UNITED STATES DISTRICT

COURT MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

FAIRAT BINALIEV Proceeding Pro Se, *Petitioner,* v. _____,WARDEN, Stewart Detention Center; _____,FIELD OFFICE DIRECTOR, ICE Atlanta FieldOffice;TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement;MARKWAYNE MULLIN, Secretary of Homeland Security;TODD BLANCHE, Acting Attorney General, United States, *Respondents.*	Civil Action No.: PETITION FOR WRIT OF HABEAS CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

Petitioner FAIRAT BINALIEV respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and unconstitutional civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

Petitioner is a 28-year-old asylum seeker with zero criminal history. His detention began on March 19, 2026, under circumstances that defy logic and fairness: he was arrested by ICE agents in Charlotte, North Carolina, after he voluntarily appeared for a routine, scheduled check-in

appointment. This act of compliance was met not with acknowledgment, but with apprehension and immediate incarceration.

The injustice of this situation is compounded by the fact that Petitioner has a pending asylum case before the Stewart Immigration Court, with a hearing scheduled for June 25, 2026. Furthermore, when he sought a custody redetermination, an Immigration Judge denied the request not because he was deemed a danger or a flight risk, but on purely jurisdictional grounds under *Matter of Q. Li*, concluding the court lacked authority to grant a bond hearing. This procedural denial has left Petitioner trapped in detention without any individualized assessment of his case.

Petitioner's detention is a profound injustice. He is not subject to mandatory detention. He has a valid Employment Authorization Document (EAD) valid until 2029, was gainfully employed, and is the primary support for his elderly parents, particularly his mother who does not work or drive. The Government has failed to provide any individualized justification for his continued detention, which violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

Because Petitioner's detention is statutorily and constitutionally infirm, and because he has been denied a bond hearing on procedural grounds despite his pending case and clean record, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ, order his immediate release to allow him to pursue his asylum claim, or, in the alternative, order an immediate bond hearing.

CUSTODY

Petitioner is in the physical custody of Respondents at the Stewart Detention Center, 146 CCA

Road, Lumpkin, GA 31815. He is under the direct control of:

- WARDEN, Stewart Detention Center;
- FIELD OFFICE DIRECTOR, ICE Atlanta Field Office;
- TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement;
- MARKWAYNE MULLIN, Secretary, Department of Homeland Security;
- TODD BLANCHE, Acting Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus). Personal jurisdiction attaches to the named respondents in their official capacities. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Petitioner is detained in Lumpkin, Stewart County, Georgia, which falls under the jurisdiction of the U.S. District Court for the Middle District of Georgia, Columbus Division, as specified in 28 U.S.C. § 90(b)(3).

PARTIES

Party	Description
Petitioner	I,Fairat Binaliev, A-NumberA[redacted] born in Ukraine and a citizen of Russia, presently detained at the Stewart Detention Center.
Respondent1	WARDEN, Stewart Detention Center, named in official capacity.
Respondent2	FIELD OFFICE DIRECTOR, ICE Atlanta Field Office, named in official capacity.
Respondent3	TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement, named in official capacity.
Respondent4	MARKWAYNE MULLIN, Secretary, Department of Homeland Security, named in official capacity.
Respondent5	TODD BLANCHE, Acting Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner FAIRAT BINALIEV was born on [redacted], in the Donetsk Region of Ukraine and is a citizen of Russia. He is 28 years old.
2. He entered the United States on or about November 28, 2022, to seek protection from harm.
3. On January 3, 2023, he was processed by immigration authorities and released on

humanitarian parole, a testament to the fact that he was not considered a danger or a flight risk.

4. On March 19, 2026, in an act of good faith and compliance with immigration requirements, Petitioner voluntarily appeared for a scheduled check-in appointment with ICE in Charlotte, North Carolina. An ICE document confirms his appointment was for "March 19, 2026 between 9:00 AM and 10:00 AM." At that appointment, he was arrested and taken into custody without warning.
5. Petitioner has absolutely no criminal history, has never been convicted of any crime, and has no history of violence.
6. Petitioner has a pending application for Asylum (Form I-589), Withholding of Removal, and protection under the Convention Against Torture, which was filed on July 12, 2023.
7. His immigration case is currently pending before the Stewart Immigration Court, with a Master Calendar Hearing scheduled before Immigration Judge Bianca H. Brown on June 25, 2026.
8. Petitioner has a valid Employment Authorization Document (EAD) in category C08, which is valid until January 7, 2029.
9. Prior to his detention, Petitioner was employed full-time with [redacted] since September 2024, where he was a valued employee in good standing, as confirmed by a letter from the company's Senior HR Manager.
10. Petitioner is the primary financial and emotional support for his elderly parents, Dilfuza Binalieva and Yassin Binaliev. His mother has stated in writing that she is devastated by his detention and depends on him for daily needs, financial support, and household responsibilities, as she does not work or drive.

11. On June 12, 2026, Immigration Judge Bianca Brown denied Petitioner's motion for a custody redetermination hearing. The denial was not based on any finding that Petitioner poses a danger to the community or a risk of flight. Instead, the denial was based on the Judge's conclusion that the court lacked jurisdiction to redetermine custody under *Matter of Q. Li.*
12. Petitioner has a qualified sponsor, Sarvend Madadov, a U.S. citizen with stable housing and income in Sandy, Utah, who is ready and willing to support Petitioner upon his release.

LEGAL FRAMEWORK

1. Pending Immigration Case. Petitioner has an active and pending case before the Executive Office for Immigration Review (EOIR). His detention hinders his ability to prepare for his upcoming hearing on June 25, 2026, and to meaningfully present his claim for asylum.
2. Statutory Basis for Detention. Petitioner's detention is governed by 8 U.S.C. § 1226. Because Petitioner has not been convicted of any crime, he is not subject to mandatory detention under § 1226(c). His custody is therefore governed by § 1226(a), which grants the Attorney General discretionary authority to release individuals on bond. This discretion is not unfettered and must be exercised in a manner consistent with the Constitution.
3. Due Process Clause. The Fifth Amendment prohibits the government from depriving any "person" of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies to all individuals within the United States, regardless of

immigration status. Detaining an individual with a pending asylum claim, no criminal history, and who was arrested while complying with ICE, without an individualized bond hearing, is a fundamental violation of due process.

4. Mathews v. Eldridge Balancing. Applying the test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention is unconstitutional. First, Petitioner has a profound private interest in his liberty and in his right to pursue his asylum claim. Second, the risk of erroneous deprivation is extremely high, as his continued detention is based on a jurisdictional technicality, and he has been given no opportunity to demonstrate he is not a flight risk or danger. Third, the governmental interest in providing a proper hearing is minimal compared to the severe harm caused by his prolonged and arbitrary detention.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c). His detention is governed by the discretionary standard of § 1226(a).
3. Respondents have detained Petitioner since March 19, 2026, without an individualized bond hearing to assess whether his detention is necessary, in violation of the INA and its implementing regulations. The Immigration Judge's denial of a hearing on jurisdictional grounds does not satisfy the statutory or constitutional requirement for an individualized

custody review.

4. Accordingly, Petitioner is entitled to an order requiring his release or, in the alternative, an immediate bond hearing.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair procedures, including a hearing before a neutral decision-maker where the government bears the burden of justifying detention.
3. Detaining Petitioner indefinitely while his asylum case is pending, without demonstrating that he poses a flight risk or a danger, and after he was arrested for complying with ICE, constitutes arbitrary and unconstitutional detention.

COUNT THREE – VIOLATION OF THE RIGHT TO A MEANINGFUL OPPORTUNITY TO PRESENT HIS ASYLUM CLAIM

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner has a statutory right to apply for asylum and withholding of removal. His case is actively pending before the Immigration Court.
3. Respondents' continued detention of Petitioner unconstitutionally interferes with this right by obstructing his ability to gather evidence, consult with family, and otherwise prepare for his hearing on June 25, 2026.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
4. Declare that Petitioner's continued detention violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Stewart Detention Center to allow him to pursue his pending asylum claim.
6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary.
7. Enjoin Respondents from removing Petitioner from the United States while his case remains pending before the Executive Office for Immigration Review.
8. Award reasonable attorney's fees and costs.
9. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Fairat Binaliev, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: June 19, 2026.

/s/ Fairat Binaliev
Fairat Yassinovich Binaliev
Pro Se