

**U.S. DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

(1) Kamronbek Nigmatov,	)	
	)	
Petitioner,	)	
-vs.-	)	Case No. CIV-25-1515-SLP
	)	
(1) Kristi Noem, Secretary, U.S.	)	
Department of Homeland Security,	)	
in her official capacity, et al.	)	
	)	
Respondents.	)	

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Kamronbek Nigmatov, by and through counsel, respectfully submits this Reply to the Respondents' Response in Opposition to the Petition for Writ of Habeas Corpus. Respondents' reliance on a recently adopted agency interpretation of 8 U.S.C. § 1225(b)(2)(A) fails as a matter of law because it ignores the specific statutory protections afforded to Special Immigrant Juveniles (SIJs) and misapplies the mandatory detention framework to an individual who has already entered and resided within the interior of the United States.

I. ARGUMENT

**A. Respondents' Interpretation of § 1225(b)(2)(A) Violates the Plain
Language and Structure of the INA**

Respondents contend that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) simply because he is an "applicant for admission." This

interpretation is overbroad and ignores the distinction between "arriving aliens" at a port of entry and noncitizens apprehended in the interior.

The "Arriving" Limitation: While Respondents argue that § 1225(b)(2)(A) lacks an express "arriving" limitation, the statutory context of § 1225—titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing"—demonstrates that it was intended to govern the border-entry process. *See Rodriguez Vazquez v. Bostock*, 2025 WL 1193850, at *12 (W.D. Wash. Apr. 24, 2025) (preliminary injunction order).

The Default Authority of § 1226(a): Respondents' attempt to retroactively apply § 1225(b)(2)(A) to an individual already placed in § 1229a proceedings via § 1226(a) is an ultra vires shift in policy that contradicts decades of agency practice. *See Gomes v. Hyde*, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

Respondents' reading would effectively collapse § 1226(a) into § 1225(b), contrary to the INA's graduated detention framework.

B. SIJ Status Confers Statutory and Constitutional Protections Relevant to Detention

Respondents dismiss Petitioner's SIJ status as irrelevant to the detention inquiry. This is a legal error. Congress intended SIJs to be "wards of the United States" with a clear pathway to Lawful Permanent Residency (LPR). *Osorio-Martínez v. Attorney General*, 893 F.3d 153, 168 (3d Cir. 2018).

Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025), does not foreclose habeas relief here. As an administrative decision, it cannot adjudicate constitutional claims or strip district courts of habeas jurisdiction. Nor did the Board consider the

distinct statutory posture of Special Immigrant Juveniles, whose presence in the United States is expressly protected by Congress pending adjustment. To the extent *Yajure Hurtado* adopts the Department of Homeland Security's interpretation of § 1225(b)(2)(A), that interpretation remains subject to judicial review. Mandatory detention under § 1225(b)(2)(A), without individualized review, undermines the statutory posture Congress created for SIJ beneficiaries and frustrates their ability to pursue adjustment as Congress intended and does so in a way Congress plainly did not contemplate.

Due Process Interests: As an approved SIJ with deferred action, Petitioner possesses a "protected liberty interest" in remaining in the U.S. to finalize his adjustment. *Osorio-Martínez*, 893 F.3d at 170-72. Detention without a bond hearing violates due process, including under traditional *Mathews v. Eldridge* principles, given the substantial private interest, minimal governmental burden, and high risk of erroneous deprivation. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Where detention operates to nullify congressionally conferred SIJ protections and foreclose adjustment as a matter of law, due process requires at least an individualized custody determination if not release from detention.

C. This Court Retains Jurisdiction to Review Unlawful Detention

Respondents' invocation of 8 U.S.C. § 1252(g) and § 1252(b)(9) is misplaced. Petitioner does not challenge the decision to commence removal proceedings, but rather the legal authority for his ongoing detention without a bond hearing. The Supreme Court has consistently held that district courts maintain habeas jurisdiction under 28 U.S.C. § 2241 to review the legality of detention. *See Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. CONCLUSION

Respondents' "Interim Guidance" and the BIA's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), cannot override the clear statutory framework of the INA or the constitutional requirements of Due Process. Petitioner is entitled to release or, at minimum, an individualized and prompt bond hearing as a matter of constitutional due process.

s/Steven F. Langer

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CERTIFICATE OF SERVICE

I certify that on the date below, I served this Reply to counsel of record for

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Dated this 31st day of December 2025.

s/Steven F. Langer

STEVEN F. LANGER