

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

Sergey Valeryevich SANDYREV

Petitioner,

v.

Jason STREEVAL, Warden of Stewart
Detention Center, George STERLING, in his
official capacity as Field Office Director of
Enforcement and Removal Operations, Atlanta
Field Office, Immigration and Customs
Enforcement;

Respondents.

Case No. 4:26-cv-918

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Sergey Valeryevich SANDYREV (A ) is in the physical custody of Respondents at Stewart Detention Center. Respondents have re-detained Petitioner after revoking, or purporting to revoke, his Order of Supervision (“OSUP”). This Petition challenges only Petitioner’s present detention and the process by which he was re-detained; it does not seek review of his removal order, the merits of his immigration case, or any issue reserved to the court of appeals.

2. Petitioner is stateless. Petitioner was born in the U.S.S.R, former Soviet Union, which dissolved in 1991, and he is not recognized as a citizen or national of any existing sovereign country. Petitioner resides in Bethlehem, GA and has lived in the United States since 1998 and has been subject to a final order of removal since 2004. DHS then placed petitioner on an Order of Supervision. Petitioner is currently detained at Stewart Detention Center.

3. While on OSUP, Petitioner complied with the conditions imposed by DHS. He reported to ICE as directed, maintained his address as required, and complied with all written restrictions placed on him. He has not violated the terms of his OSUP.

4. On August of 2025 while his OSUP remained in effect, Petitioner appeared for a scheduled ICE check-in at the Atlanta ICE field office at 180 Ted Turner Drive SW, Suite 522, Atlanta GA 30303. ICE officers detained him without prior notice, without a warrant presented to him, without a meaningful opportunity to be heard, and without providing written reasons sufficient to justify the revocation of his release.

5. Respondents have not identified any new criminal conviction, OSUP violation, changed circumstance, or significant likelihood that Petitioner can be removed in the reasonably foreseeable future that would justify his sudden re-detention.

6. Petitioner is stateless. He was born in the former Union of Soviet Socialist Republics (“Soviet Union” or “U.S.S.R.”), a sovereign state that no longer exists. Petitioner is not recognized as a citizen or national of any current sovereign country and does not possess a valid passport, nationality document, or travel document from any country.

7. Petitioner’s statelessness is central to the legality of his detention. This is not a case where removal is delayed merely because of ordinary travel-document processing. Rather, there is no identified country with a clear legal obligation to accept Petitioner, and Respondents have not shown that any country has agreed to issue travel documents or receive him in the reasonably foreseeable future.

8. On September 16, 2025 Petitioner’s counsel filed representation through a G-28 with ICE and emailed the ICE field office requesting a copy of petitioner’s paperwork. The request was forwarded to ICE officers at the Stewart Facility and no response was ever received.

9. On September 22nd an I-246 Application for Stay of Removal was filed with the ICE Atlanta Field Office. The application was received by an ICE officer but was rejected due to Respondent not having a valid passport from his country of origin, despite him being stateless.

10. Petitioner's detention is unlawful for at least four reasons. First, the Immigration and Nationality Act ("INA") does not authorize Respondents to re-detain him outside the removal period without a lawful basis and without the process required by statute and regulation. Second, Respondents' revocation of his OSUP violates the INA and DHS's own regulations. Third, Respondents deprived Petitioner of liberty without due process of law. Fourth, Petitioner's continued civil detention bears no reasonable relationship to any legitimate government purpose because his removal is not reasonably foreseeable and he is neither a flight risk nor a danger to the community.

11. Accordingly, Petitioner seeks a writ of habeas corpus requiring Respondents to release him immediately under reasonable conditions of supervision, or, in the alternative, to provide a constitutionally adequate individualized custody hearing within seven days at which the government bears the burden of justifying continued detention.

REQUIREMENTS OF 28 U.S.C. § 2243 AND APPLICATION FOR ORDER TO SHOW CAUSE

12. The Court must grant a petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

13. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

14. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court issue an order requiring Respondents to show cause why this Petition should not be granted and why Respondents should not be ordered to release Petitioner from detention.

15. Pending adjudication of this Petition, Petitioner asks the Court to enjoin Respondents from transferring Petitioner outside this District or outside the jurisdiction of the Atlanta Field Office of Immigration and Customs Enforcement, Enforcement and Removal Operations (“ERO”).

PARTIES

16. Petitioner Sergey SANDYREV is a citizen and national of the former U.S.S.R. He resides in Bethlehem, GA and has lived in the United States since 1989. Petitioner is currently detained at Stewart Detention Center located in Lumpkin, GA.

17. Respondent Jason Streeval is the Warden of the Stewart Detention Center, where Petitioner is detained. Respondent, Warden, is Petitioner’s immediate physical custodian. 146 CCA Road, Lumpkin, GA 31815. He is sued in his official capacity.

18. Respondent George Sterling is named in his/her official capacity as the Field Office Director for the Atlanta Field Office of ICE ERO. In this capacity, Respondent is responsible for immigration detention and removal determinations within the region and is a legal custodian of Petitioner. He is named in his official capacity.

19. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for enforcing Petitioner’s continued detention and any revocation of Petitioner’s OSUP.

JURISDICTION

20. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Stewart Detention Center in Lumpkin, GA.

21. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) and (c)(5), 28 U.S.C. § 1331, and Article I, section 9, clause 2 of the United States Constitution, known as the Suspension Clause.

22. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, and, where applicable, the Administrative Procedure Act, 5 U.S.C. § 701 et seq.

23. This action challenges only Petitioner’s detention. It does not seek review of Petitioner’s removal order or ask this Court to decide whether Petitioner is removable or eligible for immigration relief. The REAL ID Act therefore does not strip this Court of habeas jurisdiction over this detention challenge.

VENUE

24. Venue lies in this Court under *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), because Petitioner is detained within this judicial district.

25. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States, and because a substantial part of the events or

omissions giving rise to this Petition occurred in this District. Petitioner is detained at Stewart Detention Center in Lumpkin, GA

EXHAUSTION OF ADMINISTRATIVE REMEDIES

26. Petitioner has no adequate administrative remedy to exhaust regarding his re-detention. Respondents unexpectedly detained Petitioner after he had been living in the community on OSUP and have not provided a meaningful process through which Petitioner can challenge the revocation of his release or obtain immediate release.

27. To the extent Respondents contend that a Post-Order Custody Review (“POCR”) applies, that process is inadequate under the circumstances. Petitioner was re-detained without prior notice, without a prompt written explanation, and without a meaningful opportunity to contest the factual or legal basis for the revocation of his release.

28. Section 1231 contains no statutory exhaustion requirement. Even if exhaustion were discretionary, it should not be required here because Petitioner is suffering irreparable harm through unlawful physical detention and because Petitioner challenges the legality and constitutionality of the custody process itself.

29. Requiring exhaustion would be futile and would not provide Petitioner with a swift remedy for unlawful detention, particularly where Respondents have already determined to detain Petitioner despite his compliance with his OSUP.

LEGAL FRAMEWORK

30. The post-final-order detention statute, 8 U.S.C. § 1231, governs detention, release, and removal of noncitizens who have been ordered removed.

31. Section 1231(a)(1)(A) provides a 90-day “removal period” during which the government must seek to effectuate removal. During that removal period, detention is mandatory. 8 U.S.C. § 1231(a)(2).

32. The removal period begins on the latest of three statutory events: (1) the date the order of removal becomes administratively final; (2) if the removal order is judicially reviewed and the reviewing court orders a stay of removal, the date of the court’s final order; or (3) if the noncitizen is detained or confined, except under an immigration process, the date the noncitizen is released from that detention or confinement. 8 U.S.C. § 1231(a)(1)(B).

33. After the 90-day removal period expires, § 1231(a)(6) permits continued detention only within statutory and constitutional limits. If a noncitizen is released after the removal period, the noncitizen “shall be subject to” terms of supervision under § 1231(a)(3). 8 U.S.C. § 1231(a)(6).

34. Section 1231(a)(3) and 8 C.F.R. § 241.5 authorize release on an Order of Supervision and specify conditions that may include periodic reporting, travel restrictions, address reporting, cooperation with travel-document efforts, and other written conditions.

35. The regulations also provide procedures and safeguards when DHS seeks to revoke release. Under 8 C.F.R. § 241.4(l), upon revocation of release, the noncitizen must be notified of the reasons for revocation and must be afforded a prompt informal interview to respond. Under 8 C.F.R. § 241.13(i), where release is revoked because of changed circumstances or a claimed likelihood of removal in the reasonably foreseeable future, DHS must provide notice, a prompt informal interview, and a revocation custody review that evaluates contested facts.

36. The Supreme Court has held that post-order detention under § 1231(a)(6) is limited by the Constitution. Detention is not authorized where there is no significant likelihood of removal in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 699-701 (2001).

37. The Due Process Clause applies to all persons in the United States, regardless of immigration status. Freedom from physical detention lies at the core of the liberty protected by the Fifth Amendment.

STATEMENT OF FACTS REGARDING CURRENT DETENTION

38. Petitioner Sergey SANDYREV stateless and was a citizen and national of former USSR, Soviet Union.

39. Petitioner entered the United States on or about 1998 as a refugee.

40. On 12/01/2004, an Immigration Judge ordered Petitioner Deported.

41. Petitioner has not been detained or confined for any non-immigration reason that would restart the removal period. Petitioner has not departed the United States since the entry of the removal order.

42. Petitioner's statelessness further confirms that § 1231(a)(2)'s mandatory removal-period detention no longer applies. The 90-day removal period has long expired, and Respondents have not identified any statutory event restarting that period or any country willing to accept Petitioner.

43. DHS placed Petitioner on an Order of Supervision.

44. Petitioner complied with the conditions of his OSUP. He appeared for ICE check-ins and he complied with all other written requirements imposed by DHS.

45. DHS authorized Petitioner to live and work in the United States while on OSUP.

46. Petitioner has significant family, community, and employment ties in the United States.

47. Petitioner does have criminal history in the United States, however, DHS has possession of these records and nonetheless approved reporting on OSUP subsequent to that record being known by DHS.

48. Petitioner is not a flight risk. He has complied with ICE reporting requirements for over 22 years and has always appeared when directed.

49. On or around August/September of 2025, Petitioner appeared for a scheduled ICE check-in at the ICE Field Office at 180 Ted Turner Drive SW, Atlanta, GA 30303. His OSUP remained in effect at that time.

50. During that check-in, ICE detained Petitioner. ICE did not provide Petitioner with advance notice that his release would be revoked. ICE did not provide a written notice stating the reasons for revocation. ICE did not provide a prompt, meaningful opportunity to respond to the reasons for revocation.

51. Petitioner was transferred to Stewart Detention Center, where he remains detained.

52. Since his re-detention, Petitioner has not received a legally adequate custody review, written decision, or individualized determination explaining why continued detention is justified.

53. On September 22nd an I-246 Application for Stay of Removal was filed with the ICE Atlanta Field Office. The application was received by an ICE officer but was rejected due to Respondent not having a valid passport from his country of origin, despite him being stateless.

54. Because Petitioner is stateless, Petitioner's removal is not significantly likely in the reasonably foreseeable future.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE INA: THE POST-FINAL-ORDER STATUTE DOES NOT AUTHORIZE PETITIONER'S RE-DETENTION UNDER THESE FACTS

55. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

56. Respondents' presumed basis for re-detaining Petitioner is 8 U.S.C. § 1231, the statute governing detention following a final order of removal. Under the terms of that statute, Petitioner's detention is unlawful.

57. None of the statutory events that could start or restart the removal period has occurred. Petitioner has not received a new administratively final removal order, no court has entered a stay that would alter the removal-period calculation, and Petitioner has not been released from non-immigration detention or confinement.

58. Any administrative stay of removal, pending motion to reopen, or pending agency proceeding does not restart the statutory removal period under 8 U.S.C. § 1231(a)(1)(B).

59. Because the removal period has long expired, Respondents may not rely on § 1231(a)(2)'s mandatory-detention provision to detain Petitioner. Any detention beyond the removal period must comply with § 1231(a)(6), the governing regulations, and the Constitution.

60. Respondents have not identified any lawful basis under § 1231(a)(6) for Petitioner's re-detention. Petitioner complied with his OSUP, is not a danger, is not a flight risk, and cannot be removed in the reasonably foreseeable future.

61. Accordingly, Petitioner's continued detention violates the INA and must be terminated.

COUNT II

VIOLATION OF THE INA: PETITIONER WAS RELEASED ON A VALID ORDER OF SUPERVISION

62. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

63. After the removal period expires, § 1231(a)(6) permits DHS to release a noncitizen under terms of supervision under § 1231(a)(3). DHS did so here when it placed Petitioner on OSUP.

64. Petitioner's OSUP was valid and remained in effect when he appeared for his ICE check-in.

65. Petitioner complied with all material terms of his OSUP. Respondents have not shown that Petitioner violated the OSUP, failed to report, failed to provide an address, failed to cooperate with travel-document efforts, or otherwise engaged in conduct that would justify revocation of release.

66. Petitioner's compliance is especially significant because DHS knew or should have known that Petitioner was stateless and lacked a readily available country of removal when it released him on OSUP. DHS's prior release decision confirms that supervision, rather than detention, was sufficient to address any legitimate governmental interest while removal remained impracticable.

67. DHS's decision to release Petitioner on OSUP and, where applicable, to grant or permit renewal of employment authorization reflected a determination that Petitioner could live

in the community under supervision and that his removal was impracticable, not timely, or contrary to the public interest.

68. No statute authorizes Respondents to re-detain Petitioner outside the removal period, without cause, without prior notice, and without a meaningful opportunity to be heard, after Petitioner complied with a valid OSUP for over twenty-two years.

69. Respondents' re-detention of Petitioner despite his valid OSUP violates the INA and must be set aside.

COUNT III

VIOLATION OF FEDERAL REGULATIONS AND DUE PROCESS: RESPONDENTS UNLAWFULLY REVOKED OR PURPORTED TO REVOKE PETITIONER'S OSUP

70. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

71. The regulations provide specific safeguards when DHS revokes release under an OSUP. Upon revocation, DHS must notify the noncitizen of the reasons for revocation and afford a prompt informal interview to respond to those reasons. 8 C.F.R. § 241.4(l)(1).

72. Where DHS revokes release based on alleged changed circumstances or an asserted significant likelihood of removal in the reasonably foreseeable future, DHS must provide notice, a prompt informal interview, an opportunity to submit evidence, and a revocation custody review evaluating contested facts. 8 C.F.R. § 241.13(i).

73. Respondents did not comply with these regulatory requirements. Petitioner did not receive written notice of the reasons for revocation, a prompt informal interview, a meaningful opportunity to submit evidence, or a custody review that evaluated contested facts before or promptly after he was returned to custody.

74. Petitioner's statelessness is not a changed circumstance justifying revocation. It is a longstanding fact that made removal impracticable while Petitioner was on OSUP. If anything, Petitioner's statelessness undermines revocation because it shows that removal is not significantly likely in the reasonably foreseeable future.

75. An agency must follow its own regulations. Respondents' failure to follow the revocation procedures required by 8 C.F.R. §§ 241.4 and 241.13 renders Petitioner's re-detention unlawful.

76. Respondents' revocation of Petitioner's release also violates the Due Process Clause of the Fifth Amendment. Petitioner has a fundamental liberty interest in freedom from physical confinement, and his OSUP and related employment authorization created protected liberty and property interests that Respondents could not revoke without constitutionally adequate process.

77. By re-detaining Petitioner without notice, without a meaningful opportunity to be heard, and without a lawful individualized determination, Respondents deprived Petitioner of liberty without due process of law.

COUNT IV

VIOLATION OF DUE PROCESS: PETITIONER'S DETENTION BEARS NO REASONABLE RELATIONSHIP TO A LEGITIMATE PURPOSE

78. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

79. Civil immigration detention must bear a reasonable relationship to a legitimate nonpunitive purpose, such as preventing danger to the community, ensuring appearance, or

effectuating removal. Detention that is arbitrary, prolonged, or not reasonably related to those purposes violates due process.

80. Respondents previously determined that Petitioner could safely live in the community under OSUP. Petitioner then complied with his reporting obligations and other conditions for years.

81. Petitioner is not a danger to the community. Respondents have identified no new conduct, conviction, or circumstance showing that Petitioner presents a danger.

82. Petitioner is not a flight risk. He has reported to ICE as directed, maintained ties to his family and community, and appeared for the very check-in at which he was detained.

83. Petitioner's removal is not significantly likely in the reasonably foreseeable future because he is stateless, has no country of nationality, lacks a valid travel document, and no country has accepted him for removal.

84. Under *Zadvydas*, Petitioner has provided good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. He was born in a country that no longer exists, he is not recognized as a national of any current sovereign state, and Respondents have not identified a country willing and able to receive him. The burden therefore shifts to Respondents to produce evidence sufficient to rebut that showing.

85. General speculation that DHS may someday obtain travel documents is insufficient. Respondents must show more than the theoretical possibility of removal; they must show that removal to a specific receiving country is significantly likely in the reasonably foreseeable future.

86. Continued detention under these circumstances bears no reasonable relationship to § 1231's removal purpose. Where there is no receiving country and no reasonably foreseeable removal, detention becomes punitive rather than regulatory and violates the Due Process Clause.

87. Accordingly, Petitioner is entitled to release. In the alternative, Petitioner is entitled to a prompt, constitutionally adequate individualized custody hearing at which Respondents bear the burden of proving that continued detention is justified.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Order that Petitioner shall not be transferred outside the Middle District of Georgia while this habeas petition is pending;
3. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
4. Declare that Respondents' revocation or purported revocation of Petitioner's OSUP was unlawful, contrary to statute and regulation, and made without constitutionally adequate process;
5. Declare that Petitioner's continued detention is unlawful because his removal is not significantly likely in the reasonably foreseeable future, including because Petitioner is stateless and Respondents have not identified any country willing and able to accept him.
6. Declare that Petitioner's continued detention is unlawful and violates the INA, federal regulations, and the Due Process Clause of the Fifth Amendment;
- h. Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- i. Grant such other and further relief as the Court deems just and proper.

DATED: June 8, 2026

Respectfully submitted,

/s/ Mario A. Pereira

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