UNITED STATES DISTRICT

COURT MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

PASHA BINALIEV Proceeding Pro Se, *Petitioner,* v. ,WARDEN, STEWART DETENTION CENTER; _____,FIELD OFFICE DIRECTOR, ICE ATLANTA FIELD OFFICE;TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;MARKWAYNE MULLIN, Secretary, Department 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 PASHA YASSINOVICH 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's detention is a manifest injustice. On March 19, 2026, he was taken into custody while fully complying with ICE's requirements by appearing for a scheduled check-in appointment in Charlotte, North Carolina. ICE's own records confirm his reporting date was

"March 19, 2026 between 9:00 AM and 10:00 AM." Instead of acknowledging his compliance, Respondents arrested him.

He now languishes in detention at the Stewart Detention Center in Lumpkin, Georgia, despite having a pending asylum application (I-589) filed on July 13, 2023, and an upcoming Master Calendar Hearing scheduled for June 25, 2026. The injustice is compounded by the fact that on June 12, 2026, an Immigration Judge denied his request for a bond hearing solely for lack of jurisdiction under *Matter of Q. Li*, making no finding that he poses a danger or flight risk. The deadline to appeal that erroneous jurisdictional denial is July 13, 2026.

Petitioner has zero criminal history. He is lawfully employed with a valid Employment Authorization Document (EAD) valid until 2029 and is the primary support for his parents, particularly his mother, Dilfuza, who does not work or drive. Detaining an individual who has complied with every government requirement, has no criminal record, and has a pending asylum case is a violation of 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 it obstructs his ability to pursue his asylum claim and appeal the bond denial, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ, order his immediate release, 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 is located within the Columbus Division of the Middle District of Georgia. 28 U.S.C. § 90(b)(3).

PARTIES

Party	Description
Petitioner	I, Pasha Yassinovich Binaliev, A-Number A[redacted], a native of Russia, presently detained at the Stewart Detention Center.
Respondent	WARDEN, Stewart Detention Center, named in official capacity.

Party	Description
1	
Respondent 2	FIELD OFFICE DIRECTOR, ICE Atlanta Field Office, named in official capacity.
Respondent 3	TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement, named in official capacity.
Respondent 4	MARKWAYNE MULLIN, Secretary, Department of Homeland Security, named in official capacity.
Respondent 5	TODD BLANCHE, Acting Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner Pasha Yassinovich Binaliev is a native and citizen of Russia, born on [redacted]
2. He entered the United States on or about November 25, 2022, without inspection to seek protection.
3. On December 29, 2022, he was found by U.S. Border Patrol.
4. On January 3, 2023, he was released from custody on humanitarian parole pursuant to INA § 212(d)(5)(A), having been deemed not a danger or flight risk.
5. Petitioner fully complied with all conditions of his parole and all subsequent ICE reporting requirements.

6. On July 13, 2023, he filed a Form I-589 Application for Asylum, Withholding of Removal, and protection under the Convention Against Torture (CAT).
7. On April 10, 2026, U.S. Citizenship and Immigration Services (USCIS) issued a Notice of Lack of Jurisdiction, confirming that his asylum application must be adjudicated by the Executive Office for Immigration Review (EOIR) because he is in removal proceedings.
8. Petitioner has a valid Employment Authorization Document (EAD), category C08, which is valid from January 9, 2024, until January 8, 2029.
9. Since September 2024, Petitioner has been legally employed with Darnel Group, Inc., where his employment eligibility was confirmed via E-Verify and he remains in good standing.
10. Petitioner has absolutely no criminal history. He has never been arrested for, charged with, or convicted of any crime.
11. On March 19, 2026, in an act of good faith and compliance, Petitioner presented himself for a scheduled check-in appointment with ICE at 5701 Executive Center Drive, Suite 400, Charlotte, NC 28212. He was arrested and detained at that appointment.
12. An ICE document provided to Petitioner confirms his required appointment: "Next Reporting Date and Time: March 19, 2026 between 9:00 AM and 10:00 AM."
13. Petitioner is a critical source of support for his mother, Dilfuza Binalieva, who depends on him for daily needs, financial assistance, and household responsibilities, as she does not work or drive.
14. His father, Yassin Binaliev, also depends on him for support.
15. Petitioner has a sponsor, Sarvend Madadov, a U.S. citizen residing in Sandy, Utah, who has demonstrated stable income and housing and is prepared to support Petitioner upon

release.

16. On June 12, 2026, Immigration Judge Bianca H. Brown denied Petitioner's motion for a custody redetermination hearing. The denial was based solely on a perceived lack of jurisdiction under *Matter of Q, Li*. The judge made no individualized finding that Petitioner is a danger to the community or a risk of flight.
17. Petitioner has a Master Calendar Hearing scheduled before Immigration Judge Bianca H. Brown on June 25, 2026.
18. The deadline to file an appeal of the bond denial with the Board of Immigration Appeals (BIA) is July 13, 2026.

LEGAL FRAMEWORK

1. Not Subject to Mandatory Detention. Petitioner's detention is governed by 8 U.S.C. § 1226. Because Petitioner has no criminal convictions, he is not subject to mandatory detention under § 1226(c).
2. Discretionary Detention Standard. His custody is governed by the discretionary standard of § 1226(a), which permits release on bond or conditional parole. 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.
4. Detaining an individual who was arrested while complying with ICE, has no criminal record, and has a pending asylum claim, without an individualized bond hearing, is a

fundamental violation of due process.

5. Mathews v. Eldridge Balancing. Applying the test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention is unconstitutional. Petitioner has a profound private interest in his liberty and in pursuing his asylum claim. The risk of erroneous deprivation is extremely high, as his detention is based on a categorical jurisdictional bar, not an individualized assessment of risk. 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.
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.

3. Detaining Petitioner after he complied with a scheduled ICE check-in, without any individualized showing that he poses a flight risk or a danger to the community, constitutes arbitrary and unconstitutional detention in violation of the Fifth Amendment.

COUNT THREE – VIOLATION OF THE RIGHT TO A MEANINGFUL APPEAL

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner has a right to appeal the Immigration Judge's jurisdictional denial of a bond hearing by July 13, 2026. He also has a right to meaningfully prepare his asylum case.
3. Respondents' continued detention unconstitutionally interferes with these rights by obstructing his ability to prepare his asylum case and his appeal of the bond denial, creating an imminent risk of rendering his rights moot.

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.

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 EOIR.
8. Award reasonable attorney's fees and costs.
9. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Pasha Yassinovich 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/ Pasha Binaliev
Pasha Yassinovich Binaliev
Pro Se