

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

VALERIY VLADIMIROVICH ZHURAVLEV,	:	
	:	
	:	
Petitioner,	:	
	:	Case No. 4:26-CV-525-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
	:	
Respondent.	:	

MOTION TO DISMISS

On April 2, 2026, Petitioner filed his Petition for Writ of Habeas Corpus (“Petition”). ECF No. 1. Petitioner claims, among other things, that he is entitled to a bond hearing pursuant to 8 U.S.C. § 1226(a). ECF No. 1. On April 6, 2026, in light of the Court’s rulings in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH (M.D. Ga. Nov. 1, 2025), and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025), the Court ordered Respondents to provide Petitioner a bond hearing within seven days. ECF No. 5. The Court’s order further states that if “Respondents in good faith contend that the Court’s prior rulings in *J.A.M.* and *P.R.S.* do not apply here, Respondents should file an appropriate motion seeking relief from this order and demonstrating why the Court’s prior rulings in *J.A.M.* and *P.R.S.* do not control the result in this case. If such a good faith motion is filed, then this order shall be stayed pending the resolution of that motion.” ECF No. 5. Respondent now files this good faith motion to dismiss the Petition, showing that *J.A.M.* and *P.R.S.* do not control the result in this case and that the Petition should therefore be dismissed.

BACKGROUND

Petitioner is a native and citizen of Kazakhstan who has been detained pre-final order of removal pursuant to 8 U.S.C. § 1226(a). Declaration of Deportation Officer Carlos Santiago (“Santiago Decl.”) at ¶¶ 4, 14. Petitioner entered the United States on a B-2 visa on October 9, 2020. *Id.* ¶ 4. Petitioner’s visa expired on April 8, 2021. *Id.* ¶ 4 & Ex. A.

On January 20, 2026, Immigration and Customs Enforcement (“ICE”) / Enforcement and Removal Operations (“ERO”) arrested Petitioner. *Id.* ¶ 5. ICE/ERO determined that Petitioner failed to timely depart the United States and overstayed his visa. *Id.* ¶ 5. Petitioner was charged with removability pursuant to section 237(a)(1)(B) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1227(a)(1)(B)). Santiago Decl. ¶ 5 & Ex. B. On January 20, 2026, ERO issued Petitioner a Notice to Appear (NTA) charging him with inadmissibility pursuant to § 1227(a)(1)(B). *Id.* ¶ 6 & Ex. C.

Petitioner has had three hearings scheduled with the Immigration Court regarding the issue of bond redetermination. On February 18, 2026, Petitioner appeared before the IJ for a bond redetermination hearing. *Id.* ¶ 8 & Ex. D. At that hearing, Petitioner’s counsel withdrew the bond request. *Id.* ¶ 8 & Ex. D. On March 11, 2026, Petitioner again appeared before the IJ for a bond redetermination hearing. *Id.* ¶ 10 & Ex. E. At that hearing, Petitioner’s counsel withdrew the bond request. *Id.* ¶ 10 & Ex. E. Finally, on March 18, 2026, Petitioner again appeared before the IJ for a bond redetermination hearing. Santiago Decl. ¶ 12 & Ex. F. Following that hearing, the IJ issued an order denying the bond request based on a finding that “Respondent failed to show he is not a danger.” *Id.* at Ex. F. The IJ detailed that Petitioner was arrested twice in January 2024 for separate “DWI” charges in separate locations, with at least one arrest leading to a conviction and a 24-month sentence. *Id.* at Ex. F. Further, the IJ noted that “[t]hese arrests came after [Petitioner]

completed a state-approved substance abuse assessment . . . and long-term outpatient treatment for addiction.” *Id.* at Ex. F. Lastly, the IJ noted that Petitioner was arrested in February 2024 for domestic violence, although it appears that such charge was dismissed. *Id.* at Ex. F.. “Despite the dismissal the facts of the case show a propensity to engage in dangerous conduct.” *Id.* at Ex. F.

On April 7, 2026, Petitioner filed a fourth motion for bond redetermination with the Immigration Court, which scheduled a hearing for April 10, 2026. Santiago Decl. ¶ 13. Petitioner remains detained at Stewart Detention Center pursuant to 8 U.S.C. § 1231(a) and pursuant to the IJ’s decision denying bond due to dangerousness. *Id.* ¶ 14.

ARGUMENT

Petitioner’s Petition is premised entirely on the mistaken contention that he is being improperly detained under 8 U.S.C. § 1225(b)(2)(A). Pet. 1. Petitioner is not detained under § 1225(b)(2)(A). Rather, Petitioner is detained pre-final order of removal under 8 U.S.C. § 1226(a), because he was originally admitted to the United States on a B-2 Visa. Santiago Decl. at ¶ 4. Contrary to Petitioner’s contentions, he is not detained under the mandatory detention scheme of § 1225(b)(2). Petitioner has, in fact, appeared before an Immigration Judge for a bond redetermination hearing three times.

Although Petitioner alleges that he is being detained as an “arriving alien,” this is inaccurate. As the Court can see from the three orders issued by the IJ following the bond hearing appearances, the IJ has never found or even suggested that Petitioner is detained under any statute other than § 1226(a). Santiago Decl. at Exs. D, E, F.

Petitioner makes no other claim to relief. Therefore, the inquiry should end with recognition of the bond decision and the determination of the IJ showing that Petitioner is not

detained under § 1225(b)(2). As such, Petitioner is not entitled to any relief premised upon *J.A.M. v. Streeval*, and his Petition should be dismissed.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests that the Court dismiss the Petition.

Respectfully submitted this 10th day of April, 2026.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: s/ Michael P. Morrill
Michael P. Morrill
Assistant United States Attorney
Georgia Bar No. 545410
United States Attorney's Office
Middle District of Georgia
P. O. Box 2568
Columbus, Georgia 31902
Phone: (706) 649-7728
michael.morrill@usdoj.gov

CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

VALERIY ZHURAVLEV
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 9th day of April, 2026.

BY: /s/ Michael P. Morrill
MICHAEL P. MORRILL
Assistant United States Attorney