UNITED STATES DISTRICT COURT

DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 16 2026
JEFFREY P. COLWELL
CLERK

OLEKSANDR SHAPOVAL

A [redacted]

Denver Contract Detention Facility

3130 N. Oakland St.

Aurora, CO 80010

Petitioner, Pro Se

v.

Warden

Denver Contract Detention Facility

FIELD OFFICE DIRECTOR, ICE ERO DENVER

KRISTI NOEM, Secretary

U.S. Department of Homeland Security

PAM BONDI, Attorney General

United States Department of Justice

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

AND EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND IMMEDIATE RELEASE

(28 U.S.C. § 2241)

INTRODUCTION

Petitioner Oleksandr Shapoval respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued detention by U.S. Immigration and Customs Enforcement (ICE).

Petitioner is a citizen of Ukraine who lawfully entered the United States under the Uniting for Ukraine (U4U) humanitarian parole program pursuant to INA § 212(d)(5). He has no criminal history, complied fully with the terms of his parole, and timely filed an application for re-parole before expiration of his parole period.

Despite these facts, Petitioner has been detained by ICE since approximately January 15, 2026, without lawful statutory authority and without meaningful custody review.

Petitioner therefore seeks:

1. Immediate release from detention;
2. A Temporary Restraining Order preventing continued unlawful detention;

3. In the alternative, an order requiring an immediate bond hearing before an immigration judge;
4. Release on bond, conditional parole, supervision, or recognizance.

JURISDICTION

This Court has jurisdiction under:

- 28 U.S.C. § 2241
- 28 U.S.C. § 1331
- 28 U.S.C. § 1651

because Petitioner is currently in federal custody within the District of Colorado.

Venue is proper because Petitioner is detained at the Denver Contract Detention Facility in Aurora, Colorado.

PARTIES

Petitioner

Oleksandr Shapoval



Citizen of Ukraine

Currently detained by ICE.

Respondents

1. Warden of Denver Contract Detention Facility
2. Field Office Director, ICE Enforcement and Removal Operations (ERO), Denver
3. Secretary of Homeland Security
4. Attorney General of the United States

These officials have legal authority over Petitioner's detention.

IV. FACTUAL BACKGROUND

1. Petitioner is a citizen of Ukraine displaced by the ongoing war caused by Russia's invasion of Ukraine.
2. Petitioner lawfully entered the United States on or about January 11–12, 2024, through JFK Airport, under the Uniting for Ukraine humanitarian parole program.
3. Petitioner was inspected and paroled into the United States pursuant to INA § 212(d)(5).
4. Petitioner complied fully with the terms of his parole and maintained lawful presence during the authorized parole period.
5. Prior to expiration of his parole, Petitioner timely filed an application for re-parole with USCIS in October 2025.
6. USCIS issued a Request for Evidence, and Petitioner timely responded.
7. The application remains pending.
8. Despite the pending application and Petitioner's full compliance with the law, ICE detained Petitioner in January 2026 and placed him into removal proceedings.
9. Petitioner has no criminal history.
10. Petitioner has strong community ties, including housing support and employment.
11. Petitioner poses no danger to the community and no risk of flight.
12. Petitioner remains detained without lawful justification.

CLAIMS FOR RELIEF

Unlawful Detention Without Statutory Authority

Petitioner is detained under INA § 236(a), which provides discretionary detention authority.

However:

- Petitioner is not subject to mandatory detention under INA § 236(c)
- Petitioner is not subject to mandatory detention under INA § 235(b)

Because Petitioner has no criminal convictions and entered the United States lawfully under humanitarian parole.

Accordingly, his detention must be accompanied by individualized custody review and eligibility for release on bond or supervision.

Continued detention without meaningful review exceeds the authority granted by INA § 236(a).

Violation of Fifth Amendment Due Process

The Fifth Amendment prohibits arbitrary government detention.

Petitioner has:

- no criminal history

- strong community ties
- a pending humanitarian immigration application
- a sponsor and stable housing.

Detaining Petitioner under these circumstances without meaningful review violates substantive and procedural due process.

Detention Interferes With Pending Humanitarian Relief

Petitioner filed a timely re-parole application before expiration of his parole.

Federal policy permits individuals with pending humanitarian applications to remain in the United States while those applications are adjudicated.

ICE detention improperly interferes with this process.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner respectfully requests a Temporary Restraining Order (TRO) because continued detention causes:

- irreparable harm
- deprivation of liberty

• interference with pending immigration relief.

Petitioner has demonstrated a strong likelihood of success on the merits because:

• his detention lacks statutory authority

• he is eligible for release under INA § 236(a)

• he poses no danger or flight risk.

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order preventing continued unlawful detention;
2. Order Respondents to immediately release Petitioner from custody;
3. In the alternative, order an immediate bond hearing before an immigration judge;
4. Order that Petitioner be released on:

- bond
- conditional parole
- supervision
- recognizance
- or any other conditions deemed appropriate by the Court.

CONCLUSION

Petitioner respectfully requests that this Court grant the petition for writ of habeas corpus and order appropriate relief to remedy his unlawful detention.

Respectfully Submitted,
Oleksandr Shapoval

Oleksandr Shapoval
[redacted]
Petitioner, Pro Se

Date: 03.12.2026

[redacted]

[redacted]

January 19, 2026

To: The Honorable Immigration Judge
Aurora, Colorado

Re: Bond/Sponsor Letter for Oleksandr Shapoval

Dear Honorable Immigration Judge,

My name is [redacted] and I am a United States citizen. I have known Oleksandr Shapoval since 2024 as a close family friend. I served as his initial sponsor under the Uniting for Ukraine (U4U) humanitarian parole program, through which Oleksandr arrived in the United States on January 11, 2024. Since his arrival, I have provided support including housing assistance, transportation, and ensuring his basic needs are met.

Currently, Oleksandr resides at my home at [redacted] While he is financially independent and contributes to rent, I remain available to assist him if needed. I am fully committed to ensuring that he complies with any conditions of release the Court may impose, including appearing at all immigration hearings.

I am writing this letter to support Oleksandr's request for conditional parole or release on de minimus bond. Returning to Ukraine at this time would present serious safety concerns due to the ongoing war and unstable conditions in his home region, where ongoing hostilities continue to disrupt transportation, logistics, and basic stability.

Oleksandr has complied fully with U.S. laws and the conditions of his parole. He is actively building a stable life in the United States and is employed by MP Team Inc., focusing on self-sufficiency. I respectfully request that the Court consider my sponsorship and grant him release on bond or conditional parole, in an amount deemed reasonable, so that he may continue to live safely in the United States while his immigration matters are resolved.

Thank you for your consideration.

Respectfully submitted, [redacted]

[redacted]

[redacted]

Date: [01-15-2026]

U.S. Citizenship and Immigration Services (USCIS)

RE: Support Letter for Re-Parole Beneficiary: Oleksandr Shapoval, DOB: [redacted]

To Whom It May Concern,

My name is Vadim Nikolayevich Shikhantsov. I am U.S. citizen I served as the supporter for Oleksandr Shapoval under the Uniting for Ukraine (U4U) program.

I have known Oleksandr since 2024 as a close friend. He arrived in the United States on 01/11/2024 through U4U. Since his arrival, I have provided support, including: housing assistance with basic needs, transportation. Currently, he lives at [redacted] and he is financially independent but I remain available to support him if needed he contributes to rent. I am writing this letter to support his request for re-parole so he may remain in the United States. Returning to Ukraine at this time would present serious safety concerns due to the ongoing war and unstable conditions. He is registered in [redacted] Odesa Region, Ukraine. Ongoing hostilities in southern Ukraine continue to disrupt transportation and logistics, making movement and basic stability uncertain and creating serious safety concerns. Oleksandr Shapoval has been complying with U.S. laws and the conditions of parole and is actively building a stable life in the United States. He is employed by MP Team Inc. and focused on self-sufficiency.

I respectfully request that USCIS grant Oleksandr Shapoval re-parole. If you have any questions, please contact me at the phone number or email above.

[redacted]