UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

GIORGI KHETSURIANI, *Petitioner,* v. **RICHARD K. JONES,** in his official capacity as Sheriff of Butler County and the official responsible for the operation of the Butler County Correctional Complex; **MATTHEW PUTRA**, in his official capacity as Director of the Detroit Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; **DAVID J. VENTURELLA**, in his official capacity as Director of U.S. Immigration and Customs Enforcement; **MARKWAYNE MULLIN**, in his official capacity as Secretary of the Department of Homeland Security; and **TODD BLANCHE**, in his official capacity as Attorney General of the United States, *Respondents.*	Civil Action No.: 1:26-cv-924 **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** A# [redacted]

I. INTRODUCTION

1. Petitioner Giorgi Khetsuriani ("Petitioner") respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the unlawful nature of his immigration detention under the wrong statutory authority and in violation of his constitutionally protected right to due process. Petitioner respectfully submits that his detention is governed by 8 U.S.C. § 1226(a), not the mandatory-detention provision of 8 U.S.C. § 1225(b)(2), and that Respondents may not continue to detain him especially without an individualized custody determination before a neutral decisionmaker. For the reasons stated

below, Petitioner respectfully asks this Court to grant his habeas petition, declare his detention unlawful and unconstitutional, order his immediate release, or, in the alternative, order Respondents to provide Petitioner with a prompt individualized bond hearing pursuant to 8 U.S.C. § 1226(a), at which Respondents bear the burden of proving by clear and convincing evidence that Petitioner's continued detention is necessary because he poses a danger to the community or a flight risk. This Petition is Petitioner's first challenge to his detention. Petitioner filed no prior Petition for Habeas Corpus or related federal petition.

II. JURISDICTION

2. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331 because Petitioner challenges his detention as unlawful under the Constitution and laws of the United States, including the Due Process Clause of the Fifth Amendment. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003). Petitioner is in Respondents' physical custody at the Butler County Correctional Complex located at 705 Hanover Street, Hamilton, Ohio 45011, within this District. This Court may grant appropriate relief under 28 U.S.C. § 2241, the All Writs Act, 28 U.S.C. § 1651, and, to the extent declaratory relief is appropriate, the Declaratory Judgment Act, 28 U.S.C. § 2201.

III. REQUIREMENTS OF 28 U.S.C. § 2243

3. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless it appears from the petition that 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.*

IV. PARTIES

4. Petitioner is a citizen of Georgia who entered the United States without inspection near San Luis, Arizona, on or about November 24, 2022, and the Department of Homeland Security ("DHS") initially took Petitioner into custody, placed him in removal proceedings, and subsequently released him pursuant to an Order of Release on Recognizance. Following his release, Petitioner established residence in the United States. On September 1, 2026, Immigration and Customs Enforcement ("ICE") took Petitioner into custody in Tucson, Arizona. Petitioner is presently detained at the Butler County Correctional Complex located at 705 Hanover Street, Hamilton, Ohio 45011.

5. Respondent Richard K. Jones, Sheriff of Butler County, Ohio, is the official responsible for the facility in which Petitioner is confined and exercises day-to-day physical control over the facility. Respondent Jones is named as Petitioner's physical custodian and is sued in his official capacity.

6. Respondent Matthew Putra is the Director of the Detroit Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement. The Detroit Field Office exercises ICE authority over immigration enforcement, detention, and removal operations within its area of responsibility, including Petitioner's detention at Butler County Correctional Complex. Respondent Matthew Putra is therefore named as the ICE official responsible for Petitioner's legal custody and detention-related decisions. He is sued in his official capacity.

7. Respondent David J. Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. As the official performing the duties of ICE Director, he has supervisory responsibility over ICE, including ICE's detention and removal operations. He is sued in his official capacity.

8. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. The Department of Homeland Security is responsible for the administration and enforcement of the immigration laws, and U.S. Immigration and Customs Enforcement, a component of DHS, is the agency responsible for Petitioner's civil immigration detention. Respondent Mullin is sued in his official capacity.

9. Respondent Todd Blanche is the Attorney General of the United States. The Attorney General oversees the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system are component parts. He is sued in his official capacity.

V. VENUE

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States and because a substantial part of the events or omissions giving rise to the claims occurred in this District. Petitioner is in Respondents' physical custody at Butler County Correctional Complex located at 705 Hanover Street, Hamilton, Ohio 45011, within the jurisdiction of this District.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. The INA does not require exhaustion before a noncitizen may bring a habeas petition under 28 U.S.C. § 2241 challenging unlawful immigration detention. Exhaustion is also not required because neither an immigration judge nor the Board of Immigration Appeals can adjudicate Petitioner's constitutional claims as immigration judges and the Board lack authority to rule on the constitutionality of the statutes they administer. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020).

12. Petitioner has not received a bond hearing before EOIR and has not challenged his detention before the BIA. Administrative review cannot remedy the completed constitutional violation

caused by detention without prior notice or an individualized hearing, and neither EOIR nor the BIA can grant the immediate judicial release sought here. The Board of Immigration Appeals ruled that noncitizens who are present in the United States without admission are subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and that Immigration Judges lack authority to grant them bond. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 216 (B.I.A. 2025). Although *Matter of Yajure Hurtado* was vacated by the United States District Court for the Central District of California in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026), Chief Immigration Judge Teresa L. Riley instructed Immigration Judges on January 13, 2026, that *Maldonado Bautista* was not a nationwide injunction and that Immigration Judges should continue to follow *Matter of Yajure Hurtado*. Thereafter, on March 31, 2026, the Ninth Circuit stayed the district court's class-certification order, final judgment, and order vacating *Matter of Yajure Hurtado*. The Second, Eleventh, and Sixth Circuits have since rejected the statutory interpretation adopted in *Matter of Yajure Hurtado*. *See Cunha v. Freden*, 175 F.4th 61, 71 (2d Cir. 2026); *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, 175 F.4th 1258, 1262 (11th Cir. 2026); *Lopez-Campos v. Raycraft*, 175 F.4th 713, 732 (6th Cir. 2026). Nevertheless, exhaustion still cannot supply the pre-deprivation process already denied to Petitioner or resolve his constitutional claim for immediate release.

VII. STATEMENT OF FACTS

13. Having been subjected to persecution in Georgia on account of protected grounds, Petitioner fled his native country and entered the United States at or near San Luis, Arizona, on or about November 24, 2022, without inspection, admission, or parole. *See* **Exhibit 1**, Notice to Appear. DHS then took Petitioner into immigration custody. DHS subsequently released Petitioner into the United States with an issuance of Order of Release on Recognizance on November 27,

2022. *See* **Exhibit 2**, Continuation Page of Order of Release on Recognizance. On January 5, 2023, DHS served Petitioner with a Notice to Appear charging him as inadmissible under INA § 212(a)(6)(A)(i) and placing him in removal proceedings under INA § 240.

14. On June 26, 2023, Petitioner filed Form I-589, Application for Asylum and for Withholding of Removal, with the Immigration Court. *See* **Exhibit 3**, Form I-589 EOIR Filing.

15. Petitioner's removal proceedings still remain pending. *See* **Exhibit 4**, Automated Case Information Preview. Petitioner has retained counsel and diligently followed his removal proceedings.

16. Petitioner reported to and updated his address with the authorities throughout his presence in the United States. Petitioner remained continuously available to the authorities at his reported residence.

17. Petitioner established residence in the United States and lived peacefully in the community for nearly four years while pursuing asylum. He maintained substantial community ties to the United States. Petitioner worked in the United States as a commercial truck driver pursuant to an Employment Authorization Document issued by DHS.

18. Upon information and belief, Petitioner maintained clean criminal records both in his native country of Georgia and in the United States.

19. Upon information and belief, Petitioner could not attend his ICE Check-in appointment scheduled for November 2, 2025. Petitioner's Immigration Counsel tried to take necessary actions regarding the matter.

20. Upon information and belief, on September 1, 2026, while Petitioner was at weigh station in Tucson, Arizona in his professional capacity as a commercial truck driver, ICE detained Petitioner as he was a noncitizen who had entered without admission or parole. *See* **Exhibit 5,**

Form I-830E, Notice to EOIR: Alien Address. No criminal charge or allegation of unlawful conduct by Petitioner resulted from the encounter.

21. Petitioner has been in immigration detention at Butler County Correctional Complex located at 705 Hanover Street, Hamilton, Ohio 45011. *See* **Exhibit 6,** ICE Online Detainee Locator Record.

22. Petitioner has never received a bond hearing before a neutral decisionmaker. No Immigration Judge or other neutral decisionmaker has made an individualized determination that detention is necessary because Petitioner poses a danger to the community or a risk of flight.

23. Petitioner's detention has seriously prejudiced him. He has been separated from his local community and friends. Furthermore, Petitioner has limited access to immigration counsel as a result of detention which seriously prejudices his asylum application before the Immigration Court.

VIII. LEGAL CLAIMS FOR RELIEF

COUNT I

PETITIONER'S DETENTION VIOLATES THE INA

24. The INA sets forth distinct detention frameworks depending on the procedural posture of the noncitizen's case.

25. Petitioner is not subject to 8 U.S.C. § 1225(b) which governs the inspection and detention of arriving aliens who are seeking admission at the border or a port of entry. Its text and structure concern inspection by immigration officers, expedited removal of inadmissible arriving aliens, and referral for further proceedings. *See Jennings v. Rodriguez*, 583 U.S. 281, 287, 303 (2018). Section 1225(b)(1)(A)(iii) further confirms that Congress did not treat all noncitizens present without admission as perpetually subject to the border-inspection framework. When Congress authorized expedited removal for certain noncitizens encountered after entry, it limited that

authority to individuals who had not been admitted or paroled and who had not shown two years of continuous physical presence. 8 U.S.C. § 1225(b)(1)(A)(iii)(II). Petitioner entered without inspection, but DHS apprehended him, immediately placed him in removal proceedings, released him, and permitted him to live in the interior for nearly four years before he was detained at a weigh station while performing his occupation as a commercial truck driver. Respondents have therefore incorrectly and unlawfully treated Petitioner as perpetually subject to mandatory detention under 8 U.S.C. § 1225(b).

26. Petitioner is governed by 8 U.S.C. § 1226 which governs the arrest and detention of noncitizens pending a decision on whether they are to be removed from the United States. 8 U.S.C. § 1226a; *Jennings v. Rodriguez*, 583 U.S. 281, 289, 303–06 (2018). Under § 1226(a), the Government may detain a noncitizen during removal proceedings, but such detention is discretionary, and the noncitizen may generally seek release on bond or conditional parole. ICE may make an initial custody determination, including setting bond. 8 C.F.R. § 1236.1(c)(8). The noncitizen may also request a bond redetermination before an Immigration Judge. 8 C.F.R. §§ 1003.19(a), 1236.1(d). ICE detained Petitioner in the interior on September 1, 2026, while he was at a weigh station in Tucson, Arizona in connection with his occupational assignment as a commercial truck driver. Petitioner is now detained while his Form I-589 remains pending and his removal proceedings are still ongoing which are the circumstances governed by § 1226(a) absent an operative final removal order.

27. Petitioner is also not subject to § 1226(c), which carves out limited categories of noncitizens who are subject to mandatory detention, including certain individuals with specified criminal or terrorism-related grounds. *See Jennings*, 583 U.S. at 289; 8 U.S.C. § 1226(c)(1). His entry without inspection is not a criminal conviction. Respondents therefore cannot justify

Petitioner's detention under the mandatory-detention provision and have never made an individualized determination that he presents a danger to the community or a risk of flight.

28. Nor is Petitioner subject to 8 U.S.C. § 1231, which governs detention only after an order of removal has been entered and the statutory removal period has begun. No Immigration Judge has entered an order of removal against Petitioner, including a final order of removal. Thus, Petitioner is not detained under a post-order detention scheme governed by § 1231.

29. Thus, Petitioner's detention is governed by § 1226(a) alone. Respondents' reliance on 8 U.S.C. § 1225(b) for Petitioner's detention and deeming him bond-ineligible as such violates the INA. Respondents have failed to provide Petitioner with a bond hearing or any form of individualized custody determination although Petitioner remains subject to discretionary detention under § 1226(a) and is eligible for release on bond or conditional parole.

30. On September 5, 2025, notwithstanding the statutory framework to the contrary, the Board of Immigration Appeals ("BIA") held that noncitizens who have not been admitted to the United States are subject to 8 U.S.C. § 1225(b) and, consequently, that immigration judges lack authority to conduct bond hearings for such individuals under 8 U.S.C. § 1226. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 216 (B.I.A. 2025). As applied by Respondents, that decision deprives Petitioner of any meaningful opportunity to obtain an individualized custody determination before the Immigration Court, thereby foreclosing the only administrative forum in which he could challenge the necessity of his continued detention and raising serious due process concerns under the Fifth Amendment.

31. In *Lopez-Campos v. Raycraft*, decided on May 11, 2026, the Sixth Circuit held that a noncitizen's classification as an "applicant for admission" does not, without more, establish that the noncitizen is presently "seeking admission" within the meaning of § 1225(b)(2)(A).

175 F.4th 713, 723, 732 (6th Cir. 2026). The court also rejected the argument that seeking immigration relief after apprehension necessarily constitutes seeking admission, explaining that lawful immigration status and admission are distinct concepts. *Id.* at 729. After the Sixth Circuit issued *Lopez-Campos*, this District expressly applied that decision in *Torres Siles v. Warden, Butler County Detention Facility*, involving a petitioner who entered without admission or parole in 2019, was released on recognizance, and whose asylum request and removal proceedings remained pending when ICE re-detained him in April 2026. 2026 WL 1345581, at *1–2 (S.D. Ohio May 14, 2026). The court granted habeas relief and required an individualized bond hearing or release within eleven days. *Id.* at *2. Here, as alleged in this Petition, Petitioner entered without inspection in November 2022, was released by DHS on recognizance under INA § 236 and resided in the United States for nearly four years, during which he filed Form I-589 and pursued his pending removal proceedings. His September 1, 2026, apprehension while performing a trucking assignment did not convert him into a person presently seeking admission. Under *Lopez-Campos*, on the facts alleged and absent an independently applicable mandatory-detention provision, § 1226(a) governs his custody. Subsequently, in applying *Lopez-Campos*, *Torres Siles* required the Government to establish either dangerousness or flight risk by clear and convincing evidence at the ordered bond hearing. 2026 WL 1345581, at *2.

32. A fundamental principle of statutory construction requires courts to interpret statutes so that effect is given to all provisions and no part is rendered "inoperative or superfluous, void or insignificant." *Corley v. United States*, 556 U.S. 303, 314 (2009) (quoting *Hibbs v. Winn*, 542 U.S. 88, 101 (2004)). Section 1226(c) specifically identifies categories of noncitizens who are subject to mandatory detention, including certain inadmissible noncitizens with specified

criminal or terrorism-related grounds. 8 U.S.C. § 1226(c)(1)(A), (D). Section 1225 is titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing," while § 1226 is titled "Apprehension and detention of aliens." 8 U.S.C. §§ 1225, 1226. If Respondents were correct that all noncitizens who were not admitted and were later arrested in the interior are already subject to mandatory detention under § 1225(b)(2), Congress's specific inclusion of inadmissible noncitizens in § 1226(c) would be unnecessary and redundant. When Congress creates specific exceptions to a statute's applicability, it proves that absent those exceptions, the statute generally applies. *The Laken Riley Act* confirms this point by amending § 1226(c) to require mandatory detention for certain noncitizens who are inadmissible under 8 U.S.C. § 1182(a)(6)(A), (6)(C), or (7), and who are charged with, arrested for, convicted of, or admit committing specified offenses. *See* 8 U.S.C. § 1226(c)(1)(E)(i)–(ii); *Laken Riley Act*, Pub. L. No. 119-1, 139 Stat. 3 (2025). If § 1225(b)(2) already imposed mandatory detention on all noncitizens present without admission, there would have been little reason for Congress to amend § 1226(c) to create this additional mandatory-detention category.

COUNT II

VIOLATION OF DUE PROCESS: REVOCATION OF RELEASE WITHOUT NOTICE OR HEARING

33. Respondents have deprived Petitioner of his liberty without constitutionally adequate process. "The question is not merely the "weight" of the individual's interest, but whether the nature of the interest is one within the contemplation of the "liberty or property" language of the Fourteenth Amendment. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972) (quoting *Fuentes v. Shevin*, 407 U. S. 67 (1972)). Once it is determined that due process applies, the question remains what process is due, and that question is answered by the Constitution, not by the

Government's unilateral assertion of detention authority. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). The adequacy of procedural safeguards is a constitutional question, rather than being statutory. A statute may identify the government's detention authority, but the Constitution, not statutes, determine the minimum procedures that due process requires. The Supreme Court expressly reaffirmed that "aliens who have established connections in this country have due process rights in deportation proceedings." *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 107 (2020). The Supreme Court in *Jennings v. Rodriguez* resolved a statutory-interpretation question but did not foreclose as-applied constitutional challenges to immigration detention.

34. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. The Due Process Clause applies to noncitizens within the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *see also Demore v. Kim*, 538 U.S. 510, 523 (2003). To protect against arbitrary re-detention and to ensure the right to liberty, due process requires "adequate procedural protections" that test whether the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner falls squarely within the class of "all persons" protected by the Fifth Amendment because DHS apprehended him at the border, released him on his own recognizance under INA § 236, permitted him to establish residence and then detained him in the interior while his removal proceedings and Form I-589 remained pending.

35. The Supreme Court has recognized that conditional liberty, although limited, "includes many of the core values of unqualified liberty" including the ability to be together with family, to

work and to participate in community life and that its termination inflicts a "grievous loss" on the released individual and often on others. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Petitioner's detention separates him from his friends and community and impairs Petitioner's ability to consult with counsel concerning his immigration matters. Respondents provided no adequate process before revoking Petitioner's liberty and detaining him.

36. The Supreme Court set a standard in *Mathews v. Eldridge,* to consider the following criteria in evaluating whether civil detention violates a noncitizen's Fifth Amendment due process rights: "(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail." *See Mathews v. Eldridge*, 424 U.S. 319 (1976).

A. Petitioner's Private Interest in Being Free from Detention Is Strong

37. Petitioner has an exceptionally compelling private interest in remaining free from continued physical restraint. His detention has abruptly separated him from his friends and community. Detention substantially impairs Petitioner's ability to consult with counsel. These interests are especially weighty because DHS released Petitioner and allowed him to reside in the United States for nearly four years. During that period, Petitioner worked pursuant to DHS employment authorization, maintained substantial community ties, and remained available for his pending proceedings. Under these circumstances, the first *Mathews* factor weighs heavily in Petitioner's favor.

B. The Risk of Erroneous Deprivation of Liberty Interest is High

38. The procedures employed by Respondents create a substantial risk of erroneously depriving Petitioner of his physical liberty. For nearly four years, Petitioner resided peacefully in the United States. During that time, he obtained employment authorization, worked lawfully, pursued his pending Form I-589 and removal proceedings through counsel, duly reported his address to authorities and remained available to authorities. ICE detained Petitioner while he was performing an employment assignment, not because he failed to appear or obstructed proceedings. Nevertheless, Respondents deprived Petitioner of his liberty without first affording him a pre-deprivation or reasonably prompt post-detention custody hearing before a neutral decisionmaker and without making any individualized determination that continued detention was necessary because he posed either a danger to the community or a risk of flight. Under these circumstances, the absence of an individualized custody determination creates an unacceptably high risk that Petitioner's continued detention is arbitrary and erroneous.

39. Where the Government detains a previously released and compliant noncitizen without any individualized showing of changed circumstances, danger, flight risk, or violation of release conditions, detention risks becoming arbitrary rather than regulatory. The absence of individualized review creates a significant risk that detention is imposed categorically rather than for a permissible civil purpose. Immigration detention is civil and regulatory, not punitive. It must remain reasonably related to legitimate governmental objectives, including ensuring appearance at proceedings and protecting the public. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Respondents also failed to consider less restrictive alternatives, including regular ICE check-ins, conditional release, continued parole, or bond. Petitioner's nearly four years of residence, community ties, lawful employment, address on file, pending proceedings show

that the Government's interests can be satisfied when Petitioner is allowed to live at liberty in the United States until his Removal Proceedings are concluded.

40. Although Congress may authorize civil immigration detention, that detention remains subject to constitutional limits and must be accompanied by adequate procedural safeguards when liberty is at stake. Accordingly, the second *Mathews* factor weighs strongly in Petitioner's favor.

C. The Government's Interests Do Not Outweigh Petitioner's Interests and Do Not Justify the Absence of Due Process

41. The Government's interests in ensuring appearance at immigration proceedings and protecting the community are adequately served by immediate release under Petitioner's prior conditions and do not require his continued detention. For nearly four years before his arrest, DHS permitted Petitioner to reside in the United States under conditions that served those interests without resorting to physical confinement. During that period, Petitioner lived in peace, established community ties, lawfully worked, reported his address to the authorities and remained available for his pending removal proceedings. Respondents detained him while he was performing an employment assignment. Respondents have never identified any intervening circumstance demonstrating that Petitioner's prior release conditions became inadequate or that detention is now necessary to ensure his appearance or protect the public. The Government's interests remain fully protected by restoring Petitioner to the same release conditions under which he previously lived while his immigration proceedings continue.

42. If the Court declines that primary relief, those interests can be served through proper application of § 1226(a), which provides an individualized bond hearing before an

Immigration Judge. The administrative burden is minimal because Immigration Courts routinely conduct bond hearings.

43. Petitioner's detention imposes substantially greater burdens on the Government and American public than his immediate release. Immigration detention prevents Petitioner from contributing to the American economy and freely assisting counsel with his immigration matters. It separates him from his friends and community, prejudices his Removal Proceedings as he has limited access to counsel and imposes psychological harm on Petitioner. Petitioner was previously released, worked with DHS authorization, and maintained strong community ties for nearly four years. Due process requires immediate restoration of Petitioner's liberty. At a minimum, if DHS seeks continued detention, it must afford a hearing before a neutral decisionmaker to determine whether detention is justified. The third *Mathews* factor weighs in Petitioner's favor.

44. Immediate release is within the traditional scope of habeas relief where the Government has deprived an individual of liberty without the constitutionally required process. Immediate release is likewise appropriate here because Respondents detained Petitioner while he was performing an employment assignment, without any disclosed individualized finding of changed circumstances, danger, flight risk, or other justification. The available evidence demonstrates Petitioner's pending proceeding and asylum application. Because Petitioner has never received any individualized custody hearing, immediate restoration of his prior liberty is appropriate; at a minimum, Respondents must provide a prompt § 1226(a) hearing before a neutral decisionmaker and justify detention by clear and convincing evidence.

IX. SCOPE OF RELIEF

45. Respondents continue to detain Petitioner without disclosing an adequate statutory and individualized basis and without the procedural safeguards required by the Due Process Clause. Throughout nearly four years of release in the United States, Petitioner lived within the community peacefully, lawfully worked, pursued his pending Form I-589 and removal proceedings through counsel, reported and updated his address with the authorities, and maintained clean criminal records and substantial community ties. Under these circumstances, Petitioner's continued detention is both unlawful and unconstitutional.

46. The traditional function of habeas corpus is to secure release from unlawful custody. *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 107, 117 (2020). Because Petitioner challenges the legality of his present detention itself, immediate release is an available and appropriate habeas remedy. Accordingly, Petitioner respectfully requests immediate release under the same or no more restrictive conditions that existed before his immigration detention on September 1, 2026.

47. In the alternative, if the Court declines to order immediate release, Petitioner requests a prompt individualized bond hearing under § 1226(a). A fundamentally fair hearing requires factfinding based on a record disclosed to Petitioner, an opportunity to present evidence and argument, consideration of non-bond alternatives and ability to pay, and an individualized determination at which Respondents bear the burden of proving danger or flight risk by clear and convincing evidence.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be removed from the United States without an order by this Court allowing such removal and shall not be transferred outside the jurisdiction of this District pending the resolution of this case or Order Respondents to provide Petitioner and this Court advance notice before any transfer outside this District while this Petition remains pending;

c. Expedite consideration of this Petition under 28 U.S.C. § 1657;

d. Issue an Order to Show Cause directing Respondents to explain why the writ should not be granted within three days, as required by 28 U.S.C. § 2243;

e. Declare that Petitioner's detention under 8 U.S.C. § 1225(b)(2) is unlawful;

f. Declare that Petitioner's detention without notice, a pre-deprivation hearing, or an individualized custody determination violates the Due Process Clause of the Fifth Amendment;

g. Issue a Writ of Habeas Corpus requiring Respondents to immediately release Petitioner subject to the same or no more restrictive conditions that existed before his September 1, 2026, detention;

h. In the alternative, issue a Writ of Habeas Corpus requiring Respondents to provide Petitioner with an individualized bond hearing pursuant to 8 U.S.C. § 1226(a) within seven calendar days;

i. Order that at any individualized bond hearing, Respondents bear the burden of proving by clear and convincing evidence that Petitioner's detention is necessary because he poses a danger to the community or a flight risk;

j. Enjoin Respondents from denying Petitioner a bond hearing on the basis of 8 U.S.C. § 1225(b)(2) or *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025);

k. Order limiting Respondents to the restraints on Petitioner's liberty that existed prior to his re-detention;

l. Enjoin Respondents from re-detaining Petitioner after release absent a valid individualized custody determination under 8 U.S.C. § 1226(a) and the Due Process Clause;

m. Order Respondents to return to Petitioner any funds or property, if any, seized from Petitioner at the time of his arrest.

n. Grant such further relief as this Court deems just and proper.

Dated: September 11, 2026

Respectfully submitted,

/s/ Jennifer E. Nimer
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Jennifer Nimer, am submitting this verification on behalf of Petitioner as his attorney. Because Petitioner is presently detained and I have not been able to obtain his written verification within the time required to address the urgency of his detention, I submit this verification on his behalf, based on information provided by Petitioner's friend Perry Gvele, Petitoner's Immigration Counsel Dmitry Efros, and my review of the underlying records. Based on my review of the records provided, and on information and belief, I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 11, 2026

Respectfully submitted,

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