT II

IMPROPER APPLICATION OF BORDER-BASED DETENTION AUTHORITY

51. Petitioner realleges and incorporates paragraphs 1 through 50.
52. Section 1225(b) governs applicants for admission at the border.
53. Petitioner was paroled into the United States and released into the interior more than two years prior to detention.
54. Petitioner was arrested inside the United States, not at a port of entry.
55. Continued reliance on a border-based "arriving alien" designation to deny neutral review is inconsistent with the statutory structure of the INA.
56. As applied to Petitioner, detention must be governed by § 1226(a), which contemplates individualized custody determinations.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus;
- B. Order Respondents to provide Petitioner with a constitutionally adequate bond hearing before

a neutral adjudicator within seven (7) days;

C. Alternatively, order Petitioner's immediate release under reasonable supervision conditions;

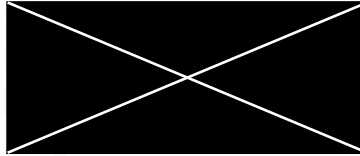
D. Order that Petitioner not be removed or transferred from this District during the pendency of this Petition;

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

Sulaika Busurmankulova

By / _____

Sulaika Busurmankulova
(Petitioner Talgatbek Busurmankulov's Wife)
As Next Friend of Petitioner



State of Washington

County of King

I certify that I know or have satisfactory evidence that SULAIIKA BUSURMANKULOVA is the person who appeared before me, and that said person signed this instrument and acknowledged it to be his or her free and voluntary act for the uses and purposes mentioned in the instrument.

A handwritten signature in cursive script, appearing to read 'Evgeny Ryzhov', written over a horizontal line.

Evgeny Ryzhov Notary Public in and for the State of Washington

Evgeny Ryzhov
Notary Public
State of Washington
Commission Number: WA
My Commission Expires
March 24, 2027

This Notarial Act involved two-way audio/video communication technology on 02/26/2026 9:13pm EST.