

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Yevhenii Malets v. LaDeon Francis et al.

No. 25-CV-10058 (AS) (S.D.N.Y. Dec. 4, 2025) · No. 25-CV-10058 (AS) · Decided December 4, 2025

SUMMARY

The court issued an order in Yevhenii Malets’s 28 U.S.C. § 2241 habeas case concerning immigration detention. The order temporarily barred Petitioner’s removal and transfer outside specified districts, required Respondents to provide information and file an answer, and directed the Clerk to seek pro bono counsel for Petitioner.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Arun Subramanian
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 4, 2025
DOCKET	25-CV-10058 (AS)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed an emergency petition for a writ of habeas corpus under 28 U.S.C. § 2241 while detained and allegedly present in the Southern District of New York. The court entered interim orders preserving jurisdiction, restricting removal and transfer, requiring information and responsive pleadings, and directing the Clerk to seek pro bono counsel.
PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value
PARTIES	Yevhenii Malets v. LaDeon Francis et al.

TOPICS

- federal habeas corpus
- immigration detention
- injunctions
- removal proceedings
- immigration

PRACTICE AREAS

- immigration law
- federal habeas corpus
- immigration detention
- civil procedure
- pro bono counsel

QUESTIONS PRESENTED

1. Whether interim restrictions on Malets's removal and transfer were appropriate to preserve the court's jurisdiction and facilitate adjudication of the § 2241 petition.
2. Whether respondents should be required to provide information concerning Malets's location, detention, removal order, and immigration proceedings and to file an expedited answer.
3. Whether the circumstances warranted the court's request for pro bono counsel for Malets.
4. Whether an appeal from the order would be taken in good faith for purposes of in forma pauperis status.

HOLDINGS

1. Pending further order, respondents may not remove Malets from the United States because the restriction is necessary to preserve the court's jurisdiction while the habeas petition is pending.
2. Pending further order, respondents may not transfer Malets except to a facility within the Southern District of New York, Eastern District of New York, or District of New Jersey.
3. Respondents must provide specified information concerning Malets's location, detention, removal order, and immigration proceedings within two business days and must answer the petition within three business days; Malets may reply within ten business days unless the court orders otherwise.
4. The court found that appointment of pro bono counsel was appropriate and directed the Clerk to attempt to locate volunteer counsel, while recognizing that the court could request but not compel an attorney to serve.
5. In forma pauperis status is denied for any appeal from the order because the court certified under 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in good faith.

KEY QUOTATIONS

“[A] a federal court may temporarily enjoin immigration authorities from deporting individuals if it preserves the court’s jurisdiction over a case or cases.”

“The Court finds that the Hodge factors weigh in favor of seeking pro bono counsel for Petitioner.”

“The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal.”

FACTUAL BACKGROUND

Malets filed a habeas petition challenging circumstances related to his immigration detention while allegedly located in the Southern District of New York. He was incarcerated and proceeding with assistance from a next friend, which substantially limited his ability to investigate facts and present his case. The court characterized the detention-related issues as legally complex and treated preservation of its jurisdiction and Malets's participation in proceedings as requiring immediate interim measures.

PROCEDURAL HISTORY

On December 3, 2025, Yevhenii Malets filed a § 2241 habeas petition through next friend Roman Kravchina. The district court issued this December 4, 2025 order before adjudicating the merits of the petition, imposing interim protections and expedited briefing requirements.

DISPOSITION

other

CASES CITED

- Khalil v. Joyce, No. 25-CV-1935 (JMF), 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025)
- Du v. United States Dep't of Homeland Sec., No. 25-CV-0644 (OAW), 2025 WL 1317944, at *1 (D. Conn. Apr. 24, 2025)
- Perez y Perez v. Noem, No. 25-CV-4828 (DEH), 2025 WL 1908284, at *2-3 (S.D.N.Y. June 13, 2025)
- Arostegui-Maldonado v. Baltazar, No. 25-CV-2205 (WJM) (STV), 2025 WL 2280357, at *14-16 (D. Colo. Aug. 8, 2025)
- Oliveros v. Kaiser, No. 25-CV-7117 (BLF), 2025 WL 2677125, at *8-9, *11 (N.D. Cal. Sept. 18, 2025)
- Öztürk v. Hyde, 136 F.4th 382, 391-92 (2d Cir. 2025)
- Khalil v. Joyce, 771 F. Supp. 3d 268 (S.D.N.Y. 2025)
- Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986)
- Garcia v. USICE (Dept. of Homeland Sec.), 669 F.3d 91, 98-99 (2d Cir. 2012)
- Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296, 301 (1989)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)