UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

NOZADZE GIORGI Petitioner, vs. **KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement;** **KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY;** **PAMELA BONDI, in her official capacity as Attorney General, U.S. Department of Justice.** Respondents.	Case No.: _____ **PETITION FOR WRIT OF HABEAS CORPUS**

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

INTRODUCTION

1.Petitioner Giorgi Nozadze ("Petitioner") is a citizen of Georgia who entered the United States without inspection on February 28, 2022. He fled persecution on account of his political opinion and torture convention and has resided in the United States since that time. Since his release into the interior of the United States, Petitioner has complied with all immigration requirements, timely filed an application for asylum, and has a pending asylum application with Immigration Court. He has worked lawfully, paid taxes, and complied with all conditions imposed by immigration authorities.

2.Petitioner is a for-hire vehicle driver. While visiting Michigan for business-related purposes on February 25, 2026, Petitioner was transporting a customer when a white vehicle abruptly cut in front of him. In order to avoid a collision, he safely moved into the right lane. Shortly thereafter, he observed flashing lights behind his vehicle. Believing it to be law enforcement, Petitioner voluntarily pulled over. An ICE officer approached, removed Petitioner from his vehicle, placed him in handcuffs, and seated him in the ICE vehicle. Officers questioned why he had not stopped earlier when the white vehicle in front of him was stopped. Petitioner explained that he did not realize ICE was attempting to stop him and believed he was merely avoiding an accident. He also informed the officers that he has a pending asylum case before the Immigration Court and fears returning to Georgia due to past persecution. The officers did not meaningfully respond to this information and instead took him into custody and transferred him to immigration detention. Petitioner has no Criminal history.

3.The arrest was conducted without a warrant, prior notice, or any individualized risk assessment.

4.An ICE officer informed Petitioner that his arrest resulted from a generalized "policy" to detain "everyone who crossed the border," irrespective of compliance history, criminal record, or risk factors. Petitioner's detention is therefore arbitrary, programmatic, and detached from any lawful statutory purpose.

5. Petitioner has no criminal history, has complied with all conditions of supervision, and has a pending affirmative asylum application based on persecution on account of his political opinion, and protection under the Convention Against Torture. His continued detention violates the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226(a), the Administrative Procedure Act, the Due Process Clause of the Fifth Amendment, and the Fourth Amendment's prohibition on unreasonable seizures..

6. Petitioner seeks a writ of habeas corpus ordering his immediate release or, at a minimum, a prompt and constitutionally adequate bond hearing before a neutral and impartial adjudicator, at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner poses a flight risk or presents other legally sufficient and individualized reasons justifying continued detention.

JURISDICTION

7.This action arises under the Constitution, laws, and treaties of the United States, including 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (the Suspension Clause). Relief is also authorized by the All-Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

8.Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001). Petitioner is "in custody" within the meaning of § 2241 because he is presently detained at North Lake Correctional Facility, 1805 West 32nd St. Baldwin, MI 49304, located within the Western District of Michigan.

VENUE

9.Venue is proper in this District pursuant to 28 U.S.C. § 2241(a) because Petitioner is confined within the Western District of Michigan and is in the custody of his immediate custodian located within this District. A habeas petition challenging present physical confinement must be filed in the district of confinement against the petitioner's immediate custodian. See *Rumsfeld v. Padilla*, 542 U.S. 426, 442–43 (2004).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Section 2241 contains no statutory exhaustion requirement. See *Zadvydas v. Davis,* 533 U.S. 678, 687 (2001). Although courts may require prudential exhaustion in certain circumstances, exhaustion is not jurisdictional and may be excused where the pursuit of administrative remedies would be futile or inadequate.

11. Exhaustion should be excused here because Petitioner has no meaningful administrative avenue to challenge his detention. ICE has not provided an individualized custody determination or bond review, and Petitioner is unable to obtain effective relief through immigration court proceedings.

12. Requiring exhaustion would serve no purpose because Petitioner challenges the legality of his present detention and the Government's failure to provide the process required under 8 U.S.C. § 1226(a). Continued detention without judicial review constitutes ongoing constitutional harm.

PARTIES

13. Petitioner is a citizen of Georgia, born [redacted] He is now detained at North Lake Correctional Facility, 1805 West 32nd St. Baldwin, MI 49304, located within the Western District of Michigan. **(Exhibit B, Exhibit D)**.

14. Kevin Raycraft is the Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

15. Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

16. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

STATEMENT OF FACTS

17. Petitioner Giorgi Nozadze ("Petitioner") is a citizen of Georgia who, fleeing persecution on account of his political opinion, entered the United States without inspection on February 28, 2022, to seek asylum through the southern border with Mexico. He was apprehended by U.S. Customs and Border Patrol ("CBP") officers and subsequently released under supervision. Since his release, Petitioner has complied with every ICE appointment, maintained a stable residence, and has not committed any criminal offenses.

18. Petitioner's Notice to Appear (NTA) was issued by CBP on March 2, 2022. (Exhibit A, Exhibit C).

19. On September 1, 2022, petitioner affirmatively applied for asylum with Immigrational Court based on persecution on account of his political opinion and his claim for protection under the Convention Against Torture.

20. Petitioner has no criminal history.

21. Petitioner is a for-hire vehicle driver. While visiting Michigan for business-related purposes on February 25, 2026, Petitioner was transporting a customer when a white vehicle abruptly cut in front of him. In order to avoid a collision, he safely moved into the right lane. Shortly thereafter, he observed flashing lights behind his vehicle. Believing it to be law enforcement, Petitioner voluntarily pulled over. An ICE officer approached, removed Petitioner from his vehicle, placed him in handcuffs, and seated him in the ICE vehicle. Officers questioned why he had not stopped earlier when the white vehicle in front of him was stopped. Petitioner explained that he did not realize ICE was attempting to stop him and believed he was merely avoiding an accident. He also informed the officers that he has a pending asylum case before the Immigration Court and fears returning to Georgia due to past persecution. The officers did not meaningfully respond to this information and instead took him into custody and transferred him to immigration detention.

22. Therefore, Petitioner's continued detention violates the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226(a), the Administrative Procedure Act, the Due Process Clause of the Fifth Amendment, and the Fourth Amendment's prohibition on unreasonable seizures.

LEGAL CLAIMS

COUNT I

Violation of the INA: Detention under the Wrong Statutory Provision

23. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

24. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) governs certain noncitizens who are applicants for admission and detained at or near the time of entry. Petitioner, however, was released into the interior of the United States and has resided in the country for an extended period prior to his re-detention. Under the statutory framework of the Immigration and Nationality Act, detention of noncitizens who are present within the United States and placed into removal proceedings is governed by 8 U.S.C. § 1226, unless and until a final order of removal has been entered, in which case 8 U.S.C. § 1231 applies. Because Petitioner was released and has been living in the interior of the United States, his detention cannot be justified under § 1225(b)(2). Petitioner was released into the interior of the United States and continuously resided in New York for nearly four years; therefore, it cannot be treated as an arriving alien or analogized to an individual detained at the border.

25. Section 1225(b)(2) governs detention of applicants for admission at or near the time of entry. Petitioner, however, was released into the interior of the United States and was not detained pursuant to § 1225 at the time of his re-arrest. Under the structure of the Immigration and Nationality Act, detention of noncitizens who are present within the United States and placed into removal proceedings is governed by 8 U.S.C. § 1226, unless and until a final order of removal has been entered. Applying § 1225(b)(2) to mandate Petitioner's continued detention years after his release is inconsistent with the statutory framework of the INA.

26. Petitioner's detention pending removal under § 1226(a) is discretionary, and noncitizens detained under this statute are entitled to an initial custody determination and the opportunity for a bond hearing. *See* 8 C.F.R. § 1236.1(d)(1). Here, Petitioner was afforded neither of these procedural safeguards, in violation of § 1226(a). Moreover, Petitioner has a family member in the United States, which further underscores his substantial equities, strong family ties, and lack of flight risk - factors that should have been considered in any custody or bond determination.

COUNT II

Violation of Due Process: Revocation of Release without Notice or Hearing

27. The Fifth Amendment's Due Process Clause prohibits the Government from depriving any person of liberty without due process of law, regardless of immigration status. See Zadvydas v. Davis, 533 U.S. 678, 693 (2001); Reno v. Flores, 507 U.S. 292, 306 (1993).

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Zadvydas, 533 U.S. at 690. Accordingly, civil immigration detention must be accompanied by adequate procedural safeguards and an individualized determination that detention is justified.

28. The adequacy of procedural protections in civil immigration detention is evaluated under the framework set forth in Mathews v. Eldridge, 424 U.S. 319, 335 (1976). Under Mathews, courts consider: (1) the private interest affected by the governmental action; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value of additional safeguards; and (3) the Government's interest, including the fiscal and administrative burdens that additional procedures would entail. see also *Mathews v. Eldridge, 424 U.S. 319, 335 (1976).*

29. 7. As to the first Mathews factor, the private interest at stake is Petitioner's freedom from physical restraint a core liberty interest protected by the Due Process Clause. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Even assuming detention is authorized under 8 U.S.C. § 1226(a), due process requires that such detention be accompanied by an individualized custody determination. The statute and its implementing regulations contemplate the exercise of discretion based on specific findings. See 8 C.F.R. § 1236.1(c), (d). In determining whether detention is appropriate, DHS must consider whether the noncitizen poses a danger to property or persons or is likely to appear for future proceedings. Id. § 1236.1(c)(8). Detention imposed without such an individualized assessment presents a substantial risk of erroneous deprivation of liberty.

30. Petitioner's detention was imposed without an individualized assessment of his circumstances. There is no indication that DHS evaluated his compliance history, lack of criminal record, employment, or community ties prior to re-detaining him. Petitioner poses no danger to the community and has consistently complied with immigration requirements. Absent case-specific findings addressing risk of flight or danger, continued detention reflects the application of categorical enforcement authority rather than the discretionary judgment contemplated by 8 U.S.C. § 1226(a) and its implementing regulations.

31. As to the second Mathews factor, the risk of erroneous deprivation of liberty is substantial where detention is imposed without an individualized assessment. The regulatory

framework governing discretionary detention under 8 U.S.C. § 1226(a) contemplates case-specific consideration of whether a noncitizen poses a danger to property or persons or is likely to appear for future proceedings. See 8 C.F.R. § 1236.1(c)(8). When detention is ordered without meaningful evaluation of these factors, the probability of error increases significantly because liberty is restrained without examination of the very criteria that justify confinement. The availability of an individualized custody determination and opportunity to seek bond directly reduces that risk.

32. As to the third Mathews factor, the Government's interest does not outweigh the need for individualized procedural safeguards. Although the Government has legitimate interests in ensuring appearance at removal proceedings and protecting public safety, those interests are adequately served through the discretionary, case-specific custody determinations authorized under 8 U.S.C. § 1226(a). Requiring an individualized assessment imposes minimal additional administrative burden because such determinations are already contemplated by statute and regulation. Where detention does not meaningfully advance removal or public safety objectives, continued confinement risks becoming punitive rather than regulatory, which due process does not permit. See Zadvydas v. Davis, 533 U.S. 678, 690–91 (2001).

33. Petitioner has no criminal history, maintains employment, has complied with all prior conditions of release, and has significant family ties in the United States. He is the primary financial provider for his family and has a pending asylum application before USCIS. These circumstances underscore that he poses no danger to the community and has strong incentives to appear for future proceedings. Continued detention without an individualized assessment, therefore, burdens a substantial liberty interest without a demonstrated regulatory justification.

34. Accordingly, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment. Rather than providing the individualized custody determination contemplated by 8 U.S.C. § 1226(a) and its implementing regulations, DHS detained Petitioner without a meaningful assessment of his risk of flight or danger to the community. Because Petitioner possesses a protected liberty interest in freedom from physical restraint, the failure to provide adequate procedural safeguards prior to continued confinement results in an unconstitutional deprivation of liberty. See Mathews v. Eldridge, 424 U.S. 319 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001).

COUNT III

Violation of the Fourth Amendment

35. Petitioner's arrest constituted an unreasonable seizure in violation of the Fourth Amendment. Although immigration officers may arrest without a warrant under limited statutory circumstances, see 8 U.S.C. § 1357(a)(2), such authority requires a reasonable belief that the individual is removable and likely to escape before a warrant can be obtained. Petitioner was arrested without a warrant despite having a known residence, stable employment, and a history of compliance with immigration requirements. In the absence of exigent circumstances or individualized justification, the warrantless arrest was unreasonable under the Fourth Amendment. See Manuel v. City of Joliet, 580 U.S. 357, 364 (2017).

RELIEF

33. Where detention is unlawful, the traditional remedy in habeas is release from custody. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001). If this Court determines that Petitioner's continued detention violates the Constitution or the Immigration and Nationality Act, it has authority under 28 U.S.C. § 2241 to order appropriate relief, including release or a prompt individualized custody determination consistent with due process.

34. The legality of detention must be assessed based on the statutory authority invoked at the time of arrest. Respondents may not cure an unlawful detention by advancing alternative statutory justifications after litigation has commenced. See Lopez-Campos v. Raycraft, No. 25-12486, 2025 WL 2496379, at *7 (E.D. Mich. Aug. 29, 2025).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Exercise jurisdiction pursuant to 28 U.S.C. § 2241;

b. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243;

c. Declare that Petitioner's continued detention violates the Constitution and laws of the United States;

d. Order Petitioner's immediate release from custody, or in the alternative, order a prompt individualized custody determination consistent with 8 U.S.C. § 1226(a) and due process;

e. Enjoin Respondent from transferring Petitioner outside this District during the pendency of this proceeding without prior notice to the Court;

f. Award costs and, if appropriate, reasonable attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

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

Respectfully submitted,

Date: March 16, 2026

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