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AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

Alexander Yurievich Gormatov

Petitioner

v.

Warden, Irwin County Detention Center; Atlanta FOD - ICE; Attorney General of the United States,

Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Alexander Yurievich Gormatov
   (b) Other names you have used: Alexander "Sasha" Gormatov
2. Place of confinement:
   (a) Name of institution: Irwin County Detention Center
   (b) Address: 132 Cotton Drive, Ocilla, Georgia 31774
   (c) Your identification number: A[redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you:
   (b) Docket number of criminal case:
   (c) Date of sentencing:
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: Not applicable. I am not currently serving a criminal sentence. My federal criminal sentence was completed. I am currently detained only by federal immigration authorities. The prior criminal case is listed later only because DHS used it as the basis for claiming I am subject to mandatory immigration detention.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☑ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*: I am challenging my immigration detention without bond and the immigration court's decision that it had no jurisdiction to consider bond under INA § 236(c).

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Executive Office for Immigration Review. The bond hearing was held by video while I was detained in immigration custody.I am currently detained at Irwin County Detention.

(b) Docket number, case number, or opinion number: A [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I am challenging DHS/ICE detention of me as a mandatory detainee and the immigration judge's finding that the court had no jurisdiction to give me a bond hearing under INA § 236(c).). The immigration judge appeared to rely on the Form I-213 and did not appear to have the NTA before the court when when deciding the bond jurisdiction

(d) Date of the decision or action: 06/11/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: Appealing a no-bond-jurisdiction decision is futile where the agency position is that the immigration judge has no bond jurisdiction.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 05/12/2026

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I am being unlawfully detained as a mandatory detainee even though the record does not establish that I am subject to mandatory detention.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

DHS charged me as removable based on an alleged aggravated felony under INA § 101(a)(43)(P). That charge requires a term of imprisonment of at least 12 months. The issue is the term of imprisonment ordered by the sentencing court, not the maximum sentence that could have been imposed under the criminal statute. My amended criminal judgment says I was sentenced to "time served" on Counts 1 through 3, to run concurrently At the bond hearing, DHS was corrected that the sentence/time served was 330 days.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☑ No

GROUND TWO: The bond decision was based on an incomplete or unreliable record.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

At the bond hearing, the immigration judge appeared to rely on the Form I-213 and did not appear to have the Notice to Appear before the court. The judge referred to what the "213 mentioned" and said, "In the NTA, I'm assuming that's what was." The judge then found there was no bond jurisdiction. I believe the court should have reviewed the actual charging document and certified conviction record. The allegations later added in the 6/18/26 I-261 were not the charges before the court at the bond hearing and cannot retroactively cure the earlier decision

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☑ No

GROUND THREE: I was denied a meaningful bond hearing and individualized custody determination.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The immigration court did not decide whether I am a danger to the community or a flight risk, and did not decide whether conditions of release could reasonably assure my appearance and community safety. The court stopped at the threshold issue and found no jurisdiction for bond under INA § 236(c). I had submitted evidence for release , including bond materials, support letters, education, employment, tax, identity, and other records, but the court did not reach the merits of bond.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☑ No

GROUND FOUR: My continued detention without a lawful bond hearing violates due process.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I remain detained in immigration custody at Irwin County Detention Center in Ocilla, Georgia without a lawful individualized bond hearing. The bond decision was based on an incorrect mandatory-detention classification and an incomplete record. I am not serving a criminal sentence. I have a stable residence, a responsible sponsor employment and education ties, a history of compliance with probation and court requirements, recovery support and medical and mental health care needs that can be addressed in the community. I am not asking this Court to review a final removal order or overturn my criminal conviction. . I am asking for release from unlawful detention.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Accept this petition; Order the Respondents to show cause why I should remain detained; Find that I was incorrectly treated as subject to mandatory detention, or the bond decision was based on an incomplete and unreliable record; Order my immediate release from immigration detention, with reasonable conditions of supervision if the Court finds conditions are necessary; In the alternative, if the Court doesn't order immediate release, order DHS/ICE and the immigration court to give me a prompt individualized bond (continued)

15. State exactly what you want the court to do:

(continued) hearing before an immigration judge by a date set by the Court; Order that, at any bond hearing, the government must prove that I am a danger or flight risk and that no reasonable conditions can address those concerns; and Grant any other relief the Court finds just and proper.

I am not asking this Court to decide whether I should be removed from the United States or to end my immigration case. I am only asking this Court to decide whether DHS/ICE is lawfully keeping me detained without release or bond.

I do not believe I was properly treated as someone who must be detained without bond.

At my bond hearing, DHS and the immigration judge relied on allegations that were not in the Notice to Appear that was before the court at that time. After my attorney objected that the allegations being discussed were not in the Notice to Appear, DHS later filed an I-261 Additional Charges document on June 18, 2026. That later document added new and different charges.

Those later charges should not be used to justify the earlier bond decision. The question in this habeas petition is whether I was lawfully detained without release or bond based on the charges and record that existed when the bond decision was made.

1. At the time of the bond hearing, the Notice to Appear charged only one ground of removability: that I had an alleged aggravated felony. It did not charge me under a crime involving moral turpitude ground or the other charges DHS added later.
2. DHS added those other charges only later, through the June 18, 2026 I-261.
3. The original aggravated felony charge required DHS to show that I received a sentence of at least 12 months.
4. The issue is not the maximum sentence that could have been imposed. The issue is the actual sentence the criminal court ordered.
5. My amended criminal judgment says I was sentenced to "time served" on Counts 1 through 3, all running at the same time. It did not impose a 12-month sentence.
6. The presentence report shows that my relevant federal custody period was from February 13, 2020 to January 8, 2021. That is less than 12 months.
7. Any ICE summary, database entry, I-213 statement, or narrative saying I served approximately 12 months should not replace the actual sentencing record.
8. The actual sentencing record shows that I received a time-served sentence of less than 12 months.
9. Because DHS did not show that the original aggravated felony charge applied, DHS did not show that I was properly subject to mandatory detention without release or bond.

Additional Facts Supporting Release

I ask for release because I have a concrete release plan and strong evidence that I am not a danger or flight risk.

1. **Stable residence:** If released, I can return to my residence at [redacted]. My landlord confirmed I have lived there for approximately two years, paid rent on time, communicated respectfully, and caused no issues.
2. **Responsible sponsor:** My partner, Taylor Michelle Styles, is willing to help me remain reachable, track immigration court hearings, ICE check-ins, attorney appointments, and other reporting requirements, and help arrange transportation.
3. **Employment:** I have a work history and employment prospects. I worked for [redacted] for approximately three and one-half years as a lead floor installer. I also began employment with [redacted] in May 2026, with a job offer of $21.50 per hour and a work schedule allowing me to continue school.
4. **Education and career path:** I earned an Associate of Applied Science degree in Information Technology from Southern Maine Community College in December 2025. I have also been enrolled at Central Piedmont Community College and other colleges for mechatronics/mechanical engineering studies. My school records show strong grades and ongoing investment in my education and career.
5. **Compliance history:** I completed my federal criminal sentence and completed probation. Support letters state that while I was in sober living and on federal probation, I attended scheduled probation appointments and court hearings, cooperated with restrictions and rules, and was not considered a flight risk or at risk of violating conditions.
6. **Recovery and rehabilitation:** I completed a court-mandated 12-step program, have maintained sobriety for years, and have ongoing support from recovery mentors and counselors. Support letters describe me as honest, trustworthy, hardworking, disciplined, accountable, and committed to recovery.
7. **Medical and mental health care:** I have documented medical and behavioral health needs, including hypertension, GERD, chronic contact dermatitis, PTSD, generalized anxiety disorder, anxiety, and depression. I have been prescribed medication and was engaged in behavioral health treatment before detention. Release would allow me to continue treatment in the community.
8. **No danger to the community:** Support letters from my sponsor, coworkers, instructor, landlord, and recovery mentors state that I am reliable, hardworking, respectful, helpful to others, and not a danger to the community.
9. **Tax and community ties:** I filed a 2025 federal tax return, maintained a Charlotte address, worked, studied, and built community ties. These facts show that I can be supervised in the community and comply with court and ICE requirements.
10. **Conditions can address any concerns:** If the Court has concerns, I can comply with reasonable conditions, including reporting to ICE, attending all immigration court hearings,

maintaining a current address, electronic monitoring if ordered, and any other condition the Court finds necessary.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
06/30/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06/30/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any