UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
YOUNGSTOWN DIVISION

YURY DROZD,
Petitioner,
v.

KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, in her official capacity as Secretary, U.S. Department of Homeland Security; TODD BLANCHE, Attorney General of the United States
Respondents.

Case No.: ____**4:26-cv-2003**_____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Yury Drozd ("Petitioner") is a native and citizen of Belarus who is currently unlawfully detained in the physical and legal custody of Respondents at the Northeast Ohio Correctional Center in Youngstown, Ohio.

2. Petitioner applied for admission into the United States at the Calexico West Port of Entry on May 23, 2022, and was thereafter placed in removal proceedings and issued a Notice to Appear designating him as an arriving alien. See Exhibit A, Notice to Appear (Form I-862).

3. Following the issuance of the Notice to Appear, Petitioner was released and remained at liberty pending his removal proceedings for more than three years — first in Arizona and later in Ohio — during which time he complied with all obligations imposed on him and

committed no immigration violation. [Petitioner's counsel to supplement with specific ties to the community: employment history, family, length of residence, etc.]

4. On June 9, 2025, Petitioner was arrested by the Broadview Heights Police Department and charged in Parma Municipal Court, Case No. 25CRB01569, with Assault, Aggravated Trespassing, and Vandalism. See Exhibit B, Parma Municipal Court Case Summary.

5. On October 20, 2025, all three counts were dismissed without prejudice, and the temporary protection order entered in connection with the case was vacated. *Id.* Petitioner was never convicted of any offense arising out of that arrest.

6. Rather than being released, Petitioner was transferred directly into the custody of Respondents immediately upon the dismissal of the state charges, where he has remained detained since that date.

7. On May 11, 2026, the United States Court of Appeals for the Sixth Circuit held in *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026), that 8 U.S.C. § 1225(b)(2)(A) governs only the detention of noncitizens who are actually "seeking admission," and that noncitizens who have resided in the interior of the United States — rather than presently seeking entry — are instead subject to 8 U.S.C. § 1226, which permits an individualized bond hearing. Petitioner's continued detention without any such hearing, more than three years after his encounter at the port of entry and following his release into, and residence within, the interior of the United States, is unlawful for the same reasons.

8. Since the issuance of his Notice to Appear, Petitioner has complied with all requirements imposed upon him by the Government. At present, it is unclear why Respondents have

subjected Petitioner to continued detention; however, regardless of Respondents' asserted rationale, Petitioner's continued detention is unlawful.

9. Respondents have detained Petitioner not based on any individualized assessment of his personal circumstances, but rather on an erroneous categorical determination that, notwithstanding the Fifth Amendment, noncitizens are not entitled to due process of law.

JURISDICTION AND VENUE

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*

11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), the INA, 8 U.S.C. §§ 1101–1537, regulations implementing the INA, the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701–706, and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause).

12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

13. The federal government has waived its sovereign immunity and permitted judicial review of agency action under 5 U.S.C. § 702. In addition, sovereign immunity does not bar claims against federal officials that seek to prevent violations of federal law, rather than provide monetary relief.

14. Venue is proper because Petitioner is detained in Respondents' custody at the Northeast Ohio Correctional Center in Youngstown, Ohio, within the Northern District of Ohio. The

federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their immigration detention. See, e.g., *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

15. Venue is further proper because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred, and Petitioner is presently confined, within the Northern District of Ohio.

16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Northern District of Ohio, the judicial district in which the Petitioner is currently detained.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

17. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

18. There is no statutory exhaustion requirement in 28 U.S.C. § 2241. In the absence of a statutory exhaustion requirement, "prudential" exhaustion may be judicially required. *Island Creek Coal Co. v. Bryan*, 937 F.3d 738, 746 (6th Cir. 2019). Whether or not to require prudential exhaustion falls within this Honorable Court's sound judicial discretion, provided that such discretionary requirement complies with statutory schemes and the

intent of Congress. See *Shearson v. Holder*, 725 F.3d 588, 593–94 (6th Cir. 2013) (internal citation/quotation omitted).

19. Following *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026), federal district courts within the Sixth Circuit have continued to decline to impose prudential exhaustion on noncitizens challenging the statutory and constitutional basis for their detention under § 1225(b)(2). See, e.g., *Arkytov v. Dep't of Homelan Sec.*, 2026 U.S. Dist. LEXIS 174032, 4:26CV1164 (N.D. Ohio Aug. 4, 2026), *Lopez v. Blanche*, 2026 U.S. Dist. LEXIS 138455, 4:26-CV-01163 (N.D. Ohio June 23, 2026).

20. This Honorable Court is not bound by and is not required to give deference to any agency interpretation of a statute. See *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 413 (2024) (holding that federal judges are not required to, and pursuant to the APA are not to, defer to an agency interpretation of the law simply because a statute is ambiguous, as that is the role of the federal courts).

21. Finally, Petitioner's constitutional challenge to his detention does not require exhaustion. The Sixth Circuit has noted that due process challenges, such as the one raised by Petitioner here, generally do not require exhaustion because the BIA cannot review constitutional challenges. See *Sterkaj v. Gonzalez*, 439 F.3d 273, 279 (6th Cir. 2006).

22. Thus, requiring prudential exhaustion here is a futile exercise and will only result in the extended, unlawful detention of Petitioner.

23. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return

"within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

24. Petitioner is "in custody" for purposes of § 2241 because Petitioner is presently arrested and detained by Respondents.

PARTIES

25. Petitioner Yury Drozd is a 43-year-old native and citizen of Belarus who has been in Respondents' custody since on or about October, 2025, when he was transferred into ICE custody upon the dismissal without prejudice of the state charges. Petitioner was placed in removal proceedings following his application for admission at the Calexico West Port of Entry on May 23, 2022. See Exhibit A. Upon information and belief, Petitioner's removal proceedings remain pending, and no final administrative order of removal has been entered against him.

26. Kevin Raycraft is the Field Office Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

27. Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in her official capacity.

28. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that

capacity, he has authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA").

LEGAL FRAMEWORK

29. The Fifth Amendment to the Constitution of the United States mandates that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V. As emphasized by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), "[f]reedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of liberty that [the Fifth Amendment] protects." The Supreme Court has long recognized that noncitizens situated like Petitioner are entitled to the protections of the Fifth Amendment's Due Process Clause, including in the context of removal proceedings. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

30. Congress established two principal statutory schemes governing the detention of noncitizens pending removal proceedings: 8 U.S.C. § 1225, which mandates detention of an alien who is an applicant for admission "seeking admission," and 8 U.S.C. § 1226, which permits release on bond or conditional parole for aliens apprehended and detained pending a decision on removability. *Lopez-Campos v. Raycraft*, 175 F.4th 713, 720–24 (6th Cir. 2026).

31. In *Lopez-Campos*, the Sixth Circuit held that § 1225(b)(2)(A) applies only to noncitizens who are actually "seeking admission," and does not extend to noncitizens who reside in the interior of the United States and are not presently attempting to enter the country. *Id.* at

724, 732–33. The court reasoned that a noncitizen is not perpetually "seeking admission" merely because he is deemed, by operation of statute, an "applicant for admission," and that noncitizens who reside within the United States, rather than presenting themselves for entry, are instead properly detained — if at all — under § 1226, with the individualized bond hearing that provision affords.

32. To determine whether a civil detention violates a detainee's due process rights, courts within the Sixth Circuit apply the three-part balancing test articulated in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of such interest through the procedures used; and (3) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. See *Rodriguez v. Raycraft*, No. 1:25-cv-1560, 2025 U.S. Dist. LEXIS 261955, at *16–17 (W.D. Mich. Dec. 18, 2025).

33. This balancing test has been applied by federal district courts within the Sixth Circuit in circumstances materially similar to those of Petitioner — namely, individuals released to the interior of the United States pending removal proceedings and subsequently detained, or redetained, without any violation of the conditions of their release and without an individualized determination of danger or flight risk. See, e.g., *Azalyar v. Raycraft*, 814 F. Supp. 3d 926, 933 (S.D. Ohio 2026) (holding that such detention violates the Due Process Clause of the Fifth Amendment under *Mathews*).

FACTUAL BACKGROUND

34. Petitioner is a native and citizen of Belarus.

35. On May 23, 2022, Petitioner applied for admission into the United States at the Calexico West Port of Entry. He was issued a Notice to Appear charging him as inadmissible under INA § 212(a)(7)(A)(i)(I), for lacking a valid, unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document. See Exhibit A.

36. Petitioner was placed in removal proceedings and ordered to appear before the Immigration Court in Phoenix, Arizona, on August 2, 2022. *Id.* The Petitioner timely applied for asylum.

37. Following the issuance of the Notice to Appear, Petitioner was released and remained at liberty pending his removal proceedings for more than three years. He resided first in Glendale, Arizona, and later relocated to Ohio, where he established deep roots into the community through church participation.

38. On June 5, 2025, Petitioner was arrested by the Broadview Heights Police Department and charged in Parma Municipal Court, Case No. 25CRB01569, with one count of Assault (O.R.C. § 2903.13), one count of Aggravated Trespassing (O.R.C. § 2911.211), and one count of Vandalism (O.R.C. § 2909.05), each a first-degree misdemeanor. See Exhibit B.

39. Petitioner pleaded not guilty to all three counts and posted bond on June 13, 2025. *Id.*

40. On October 20, 2025, the Parma Municipal Court dismissed all three counts without prejudice, and the temporary protection order entered in connection with the case was vacated. *Id.* Petitioner was never convicted of any offense arising from this arrest.

41. Rather than being released following the dismissal of the state charges, Petitioner was transferred directly into the custody of Respondents, where he has remained detained since

that date, without a bond hearing and without any individualized determination that he poses a flight risk or a danger to the community.

42. At the time of his transfer into ICE custody, Petitioner had resided in the interior of the United States for more than three years since his 2022 encounter at the Calexico Port of Entry, was not attempting to enter or reenter the United States, and was apprehended solely as a consequence of an unrelated state criminal matter that was ultimately dismissed without a finding of guilt.

CLAIMS FOR RELIEF

Claim I — Petitioner's Detention Is Not Authorized by 8 U.S.C. § 1225(b)(2) (Statutory Claim)

43. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

44. Under *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026), § 1225(b)(2)(A) applies only to noncitizens who are actually "seeking admission" at the time of their detention; it does not apply to noncitizens who reside within the interior of the United States and are not presently attempting to enter the country. *Id.* at 724.

45. Petitioner acknowledges that, unlike the petitioners in *Lopez-Campos*, he was initially inspected at a port of entry in 2022 and was designated on his Notice to Appear as an "arriving alien." Petitioner nonetheless submits that this initial encounter does not resolve the question of what authority governs his *current* detention. Having been released from that encounter and having resided, without incident, in the interior of the United States for

more than three years, Petitioner was not "seeking admission" at the time he was transferred into Respondents' custody in October 2025. An alien should not be regarded as being in a perpetual state of "seeking admission" by virtue of a port-of-entry encounter that concluded years earlier. Cf. *Rodriguez Vazquez v. Bostock*, No. 25-6842, 2026 U.S. App. LEXIS 22798 at 40 (9th Cir. July 30, 2026) (an alien is not in a perpetual state of "seeking admission" for purposes of other statutory provisions).

46. Because Petitioner was apprehended in the interior of the United States, and not while presenting himself for admission, his detention is properly governed by 8 U.S.C. § 1226, which authorizes release on bond or conditional parole and requires an individualized custody determination.

47. Respondents' continued detention of Petitioner under § 1225(b)(2), without affording him a bond hearing under § 1226, is not authorized by statute and entitles Petitioner to immediate relief, including a custody redetermination hearing at which Respondents bear the burden of justifying his continued detention.

Claim II — Violation of the Fifth Amendment to the United States Constitution (In the Alternative)

48. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

49. In the event the Court concludes that Petitioner's detention is nonetheless governed by 8 U.S.C. § 1225(b)(2), Petitioner alternatively challenges Respondents' application of that provision as a violation of his Fifth Amendment due process rights. As in *Padilla v. United States Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023),

Petitioner raises a constitutional due process challenge to his detention, and his claim is therefore not barred by *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020). See also *Azalyar v. Raycraft*, 814 F. Supp. 3d at 926 (S.D. Ohio Jan. 2, 2026).

50. Nor is Petitioner's claim foreclosed by *Demore v. Kim*, 538 U.S. 510 (2003), which involved mandatory detention under § 1226(c) based on the petitioner's criminal conduct. As the court in *Padilla* explained, "[n]othing in *Demore* suggest[s] that such detention would be justified to keep such individuals in custody particularly where there is no evidence presently before the Court that the [petitioner] present[s] a particular risk of flight or danger." *Padilla*, 704 F. Supp. 3d at 1173. This is particularly true here, where the state charges that precipitated Petitioner's transfer into ICE custody were dismissed without prejudice and without any adjudication of guilt.

51. "Non-punitive detention violates the Constitution unless it is strictly limited." *Azalyar*, 814 F. Supp. 3d at 933 (citing *Padilla*, 704 F. Supp. 3d at 1172). Constitutional violations are especially acute where, as here, detention is imposed without adequate procedural protections or any special justification sufficient to outweigh Petitioner's fundamental liberty interest. *Id.* (citing *Zadvydas*, 533 U.S. at 690).

52. Because Petitioner's confinement constitutes non-punitive civil detention, determining whether it violates due process requires application of the balancing test set forth in *Mathews v. Eldridge*.

A. Petitioner's Interest in Liberty Is Affected by Official Action

53. Freedom from physical detention constitutes the most fundamental liberty interest. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Individuals who were at liberty pending removal

proceedings, or otherwise released from civil immigration detention, possess a protectable liberty interest in remaining at liberty. *Azalvar*, 814 F. Supp. 3d at 936; see also *Rodriguez*, 2025 U.S. Dist. LEXIS 261955, at *13; *Zapata v. Kaiser*, No. 25-cv-07492, 2025 U.S. Dist. LEXIS 173992, at *8 (N.D. Cal. Sept. 5, 2025). This protectable liberty interest is further reinforced where noncitizens have spent years establishing a life in the interior of the United States, "regardless of their citizenship status." *Ordonez-Lopez v. United States Dep't of Homeland Sec.*, No. EP-25-CV-470-KC, 2025 U.S. Dist. LEXIS 221975 (W.D. Tex. Nov. 7, 2025).

54. Here, Petitioner remained at liberty for more than three years following the issuance of his Notice to Appear in 2022 and did not violate any condition imposed upon him during that time. He established deep ties in his community in Richfield, Ohio. Taken together, these facts demonstrate that Petitioner "possesses a significant private interest in his freedom from detention." *Azalvar*, 814 F. Supp. 3d at 937.

B. Risk of Erroneous Deprivation

55. Petitioner has no meaningful avenue to seek redetermination or review of his detention. Because he is detained under 8 U.S.C. § 1225, under the Respondents' classification, Petitioner has no access to a bond hearing at which an immigration judge could conduct an individualized assessment of whether his detention serves any of the statute's authorized purposes. *Azalvar*, 814 F. Supp. 3d at 938; see also *Rodriguez*, 2025 U.S. Dist. LEXIS 261955, at *18.

56. Civil immigration detention must be nonpunitive in purpose and must bear a reasonable relationship to the statutorily authorized goals of preventing flight and protecting the

community from danger. *Zapata*, 2025 U.S. Dist. LEXIS 173992, at *9–10 (quoting *Zadvydas*, 533 U.S. at 690).

57. The risk of erroneous deprivation is substantially heightened where, as here, the criminal charges that precipitated Petitioner's transfer into ICE custody were dismissed without prejudice, without any finding of guilt or dangerousness, and Respondents have made no subsequent individualized determination that Petitioner poses a risk under the statute's authorized criteria. See *Azalyor*, 814 F. Supp. 3d at 939. Because Respondents lack any basis grounded in the statute's purposes to justify Petitioner's continued detention, the risk of erroneous deprivation of his liberty is exceptionally high.

C. Government Interest

58. It is in the interest of the United States to ensure that "noncitizens do not harm their community and that [they] appear for future immigration proceedings." *Ballesteros v. Noem*, No. 3:25-cv-594-RGJ, 2025 U.S. Dist. LEXIS 200246, at *5 (W.D. Ky. Oct. 9, 2025). Accordingly, civil immigration detention must be narrowly circumscribed to serve only its authorized statutory purposes — namely, protecting the community and ensuring the noncitizen's appearance in removal proceedings. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (citing *Zadvydas*, 533 U.S. at 690).

59. "Once a noncitizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Rather, the federal agents must be able to present evidence of materially changed circumstances — namely, evidence that the noncitizen is in fact dangerous or has become a flight risk, or is now subject to a final order

of removal." *Azalyan*, 814 F. Supp. 3d at 940 (citing *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017)).

60. Here, the Government has presented neither a change in circumstances nor any individualized redetermination regarding Petitioner. There are no compelling circumstances demonstrating that Petitioner poses a risk to the community or a flight risk; to the contrary, the state charges against him were dismissed without prejudice, and he otherwise complied with all requirements imposed upon him during his removal proceedings.

61. Accordingly, in the absence of any proper redetermination considering Petitioner's individual circumstances, the Government's asserted interest does not outweigh Petitioner's significant private interest in liberty.

CONCLUSION

62. In light of the foregoing, Petitioner's detention is not authorized by 8 U.S.C. § 1225(b)(2), and, in any event, his continued detention without an individualized determination violates the Fifth Amendment under the *Mathews* framework. Accordingly, Petitioner respectfully requests that this Honorable Court grant his immediate release or, alternatively, order a bond hearing at which Respondents bear the burden of proof.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

a) Assume jurisdiction over this matter;

b) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;

c) Declare that Petitioner's detention under 8 U.S.C. § 1225(b)(2) is not authorized by statute and/or violates the Due Process Clause of the Fifth Amendment;

d) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately;

e) Issue an Order prohibiting Respondents from transferring Petitioner from the district without the Court's approval;

f) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

g) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

/s/Nazly Mamedova
Nazly Mamedova counsel for Petitioner
Law Office of Nazly Mamedova
11260 Chester Road, Ste. 310
Cincinnati, Ohio 45246
513-456-2959

CERTIFICATE OF SERVICE

I hereby certify that on this 8/21/2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and all accompanying documents to be served by electronic filing upon the following:

• Kevin Raycraft, Field Office Director, Detroit Field Office, U.S. Immigration and Customs Enforcement.
333 Mt. Elliott Street, Detroit, MI 48207

• Markwayne Mullin, Secretary of the U.S. Department of Homeland Security
U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue SE, Washington, DC 20528

• Todd Blanche, Attorney General of the United States
U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530

Respectfully Submitted,

/s/Nazly Mamedova
Nazly Mamedova counsel for Petitioner
Law Office of Nazly Mamedova
11260 Chester Road, Ste. 310
Cincinnati, Ohio 45246
513-456-2959