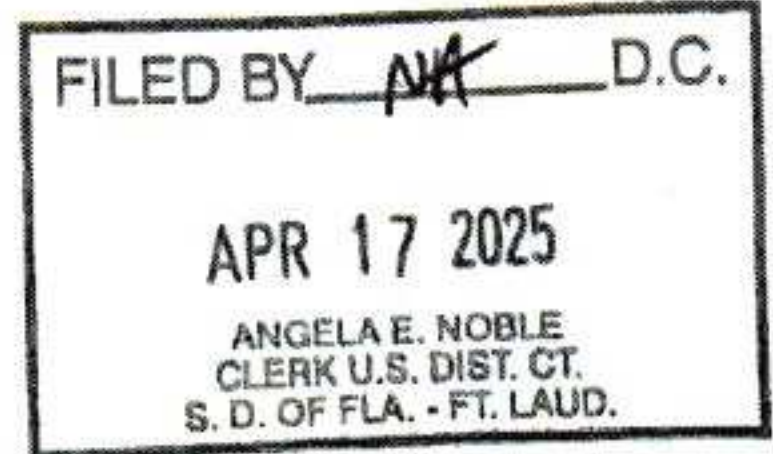


UNITED STATES DISTRICT COURT

for the Southern District of Florida



HURIYAT MAMAJONOVA

Petitioner

v.

GARRETT RIPA, *et al.*

Respondents

CASE NUMBER

0:25-cv-60242-DMM

Emergency Hearing Requested

PETITIONER'S EMERGENCY MOTION FOR SUMMARY JUDGMENT OR EVIDENTIARY HEARING.

Now comes the Petitioner and respectfully moves the Court to enter an Order, by April 21, 2025, granting her a Summary Judgment on her core habeas claims for an arrest without a warrant and probable cause as well as false imprisonment.

The Petitioner requests an urgent resolution of those claims, because she is scheduled to depart the United States on April 22, 2025 in order to get a proper treatment of her gallbladder disease, in the form of surgery, which she could not *do in this country*, because the Respondents refused to release her prior to that date and declined to provide her with that treatment, except for giving her medications.

Petitioner can not delay or reschedule her departure date, because such delay would cause her more physical pain incurring from that disease and violate the conditions of her "voluntary departure" by or on April 28, 2025, because the Respondents imposed a two week advance notice on the same, which was due on April 14, 2025, the day she filed her expedited motion for summary judgment.

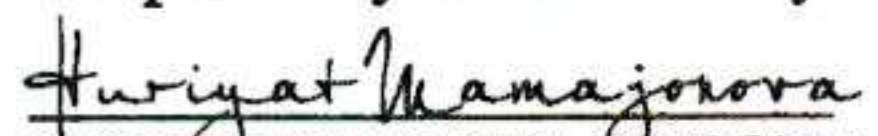
The Order should also direct the Respondents to release the Petitioner from their custody by 0800 hours on April 22, 2025, *unconditionally* and *without any supervision*, as part of her core habeas relief.

The Petitioner is already scheduled to depart the Respondents detention facility on that date, albeit under their direct supervision, pursuant to the immigration court's order and therefore this Court's order would not cause any disruption or inconvenience to the Respondents activities.

In the alternative, the Court should COMPEL discovery of documents the Petitioner requested from Respondents on March 10, 2025 and CONDUCT an emergency hearing in order to resolve any material issue of fact relating to the above mentioned claims. In support of her motion, the Petitioner submits the following statement and brief.

After reviewing the facts and researching applicable legal principles, I certify that this motion in fact presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an immediate ruling because the Court would not be able to provide meaningful relief to a critical, non-routine issue after the expiration of seven days. I understand that an unwarranted certification may lead to sanctions.

Respectfully submitted by


HURIYAT MAMAJONOVA

BRIEF IN SUPPORT OF THE MOTION.

I. QUESTION PRESENTED FOR A FACT FINDER.

1. Is it possible for two travellers to arrive at two different islands, which are Saint Thomas and Saint Kitts, which are one hundred and seventy five miles apart, without having any type of transportation, except for a cruise liner with a fixed itinerary, on the same day, that is November 12, 2024; then show up at three different immigration checkpoints, on three different occasions, without being inspected in two of them, without a valid reason?

II. STATEMENT OF FACTS.

1. On February 7, 2024 the Petitioner filed her verified complaint for the Writ of Habeas Corpus against the Respondents.¹ See ECF DE 1.

2. As a proof that she exhausted all administrative remedies, the Petitioner attached a copy of her Motion to Terminate Removal Proceedings ("MTT"). *Id.*

Attachment 1.

¹ ("[L]ongstanding practice confirms that in habeas challenges to present physical confinement ... the default rule is that the proper respondent is the warden of the facility where the prisoner is being held"); Wacker v. Bisson, 348 F.2d 602, 605 (5th Cir.1965). See also Reyes-Morales v. Wells - 766 F. Supp. 2d 1349, 1354 - District Court, Southern District of Georgia, 2011. "This approach remains "faithful to the Supreme Court's dictates in *Padilla* that the immediate custodian is the person with the ability to produce the party's body before the habeas court, while at the same time recognizing the reality that non-federal actors are poorly situated to defend federal interest in these situations." Accordingly, the Court should find "that the proper respondent to the Petition is the Director of the Miami Field Office for ICE." See Masingene v. Martin - 424 F. Supp. 3d 1298, 1303 - Dist. Court, SD Florida, 2020.

3. The immigration court scheduled a contested hearing on her MTT for March 28, 2025. See DE 12, Exhibit D, page 4 of 4.

4. On March 28, 2025 the immigration court conducted the scheduled hearing, where the Petitioner duly appeared and immigration judge read the allegations contained in the Government's Notice to Appear ("NTA"). See DE 16, Exhibit 1, Petitioner's Declaration.

5. When the immigration judge recited that part of the NTA where it alleged that Petitioner entered the country on November 12, 2024, the Petitioner immediately corrected him by stating that it was on November 13, instead. *Ibid.*

6. In response, the judge asked her who could confirm that fact. The Petitioner replied that it was Davronbek Buriev, who came along with her and was available to testify on her behalf, because he was also detained at the Broward Transitional Center.² *Ibid.*

7. The immigration judge did not do anything about her testimony, her invitation to depose Mr. Buriev or the rest of the evidence presented in her MTT, except for her photo taken at the port of entry, which he said was not dated. *Ibid.*

8. Then the immigration judge asked her what type of relief she would like to seek from that court from those he recited. *Ibid*

² See DE 16, Exhibit 2, Davron Buriev's Declaration.

9. The Petitioner chose a voluntary departure, because her physical, mental and dietary conditions would not allow her to stay confined at Broward Transitional Facility anymore and that was the only time she was eligible for such relief, because of her less than one year residency in the country.³ *See* 8 CFR § 1240.26. *Id.*

10. The immigration judge verbally approved her request and placed conditions on her departure, which, among others, was that she would get her passport back only upon her arrival to her home country. *Ibid*

11. That decision prompted a deportation officer, Vivian Delgado, to buy her a ticket home for April 15, 2025 and deny her request for a release from custody pending her approved voluntary departure. In addition to that, the officer stated that the Petitioner could depart the United States on a plane that flies to home country through Poland only. *Ibid.*

12. A recent inquiry made into the immigration court automated online system reveals that the immigration court approved the Petitioner's request for voluntary departure. However, it does not reflect the court's ruling on her MTT.⁴

13. The Petitioner waited for one week to receive it from that court, which if granted, would result in her immediate release from DHS custody and thereby administratively resolve a core issue in her habeas petition, before filing the instant motion. *Ibid.*

³ *See also* Exhibit below.

⁴ *See* DE 16, Exhibit 3 . Huriyat Mamajonova's Removal Case Status.

III. ARGUMENT.

A. PETITIONER HAS A BONA FIDE URGENCY IN ORDER TO FILE THE INSTANT MOTION.

“As several judges in this District have stated: Bona fide emergencies involve the health and safety of individuals, the impending departure of a witness with no plans to return to the jurisdiction, the imminent deportation of an individual to another country...”. *See Head Kandy, LLC v. McNeill - Case No. 23-CV-60345-BECERRA/STRAUSS*. -District Court, Southern District of Florida, April 9, 2024 (Order on Emergency Motion).

In this case, the Petitioner’s urgency involve all of the above conditions, because, as stated above, (a) her health does not allow her to be confined at BTC anymore (b) as a witness in her own case, she is scheduled to depart from this country with no plans to return to it because she does not have a U.S. visa ⁵ and (c) her voluntary departure is akin to deportation, because “[t]he best thing about voluntary departure might be gaining the dignity of arranging for your own departure, without having to travel under the control of immigration agents”,⁶ which does not seem to be the case here because the Petitioner can not arrange her own departure, because immigration agents do not want to release her or her passport from their custody and because they placed conditions on both her departure and arrival plans.

⁵ See e.g. ECF DE 12, Exhibit B.

⁶ See an article written by Ilona Bray, J.D. University of Washington School of Law, which is titled as Voluntary Departure vs. Deportation from the U.S.

B. PETITIONER IS ENTITLED FOR SUMMARY JUDGMENT.
1. LEGAL STANDARDS.

"As a general principle, Rule 56 of the Federal Rules of Civil Procedure, relating to summary judgment, applies with equal force in the context of habeas corpus cases." *Clark v. Johnson*, 202 F.3d 760, 764 (5th Cir. 2000). This principle is limited, however; Rule 56 applies insofar as it is consistent with established habeas practice and procedure. See *Smith v. Cockrell*, 311 F.3d 661, 668 (5th Cir. 2002) " See also *David Lee Ballard v. Lorie Davis* - Case 4:16-CV-2429 - District Court, Southern District of Texas, 2017

"The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed.R.Civ.P. 56(a). "Genuine disputes are those in which the evidence is such that a reasonable jury could return a verdict for the non-movant." "For factual issues to be considered genuine, they must have a real basis in the record." "For instance, mere conclusions and unsupported factual allegations are legally insufficient to defeat a summary judgment motion."

"Moreover, statements in affidavits that are based, in part, upon information and belief, cannot raise genuine issues of fact, and thus also cannot defeat a motion for summary judgment." *Id.* (internal citations omitted). See *Hodges v. Harrison* - 372 F. Supp. 3d 1342, 1346 - District Court, SD of Florida, February 8, 2019 (ORDER ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, HON. DONALD M. MIDDLEBROOKS, U.S. DISTRICT JUDGE).

"The movant "always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." When the moving party bears the burden of proof at trial, "the moving party must show that, on all the essential elements of its case on which it bears the burden of proof at trial, no reasonable jury could find for the nonmoving party." *Id. See also Valdes v. Accounts Receivable Resources, INC.*- 544 F. Supp. 3d 1313, 1318 - District Court, SD Florida, June 22, 2021.

For purposes of Motion for Summary Judgment, this Court should "rely on the Plaintiff's statement of undisputed facts for which there is supporting evidence in the record. "A party asserting that a fact cannot be or is genuinely disputed must support the assertion by citing to particular parts of materials in the record ... or showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." *See Hodges, supra*.

"Pursuant to the Local Rule, "[a]ll material facts set forth in the movant's statement filed and supported as required ... will be deemed admitted unless controverted by the opposing party's statement, provided that the Court finds that the movant's statement is supported by evidence in the record." *Id.*

Respondents' Response to this Court's Show Cause Order and thus, the Petitioner's Verified Complaint as well as her Motion to Terminate Removal Proceedings "failed to comply with applicable Federal Rules,⁷ Local Rules and law, rendering Plaintiff's Motion effectively unopposed.⁸ Therefore all facts set forth in the following analysis of Plaintiff's claims are deemed undisputed and/or admitted". *Id*

2. STATEMENT OF UNDISPUTED FACTS.

1. On November 13, 2024 at or about 1600 the Petitioner arrived at a Private Boat Pier located near a CBP facility in Cruz Bay, US Virgin Islands⁹ from Tortola, British Virgin Islands along with her husband (the undersigned Rakhmatulla Asatov) and his friend, Davronbek Buriev.¹⁰

2. Upon her arrival, she "presented herself for inspection" to CBP officers, who "checked her passport", allowed her to "walk through" the inspection facility and advised her to visit a USCIS facility located in Saint Thomas, USVI for "fingerprinting" purposes.¹¹

⁷ See e.g. F.R.C.P. 8(b)(1)(B) (a rule requiring the Respondents to admit or deny Petitioner's allegations asserted against them and apply it to their "background" story at ECF DE 12.)

⁸ See ECF DE 14, Petitioner's traverse, page 2.

⁹ See ECF DE 1, Attachment 1, MTT, Exhibit A.

¹⁰ *Id*, Exhibits B, C, D.

¹¹ *Id*, Appendix A, page 4 of 6. See also Appendices B, C.

3. After her inspection, she took a ferry to Red Hook Ferry Terminal located at Red Hook, Saint Thomas, U.S. Virgin Islands.¹²

4. After her arrival at Red Hook Ferry Terminal she, along with her husband and his friend, took a cab to a private Traveler X hotel located in downtown Charlotte-Amalie, Saint Thomas, USVI, where she stayed overnight.¹³

5. Next day, the Petitioner, along with her husband and his friend, went to visit a USCIS office located at 6783 Estate Smith Bay, Saint Thomas, USVI.¹⁴

6. When they went inside the USCIS building, they encountered a security officer, who told them that the USCIS does not accept anyone on a walking basis.¹⁵

7. The Petitioner and her company had nothing else to do, but to take pictures in front of that building in order to show that they followed the CBP officer's advice.¹⁶

8. Upon completion of their photocession, the company returned to downtown Charlotte-Amalie, where they took a walk.¹⁷

¹² *Id.*, Exhibit E.

¹³ *Id.*, Exhibit F.

¹⁴ *Id.*, Appendices B, C.

¹⁵ *Ibid.*

¹⁶ *Id.*, Exhibits G, H. See also DE 16, Exhibit 13, Davronbek Buriev's photo.

¹⁷ *Id.*, Exhibits H, J.

9. Next morning, on November 15, 2024 the Petitioner filed an online application for asylum and withholding of removal with USCIS.¹⁸

10. Once she received a confirmation of her application, she and her company decided to depart the U.S.V.I., because her husband needed to return to work as soon as possible.¹⁹

11. Next morning, the Petitioner along with her husband and his friend went to the Cyril E. King Airport in order to depart the U.S.V.I. However, because access to the airport was controlled by CBP booths located at its entrance and because the respondent and Davronbek Buriev did not have documents proving their legal status, they decided to clear the CBP booth before purchasing tickets.

12. When they went inside the airport they encountered a CBP officer, who told them to go to Blyden Ferry Terminal in order to make that clearance.²⁰

13. When they went to that ferry terminal, Chief CBP Officer Wilbert Smith invited them to come inside his station through its backdoor. Then Smith placed them inside a cell and started questioning the Petitioner's legal status.²¹

¹⁸ *Id.*, Exhibit K.

¹⁹ *Id.*, Appendices B, C.

²⁰ *Ibid.*

²¹ *Ibid.*

14. When her husband attempted to explain to him that she and Davronbek Buriev were asylum seekers, who were lawfully admitted into the country by CBP Officer Zammot, then Smith declined to hear that type of explanation, because he considered them to be illegal in the country, because he said he saw a video²² showing that a boat captain dropped them off at another part of the port and threatened to deport them if her husband continued to debate the matter with him furthermore.²³

15. In response, the Petitioner's husband challenged Officer Smith's authority to deport them. As a result, he was ordered to leave the building.²⁴

16. After that, CBP Officer Small started her removal proceeding by placing her under oath and interrogating her about the circumstances of her arrival. During his interrogation, he also accused her of being illegal in the country.²⁵

17. In the meantime, her husband returned to the CBP station and showed Officer Smith a screenshot of a provision of the federal statute authorizing her to enter the country in any status. Then Smith looked at the screenshot, acknowledged his familiarity with its content, but did not do anything about it.²⁶

18. At the end of the day, the CBP officers placed her under arrest and sent her and Davronbek Buriev to the airport for further removal procedure.

²² The same video that Respondents withheld from discovery. See DE 14, last page

²³ *Ibid.* See also DE 16, Exhibit 2.

²⁴ *Ibid*

²⁵ *Id.*, Appendix A.

²⁶ *Id.*, a Joint Request for Review that the Petitioner filed in her Bond Hearing.

19. At the airport, they were placed in a freezing cell and were given a cot to sleep on, but no blanket to cover themselves or edible food to eat. They spent three days in these inhumane conditions before being sent to Miami, Florida.²⁷

20. On January 2, 2025, that is forty five days after her arrest, the Government determined that the Respondent was “an arriving alien” and charged her with an inadmissibility under INA § 212(a)(7).²⁸

3. STATEMENT OF SUPPLEMENTAL FACTS.

21. On or about September 24, 2024 Petitioner’s husband purchased two tickets on a closed loop cruise from and to Bridgetown, Barbados.²⁹

22. On November 5, 2024 the Petitioner boarded a plane that was bound to Bridgetown, Barbados.³⁰

23. Three days later, Petitioner and her company boarded a cruise ship in Bridgetown, Barbados.³¹

24. On November 12, 2024 the Petitioner and her company arrived in Saint Kitts,³² which is one hundred seventy five miles away from Saint Thomas.³³

²⁷ *Id*, Appendices B, C.

²⁸ *Id*, Appendix D.

²⁹ *See* DE 16, Exhibit 4 showing cruise tickets with the cruise itinerary.

³⁰ *See* DE 16, Exhibit 5 showing boarding passes.

³¹ *See* DE 16, Exhibit 6 showing Petitioner’s photo at cruise ship in Barbados.

³² *See* DE 16 Exhibit 7 showing Petitioner’s photos at Saint Kitts Pier.

³³ *See* DE 16, Exhibit 8 showing the distance between the islands of Saint Thomas and Saint Kitts.

25. On November 13, 2024 at 0500 hours the Petitioner and her company arrived in Road Town, British Virgin Islands.³⁴

26. Later on, Petitioner and her company departed the cruise liner and did not come back to it.³⁵

27. On the same day at or about 1600 hours the Petitioner and her company arrived in Cruz Bay Port in Saint John, USVI.³⁶

28. That port is designated to be a "port of entry" by the Department of Homeland Security.³⁷

29. Next day, the Petitioner and her company visited Saint Thomas, VI.³⁸

30. On February 22, 2025 the Respondents alleged that Davronbek Buriev entered the United States on November 16, 2025 without inspection.³⁹

31. Last week, Officer Vivian Delgado informed the Petitioner that she had to give her a two week advance notice for her scheduled departure date. Petitioner immediately bought the ticket.⁴⁰ However, she is unsure when she would actually be allowed to depart.

³⁴ See DE 16, Exhibit 9 showing Petitioner's photo at cruise ship in BVI

³⁵ See DE 16, Exhibit 10 showing a cruise counsellor's report of their departure.

³⁶ See DE 16, Exhibit 11 showing Petitioner's photo with its time and date.

³⁷ See DE 16, Exhibit 12 showing a webpage from DHS website.

³⁸ See DE 16, Exhibit 13 showing Petitioner's photo with its date and location.

³⁹ See DE 16, Exhibit 14, Respondents Notice to Appear dated February 22, 2025 and compared it to a Declaration made by Shawn Brady at DE 12, Exhibit G..

⁴⁰ See DE 16, Exhibit 15. Plane ticket.

C. PETITIONER IS ENTITLED FOR IMMEDIATE RELEASE.

The United States Government arrested the Petitioner in the U.S. Virgin Islands and flew her to a Broward Transitional Center in Florida, where she has been detained for 150 days and counting. To this day, the Government has cited no basis in law for the Petitioner's warrantless arrest, her removal to Florida, or her confinement in the Floridian prison. Nor could it. The Government is bound by provisions of 8 U.S.C. § 1226 that governs the apprehension and detention of aliens as well Title 14 V.I. Code 1051 that expressly prohibits the Petitioner's removal from those islands without any authority or her consent. The Government has not challenged the applicability of those laws.

Instead of hastening to correct its egregious conduct, the Government claimed that it followed the "expedited removal statute",⁴¹ which is a neighboring section of the 8 U.S.C. § 1226. As a consequence, the Respondents suggested for this Court to leave the Petitioner, a woman without a criminal record, in the Floridian prison for no reason recognized by the law.

The only argument the Respondents offered to support their suggestion, that this Court cannot grant any relief once the Government issues its expedited removal order⁴² is without merit, because that order had been "vacated" one month before the Petitioner brought this action. See DE 1-1, Appendix D - DHS Form I - 862, Notice to Appear, a checkbox for Section 235(b)(1) order.

⁴¹ See DE 14, Respondents Response at page 3.

⁴² *Ibid.*

The Government's argument, moreover, implies that it could arrest and incarcerate any person, including a U.S. Citizen,⁴³ without legal consequence, so long as it does so before a court can intervene. *See e.g. Trump v. J. G. G.*, 604 U. S. ___, ___ (2025) (SOTOMAYOR, J., dissenting) (slip op., at 8). That view refutes itself. *See Noem v. Garcia* - No. 24A949 - Supreme Court, 2025 (Statement of JUSTICE SOTOMAYOR, with whom JUSTICE KAGAN and JUSTICE JACKSON join).

Nevertheless, the three Justices agreed with the Court that apart from constitutional due process "Federal law governing detention and removal of immigrants continues, of course, to be binding as well. See 8 U. S. C. §1226(a) (requiring a warrant before a noncitizen "may be arrested and detained pending a decision" on removal); 8 CFR §287.8(c)(2)(ii) (2024) (requiring same)." *Ibid.*

Moreover, it has been the Government's own "Guidelines for the Enforcement of Civil Immigration Law", which stipulate, in Part III, that "A noncitizen's exercise of their First Amendment rights should never be a factor in deciding to take enforcement action", which the Respondents failed to address as well. "That silence is telling." The Respondents will sooner or later acknowledge, they had no legal authority to arrest the Petitioner, no justification to detain her, and no grounds to send her to a prison. *Abrego Garcia v. Noem* - Civil Action No. 8:25-cv-00951-PX - Dist. Court, D. Maryland, April 8, 2025.

⁴³ *See Lyttle v. US* -867 F. Supp. 2d 1256 - Dist. Court, MD Georgia 2012

Finally, “Preiser v. Rodriguez, 411 U. S. 475 (1973), and the cases that follow it hold that Congress, in enacting § 1983, preserved the habeas corpus statute as the sole authorization for challenges to allegedly unlawful confinement. *Id.*, at 489-490. At the time of § 1983's adoption, the federal habeas statute mirrored the common-law writ of habeas corpus, in that it authorized a single form of relief: the prisoner's immediate release from custody. See Act of Feb. 5, 1867, § 1, 14 Stat. 386.

Congress shortly thereafter amended the statute, authorizing federal habeas courts to “dispose of the party as law and justice require,” Rev. Stat. § 761. The statute reads virtually the same today, 28 U. S. C. § 2243 (“dispose of the matter as law and justice require”). We have interpreted this broader remedial language to permit relief short of release. For example, when a habeas petitioner challenges only one of several consecutive sentences, the court may invalidate the challenged sentence even though the prisoner remains in custody to serve the others. It is one thing to say that permissible habeas relief, as our cases interpret the statute, includes ordering a “quantum change in the level of custody,” such as release from incarceration to parole. It is quite another to say that the habeas statute authorizes federal courts to order relief that neither terminates custody, accelerates the future date of release from custody, nor reduces the level of custody. “ Internal citations omitted. See *Wilkinson v. Dotson* - 544 US 74, 85, 86 - Supreme Court, 2005 (concurring opinion of Justice Scalia).

According to the Respondents repeated reference to a bond hearing,⁴⁴ that is what Respondents would like to seek from this Court. That remedy may or may not result in release due to an amount that the Respondents may impose, which the Petitioner may or may not be able to post due to her indigency.⁴⁵ If granted, "this sort of judicial immersion in the administration of discretionary [action] would utterly sever the writ from its common-law roots." *Id.*

This is especially true given the circumstances of this case, where the Petitioner is constrained by the immigration court's order and her illness, which would not allow her to wait for a prolonged release procedure that took place in *Thomas v. Searls* - 515 F. Supp. 3d 34, 35 - District Court, WD New York, 2021.

D. PETITIONER IS ENTITLED TO RECEIVE DISCOVERY.

"A party seeking discovery may move for an order compelling [a] . . . production . . . [if] a party fails to produce documents . . . as requested." Fed. R. Civ. P. 37." *See Goodman v. Security Mutual Life Insurance Company of New York* - Case No. 16-cv-81742-MIDDLEBROOKS - District Court, SD of Florida, 2017.

On March 10, 2025 the Petitioner served the Respondents with a discovery request. *See* DE 14, page 14. Respondents failed to acknowledge, let alone resisting the same. Thus, the Respondents failed to bear their burden of showing the grounds for their objection. *Id.* Therefore, the Court should compel the production of requested documents within two days of this request. *Id.*

⁴⁴ *Id* at footnote 3.

⁴⁵ *See* DE 9, an affidavit in support of her motion for appointment of counsel.

IV. CONCLUSION.

The Court should conclude, as it did at the final judgment stage of *Hodges* proceedings, that the legal conclusions it would reach in this case pertain to legal theories that are somewhat novel.⁴⁶ Because its Order would arise within the context of the Petitioner's Motion to Terminate Removal Proceedings, which is effectively un rebutted by the Defendants, the Court's conclusions would necessarily be based upon Petitioner's one-sided submissions to the Court, without the benefit of any meaningful adversarial process. *Id.*, at 1347.

WHEREFORE, the Petitioner hereby reiterates and fully incorporates an ARGUMENT made in her MTT⁴⁷ and respectfully asks the Court to apply it to this case for the purpose of resolving her habeas petition.

ALTERNATIVELY, the Court "should order an evidentiary hearing and rule on the merits of [her] claim." *Holmes v. United States* - 876 F.2d 1545, 1552 - 11th Cir., 1989 (quoting *Slicker v. Wainwright*- 809 F.2d 768, 770 - 11th Cir.1987; see also *United States v. Yizar* - 956 F.2d 230, 234 - 11th Cir., 1992 (district court must hold an evidentiary hearing where court cannot state conclusively that the facts alleged by petitioner, taken as true, would present no ground for relief). Moreover, the court should construe a habeas petition filed by a pro se litigant more liberally than one filed by an attorney." Internal citations omitted. See *Aron v. US* - 291 F.3d 708, 715 - Court of Appeals, 11th Circuit 2002.

⁴⁶ See DE 16, Exh. 16, AIC Practice Advisory on Inspection, Entry and Admission.

⁴⁷ See DE 1, Attachment 1, MTT, pages 7-17.

Petitioner had plainly alleged facts regarding her lawful entry and illegal arrest that would entitle her to relief in the form of immediate release from confinement. Her allegations are not contradicted by the record.⁴⁸ Therefore, the Court should use its discretion in order to hold an evidentiary hearing. *Ibid.*

Respectfully submitted by

Huriyat Mamajonova
HURIYAT MAMAJONOVA

CERTIFICATE OF SERVICE.

I, the undersigned, certify that I served or caused to be served the foregoing motion by emailing its copy to the following recipient on April 17, 2025.

Brett R. Geiger
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Counsel for Respondents.

Respectfully submitted by

Huriyat Mamajonova
HURIYAT MAMAJONOVA

⁴⁸ The evidence that Respondents presented in the form of a Declaration of Deportation Officer Vivian Delgado, see ECF DE 12, Exhibit D, is also inadmissible, because it is a multiple hearsay. See *United States v. Robinson* - 239 F. App'x 507, 508 - 11th Cir. 2007. See also *Parker v. US Attorney General* - Case No. 23-cv-21388-BLOOM - District Court, Southern District of Florida, 2025.