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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

YURY USSA POLANIA,
Petitioner,

vs.

KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security,
PAMELA BONDI, U.S. Attorney General,
PETE R. FLORES, Acting Commissioner of
U.S. Customs and Border Protection,
**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE),
ORANGE COUNTY SHERIFF'S OFFICE,
WARDEN OF ORANGE COUNTY
CORRECTIONS DEPARTMENT,**
Respondents.

Civil Action No.:

EMERGENCY

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. § 2241**

Filed by:
YURY USSA POLANIA

Orange County Corrections Department
3723 Vision Blvd
Orlando, FL 32839

Pro Se

Date: May 5th, 2025

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I. PRELIMINARY STATEMENT

1. Petitioner **Yury Ussa Polania**, a citizen of Colombia and lawful applicant for asylum in the United States, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**, challenging her continued detention by U.S. Immigration and Customs Enforcement (ICE) while she is held at **Seminole County Jail** in Sanford, Florida. She is the mother of a U.S. citizen child, whom she is currently breastfeeding, and holds valid work authorization through **2029**, issued pursuant to her pending application for asylum and protection under the **Convention Against Torture (CAT)**.

2. Petitioner was previously arrested and charged with a **non-violent misdemeanor** offense, for which she posted bond and resolved her criminal custody. Despite her lawful presence and lack of flight risk or danger to the community, she remains in ICE custody without lawful justification and now faces imminent transfer to Texas. This action seeks emergency relief to prevent such transfer and secure her release, as her detention violates due process protections under the Fifth Amendment, the Immigration and Nationality Act (INA), and the CAT regulations which prohibit removal or punitive detention of asylum seekers during the pendency of their proceedings.

3. Petitioner respectfully requests that this Court immediately intervene to **(1)** enjoin her transfer from Florida; **(2)** order her release or an individualized bond hearing; and **(3)** preserve her ability to remain with her child and continue her asylum process in accordance with law.

II. JURISDICTION AND VENUE

4. This Petition is brought pursuant to **28 U.S.C. § 2241**, as Petitioner is presently in custody under the authority of the United States, and such custody is in violation of the laws and Constitution of the United States.

5. This Court has jurisdiction over this matter pursuant to **28 U.S.C. §§ 1331 and 2241**, as it presents federal questions concerning violations of Petitioner's constitutional and statutory rights, including rights under the **Immigration and Nationality Act (INA)**, the **Administrative Procedure Act (APA)**, the **Convention Against Torture**, and the **Fifth Amendment to the United States Constitution**.

6. Venue is proper in the **Middle District of Florida** pursuant to **28 U.S.C. § 1391(b)** and **§ 2241(d)**, because Petitioner is currently detained at the **Orange County Corrections Department**, located at **3723 Vision Blvd, Orlando FL 32839**, which lies within this judicial district.

7. Petitioner is in the **custody and control of ICE** and the **Orange County Corrections Department**, and Respondents have immediate authority over her detention and the conditions therein.

III. PARTIES

8. **Petitioner, Yury Ussa Polania**, is a native and citizen of Colombia who is currently lawfully present in the United States pursuant to a **pending asylum application** and accompanying **Employment Authorization Document (EAD)**, valid through **2029**. She is the **mother of a U.S. citizen child**, who is an infant and currently **dependent on her for breastfeeding and primary care**. Petitioner is currently detained at **Seminole County Jail** in Sanford, Florida, in ICE custody.

9. **Respondent Kristi Noem** is the Secretary of the U.S. Department of Homeland Security (DHS) and is responsible for enforcement of the immigration laws of the United States. He is sued in his official capacity.

10. Respondent Pamela Bondi is the Attorney General of the United States and oversees immigration court proceedings and matters arising under the INA. He is sued in his official capacity.

11. Respondent Pete R. Flores is the Acting Commissioner of U.S. Customs and Border Protection and is responsible for implementation of immigration policies, including custody and transfer decisions. He is sued in his official capacity.

12. Respondent U.S. Immigration and Customs Enforcement (ICE) is the federal agency currently detaining the Petitioner and seeking to transfer her to another state despite her pending legal proceedings and humanitarian circumstances.

13. Respondent Orange County Sheriff's Office operates the Orange County Correction Department, where Petitioner is currently detained under federal immigration authority. The **Warden of Orange Correction Department** is responsible for the day-to-day custody of Petitioner and is sued in his official capacity as the custodian.

IV. FACTUAL BACKGROUND

A. PETITIONER HAS A LAWFUL PRESENCE IN THE UNITED STATES BASED ON A PENDING ASYLUM CLAIM

14. Petitioner **Yury Ussa Polania** lawfully entered the United States and filed an application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT) with U.S. Citizenship and Immigration Services (USCIS), using Form I-589. This application remains pending and active, and as such, Petitioner is legally permitted to remain in the United States during its adjudication.

A copy of the **I-589 Receipt Notice** showing the asylum application was received and remains pending is attached hereto as **Exhibit A**.

15. Under 8 U.S.C. § 1158(d)(7), DHS may not remove or deport a noncitizen with a pending asylum claim, absent certain exceptions which do not apply in this case. Petitioner's lawful status as an asylum seeker grants her protection from removal until a final adjudication of her claim.

B. PETITIONER POSSESSES VALID WORK AUTHORIZATION THROUGH 2029

16. USCIS granted Petitioner an **Employment Authorization Document (EAD)** based on her pending asylum claim. The EAD is currently **valid through 2029**, confirming her legal eligibility to work and reside in the U.S.

A copy of **Petitioner's valid Employment Authorization Document** is attached hereto as **Exhibit B**.

17. The issuance of an EAD reflects USCIS's recognition of Petitioner's pending lawful status, and it is inconsistent with ICE's current decision to detain and transfer her despite the absence of a final removal order.

C. PETITIONER IS THE SOLE CAREGIVER AND BREASTFEEDING MOTHER OF A U.S. CITIZEN INFANT

18. Petitioner is the **biological mother of a U.S. citizen infant**, born in the United States. She is the child's primary caregiver and was **actively breastfeeding** the child at the time of her detention.

A copy of the child's U.S. birth certificate is attached hereto as **Exhibit C**, confirming U.S. citizenship and maternal relationship.

19. Separation from a breastfeeding mother poses serious risks to the child's **health, nutrition, and psychological well-being**, and ICE's actions threaten to inflict irreversible harm on a U.S. citizen minor.

D. PETITIONER WAS ARRESTED FOR A MISDEMEANOR, POSTED BOND, AND WAS RELEASED FROM CRIMINAL CUSTODY

20. Petitioner was recently arrested and charged with a **non-violent misdemeanor**. She fully cooperated with law enforcement, exercised her right to post bond, and was released from local custody.

A copy of the misdemeanor charge sheet and bond receipt, showing that she was not subject to any ongoing criminal sentence, is attached hereto as **Exhibit E**.

21. There are **no felony convictions** or disqualifying criminal activity in her background. Her continued detention by ICE is unrelated to any criminal process and violates principles of proportionality and due process.

E. ICE TOOK PETITIONER INTO CUSTODY AFTER BOND AND IS DETAINING HER AT SEMINOLE COUNTY JAIL

22. Following her release from criminal custody, ICE assumed custody of Petitioner and placed her in immigration detention at **Seminole County Jail**, located at **211 Eslinger Way, Sanford, Florida 32773**.

23. Petitioner has not been given an **individualized custody review** nor presented before an immigration judge for a **bond hearing**.

F. ICE INTENDS TO TRANSFER THE PETITIONER TO TEXAS WITHOUT JUSTIFICATION

24. Petitioner has been informed that ICE plans to **transfer her out of Florida to a facility in Texas**, allegedly for administrative convenience.

25. Petitioner's family, legal counsel, and minor child are all located in Florida. The transfer would interfere with her pending legal case, impose logistical hardships, and jeopardize her ability to care for her U.S. citizen child.

G. NO FINAL ORDER OF REMOVAL HAS BEEN ISSUED, AND HER DETENTION LACKS LEGAL BASIS

26. Petitioner has **never been ordered removed** from the United States. Her asylum case remains pending, and there is no lawful basis for ICE to treat her as a deportable individual at this stage.

A **printout from the EOIR or USCIS case status system** showing no final decision or removal order is attached as **Exhibit H**.

27. Because Petitioner is lawfully present in the United States with a valid EAD, the current detention and proposed transfer violate both **statutory protections for asylum seekers** and **due process guarantees under the U.S. Constitution**.

V. LEGAL STANDARDS

28. A federal district court may grant a writ of habeas corpus under **28 U.S.C. § 2241** to any person "in custody in violation of the Constitution or laws or treaties of the United States." This includes immigration detainees who are not subject to a final order of removal but are nonetheless deprived of their liberty without adequate legal justification.

29. Immigration detainees may challenge the **legality of their detention**, the conditions of confinement, and **threatened transfers** where such actions interfere with constitutional rights or ongoing legal proceedings. (See **Demore v. Kim**, **538 U.S. 510 (2003)**; **Zadvydas v. Davis**, **533 U.S. 678 (2001)**).

30. The Supreme Court and numerous federal courts have affirmed that noncitizens held in immigration custody **retain the right to due process** and cannot be detained indefinitely or without reasoned justification (**Zadvydas**, **533 U.S. at 690**; **Jennings v. Rodriguez**, **138 S. Ct. 830 (2018)**).

31. The **Fifth Amendment to the U.S. Constitution** prohibits the government from depriving any person of liberty without due process of law. This applies to all persons within the United States, including noncitizens in immigration proceedings (**Mathews v. Diaz**, **426 U.S. 67 (1976)**).

32. Petitioner's prolonged detention without an individualized determination of necessity, particularly given her lawful presence, valid asylum claim, and critical family obligations, constitutes a **violation of procedural and substantive due process**.

33. The government's attempt to **transfer Petitioner across state lines**, separating her from her U.S. citizen child and legal counsel, would further violate her due process rights, particularly her right to **meaningfully participate in her pending asylum claim** and to preserve

familial integrity (*Reno v. Flores*, 507 U.S. 292 (1993); *Troxel v. Granville*, 530 U.S. 57 (2000)).

VI. LEGAL ARGUMENTS

A. PETITIONER'S CONTINUED DETENTION IS UNLAWFUL BECAUSE SHE HAS A PENDING ASYLUM APPLICATION AND IS NOT SUBJECT TO A FINAL ORDER OF REMOVAL

34. Petitioner Yury Ussa Polania has a **pending Form I-589 application** for asylum, withholding of removal, and protection under the Convention Against Torture (CAT), which has not been adjudicated. She is not subject to a final removal order and, as such, cannot be lawfully detained for the purpose of removal or deportation.

35. Under 8 U.S.C. § 1158(a)(1), “any alien who is physically present in the United States or who arrives in the United States... may apply for asylum.” Additionally, under 8 C.F.R. § 208.3(c)(3), an asylum applicant cannot be removed until a final decision is rendered on the application.

36. Petitioner’s detention in immigration custody **during the pendency of her asylum claim**—in the absence of a removal order and without any imminent removal proceedings—has no statutory justification and constitutes an **unlawful deprivation of liberty** under both immigration law and the U.S. Constitution.

37. The Supreme Court has held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that indefinite detention of noncitizens without a final order of removal is **presumptively unconstitutional**. In that case, the Court explained that such detention is permissible only when removal is “reasonably foreseeable,” which it is not in Petitioner’s case.

38. Because Petitioner's removal is neither legally permissible nor procedurally imminent—given her pending asylum application—her continued detention is not only unnecessary but **violates her constitutional right to due process** under the Fifth Amendment.

39. Further, the detention of asylum seekers, absent individualized determinations of flight risk or danger, runs counter to the United States' international obligations under the **1967 Protocol Relating to the Status of Refugees** and **CAT**, to which the U.S. is a signatory.

B. ICE'S PLANNED TRANSFER OF PETITIONER TO ANOTHER STATE VIOLATES HER RIGHT TO MEANINGFULLY PURSUE HER ASYLUM CLAIM

40. ICE's intent to transfer Petitioner from Florida to Texas—while her habeas petition is pending and her asylum claim remains under active consideration—would **unlawfully interfere with her access to counsel, the courts, and the fair administration of justice.**

41. It is well-established that noncitizens in immigration proceedings are entitled to a **full and fair opportunity to present their case, including access to legal representation, family support, and documentary evidence**—all of which are rooted in **due process protections** under the Fifth Amendment (**Landon v. Plasencia, 459 U.S. 21 (1982)**).

42. Petitioner is represented by local counsel and has submitted documentary and testimonial evidence that depends heavily on the **support of individuals located in Florida**. A transfer to Texas would severely disrupt her ability to continue preparing her asylum claim, including access to physical documents, language support, and witnesses.

43. ICE transfers that interfere with pending litigation, including habeas petitions or immigration court proceedings, have been found unlawful by federal courts. In **Devitri v. Cronen, 289 F. Supp. 3d 287 (D. Mass. 2018)**, the court enjoined ICE from transferring detainees because it would **obstruct judicial review and violate due process.**

44. Petitioner's case similarly implicates **ongoing legal matters** in this district. A unilateral transfer would constitute a **de facto denial of access to legal redress**, frustrate the jurisdiction of this Court, and **undermine her constitutional right to a meaningful opportunity to be heard**.

45. Additionally, absent a legitimate, articulated reason for the transfer, such action appears **arbitrary and capricious**, subject to challenge under the **Administrative Procedure Act (APA)**, 5 U.S.C. §§ 701–706.

46. Therefore, ICE's planned transfer of Petitioner, while she is actively pursuing relief through both her asylum claim and this habeas petition, should be deemed **unlawful** and **immediately enjoined**.

C. PETITIONER'S DETENTION SEPARATES HER FROM HER BREASTFEEDING U.S. CITIZEN CHILD AND CONSTITUTES A VIOLATION OF HER FUNDAMENTAL RIGHT TO FAMILY INTEGRITY

47. Petitioner is the **sole caregiver and breastfeeding mother** of a U.S. citizen infant. Her arrest, detention, and threatened transfer by ICE have resulted in **forced separation** from her infant child, creating serious emotional and medical harm to the child and violating Petitioner's constitutional right to family unity.

48. The **U.S. Supreme Court** has repeatedly affirmed that parents have a **fundamental liberty interest in the care, custody, and control of their children**, protected by the **Due Process Clause of the Fifth and Fourteenth Amendments** (*Troxel v. Granville*, 530 U.S. 57 (2000); *Santosky v. Kramer*, 455 U.S. 745 (1982)).

49. Immigration detention, when it results in **prolonged and unjustified separation of a parent from a minor child**, especially in cases involving infants who rely on **maternal**

breastfeeding, must be narrowly tailored and supported by a compelling governmental interest—which is wholly absent here.

50. Courts have recognized that such separation, even in the immigration context, may violate **substantive due process**. In **Ms. L. v. ICE**, 310 F. Supp. 3d 1133 (S.D. Cal. 2018), the court found that family separation caused by immigration enforcement was unconstitutional where there was **no finding of parental unfitness or danger to the child**.

51. In this case, Petitioner's infant is **completely dependent** on her for physical nourishment, bonding, and daily care. The child's **status as a U.S. citizen** further elevates the constitutional concern, as government action is directly harming a citizen with no pending charges or immigration violations.

52. ICE's detention of Petitioner, without consideration of her maternal role and the harm to her child, is **arbitrary, punitive, and inconsistent with ICE's own internal guidance** on humanitarian release, including the Parental Interests Directive (ICE Directive 11064.2).

53. The government's conduct thus violates the **fundamental right to family integrity**, imposes **irreparable harm** on a vulnerable U.S. citizen infant, and is neither **justified by law** nor consistent with **due process principles**

D. PETITIONER'S ONGOING DETENTION WITHOUT A BOND HEARING VIOLATES PROCEDURAL DUE PROCESS

54. Petitioner has now been held in immigration custody **without a bond hearing**, **without individualized assessment**, and **without any evidence** that she poses a danger to the community or is a flight risk. This continued detention violates the procedural safeguards required by the **Due Process Clause of the Fifth Amendment**.

55. Under Supreme Court precedent, **civil detention must be accompanied by adequate procedural protections** to ensure it is not arbitrary or punitive in nature (***Foucha v. Louisiana*, 504 U.S. 71 (1992); *Zadvydas v. Davis*, 533 U.S. 678 (2001)**)).

56. In ***Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)**, the Court left open the possibility that prolonged detention without a bond hearing may violate due process even under statutory schemes that otherwise permit detention. Courts reviewing *Jennings* on remand have continued to recognize that due process demands periodic custody review.

57. The government **bears the burden** of justifying continued detention, particularly when the noncitizen:

- a) **Has no criminal convictions** warranting mandatory detention;
- b) **Has a pending asylum application**; and
- c) **Is the primary caregiver of a U.S. citizen child**, especially an infant dependent on breastfeeding.

58. Petitioner's prolonged detention—absent a bond hearing or custody redetermination—violates the **principles of fairness, proportionality, and individualized review** that are foundational to due process.

59. Further, ICE's failure to consider less restrictive alternatives to detention (e.g., parole, ankle monitoring, or conditional release) exacerbates the due process violation and **contradicts DHS policy**, which encourages non-detention of caregivers and individuals with significant humanitarian factors.

60. Petitioner is therefore entitled to an **immediate bond hearing**, or, alternatively, **release under reasonable supervision**, as her ongoing incarceration is **procedurally deficient and constitutionally infirm**.

E. PETITIONER'S DETENTION CONTRAVENES ICE'S OWN POLICIES AND PRIORITIZATION FRAMEWORKS

61. ICE's continued detention of Petitioner is not only unsupported by law, but it also directly **contravenes ICE's own enforcement and custody guidelines**, including current **DHS enforcement priorities** and humanitarian directives.

62. In Secretary Alejandro Mayorkas's memorandum dated September 30, 2021—titled Guidelines for the Enforcement of Civil Immigration Law—ICE was directed to prioritize enforcement actions based on **threats to national security, public safety, and border security**. Petitioner falls into **none** of these categories.

63. The memo also instructs ICE officers to exercise **discretion** in a way that is “guided by the pursuit of justice,” and to **consider the totality of circumstances**, including:

64. The noncitizen's length of presence in the U.S.;
- a) Family and community ties;
 - b) Status as a caregiver to U.S. citizen children;
 - c) Pending applications for immigration relief;
 - d) Lack of criminal history or threat to public safety.

65. Petitioner meets every criterion favoring **non-detention**: she has no serious criminal history, has a pending asylum claim, is lawfully present via EAD, is the breastfeeding mother of a U.S. citizen infant, and has deep ties to the local community in Florida.

66. Additionally, ICE's **Parental Interests Directive (Directive 11064.2)** requires agents to consider parental rights and responsibilities before deciding to detain or remove a noncitizen caregiver. The directive emphasizes **avoiding unnecessary family separation**, particularly when a child is a U.S. citizen.

67. By detaining Petitioner, and threatening to transfer her hundreds of miles from her infant child and local support system, ICE is acting **in direct contradiction to its internal rules and stated humanitarian values**.

68. Such arbitrary enforcement—when it deviates from published standards without explanation—violates the **Administrative Procedure Act (APA)**, 5 U.S.C. §§ 701–706, as well as fundamental principles of **agency accountability and fair notice**.

69. In light of ICE's own binding policies, Petitioner should never have been detained—and certainly not subjected to prolonged incarceration or imminent transfer. Her case demonstrates an **unlawful exercise of discretion** and a failure to follow agency-mandated review protocols

F. PETITIONER'S DETENTION AND IMMINENT TRANSFER ARE CAUSING IRREPARABLE HARM

70. Continued detention—particularly when unnecessary and unlawful—causes **irreparable harm** not only to Petitioner but also to her **infant U.S. citizen child**, who is currently deprived of the health, comfort, and emotional security provided by his mother.

71. Courts routinely recognize that **family separation**, especially involving young children, constitutes irreparable harm sufficient to warrant **injunctive relief**. (See *Nken v. Holder*, 556 U.S. 418 (2009); *Leiva-Perez v. Holder*, 640 F.3d 962 (9th Cir. 2011)).

72. Additionally, the threat of **inter-district transfer** while this habeas petition is pending would deny Petitioner access to the Court and interfere with judicial review, itself a form of irreparable institutional harm.

G. PETITIONER IS ENTITLED TO IMMEDIATE INJUNCTIVE RELIEF TO PREVENT HER TRANSFER AND SECURE HER RELEASE

73. Petitioner meets all four criteria for a **temporary restraining order and preliminary injunction**:

a) **Likelihood of success on the merits**: She is lawfully present, has a valid EAD, no final removal order, and no flight risk.

b) **Irreparable harm**: Her continued detention and possible transfer would harm both her and her U.S. citizen child.

c) **Balance of equities**: The harm to Petitioner and her child outweighs any speculative administrative interest ICE may claim.

d) **Public interest**: Preventing the unnecessary detention and separation of lawful residents and citizen children is in the public interest.

74. The Court has clear authority under 28 U.S.C. § 2241, Article I, § 9, cl. 2, and **equitable principles** to enjoin ICE from transferring Petitioner during the pendency of this matter and to order her immediate or conditional release.

VII. PRAYER FOR RELIEF

75. WHEREFORE, Petitioner **Yury Ussa Polania** respectfully requests that this Honorable Court grant the following relief:

a) **Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**, ordering Respondents to immediately justify Petitioner's continued detention and demonstrate the legal basis for her custody;

b) **Order Petitioner's immediate release from immigration detention**, or in the alternative, order a prompt **individualized custody redetermination hearing** before an immigration judge with the authority to grant release on bond or parole;

c) **Issue a Temporary Restraining Order (TRO)** and, after hearing, a **Preliminary Injunction** prohibiting ICE from transferring Petitioner from **Orange County Corrections Department or the jurisdiction of the Middle District of Florida** during the pendency of these proceedings;

d) **Enjoin Respondents from removing Petitioner from the United States** while her asylum and Convention Against Torture (CAT) claims are pending before the immigration courts or USCIS;

e) **Grant Petitioner such other and further relief** as the Court deems just, proper, and equitable, including attorneys' fees and costs if applicable.

Respectfully submitted,

Yury Ussa Polania

Petitioner (Pro Se)

Location of execution:

Orange County Corrections Department

3723 Vision Blvd

Orlando, FL 32839

VIII. VERIFICATION

76. I, **Yury Ussa Polania**, am the Petitioner in the foregoing Petition for Writ of Habeas Corpus. I have read the petition and, to the best of my knowledge, the facts stated therein are true and correct under the penalty of perjury, based on my own personal knowledge, information, and belief.

77. I verify under 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 5th day of May, 2025.



Yury Ussa Polania

Petitioner (Pro Se)

Location of execution:

Orange County Corrections Department

3723 Vision Blvd

Orlando, FL 32839

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2025, I caused a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus and Emergency Motion for Stay of Transfer** to be served by **U.S. Mail** upon the following parties:

Office of the United States Attorney

Middle District of Florida

400 N. Tampa Street, Suite 3200

Tampa, FL 33602

U.S. Immigration and Customs Enforcement (ICE)

Field Office Director

Orlando Field Office

3535 Lawton Road, Suite 100

Orlando, FL 32803

Orange County Corrections Department

3723 Vision Blvd

Orlando, FL 32839

U.S. Department of Homeland Security

Office of General Counsel

2707 Martin Luther King Jr. Ave SE

Washington, D.C. 20528


Office of the Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530-0001

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



Yury Ussa Polania

Petitioner (Pro Se)

Location of execution:

Orange County Corrections Department

3723 Vision Blvd

Orlando, FL 32839

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

YURY USSA POLANIA

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

KRISTI NOEM, et als.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	IMMIGRATION	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 462 Naturalization Application	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Habeas Corpus 28 USC 2241

Brief description of cause:

VI. CAUSE OF ACTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE