

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

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

PETITIONER’S OBJECTIONS TO THE REPORT AND RECOMMENDATION

Petitioner objects to the Report and Recommendation (“R&R”) entered January 29, 2026. 28 U.S.C. § 636(b)(1). The R&R incompletely addresses the statutory implications of Special Immigrant Juvenile (“SIJ”) status and declines to resolve serious constitutional violations. Under de novo review, the Court must independently determine whether the R&R’s application of 8 U.S.C. §§ 1225 and 1226 conflicts with statutory text, congressional intent, and constitutional due-process requirements. The Court should adopt the R&R’s statutory conclusions, supplement the analysis to address the constitutional violations, and grant appropriate habeas relief.

On January 29, 2026, the Immigration Judge ordered Petitioner removed. Petitioner is pursuing appellate review before the Board of Immigration Appeals, and the removal order is therefore not final. Petitioner remains detained. This development does not moot the issues presented in these objections. Because administrative review is ongoing, detention continues to arise under 8 U.S.C. § 1226 rather than § 1231, and the

Court retains jurisdiction to resolve the legality of Petitioner's custody and the constitutional violations identified below. Petitioner provides this update to ensure the Court has a complete procedural record.

I. SIJ STATUS IS LEGALLY RELEVANT TO DETENTION

The R&R acknowledges that USCIS granted Petitioner SIJ status and deferred action on December 2, 2024. R&R at 3. It then treats that status as irrelevant to the detention classification analysis. That is error.

Congress created SIJ classification to protect abused, abandoned, or neglected children. 8 U.S.C. § 1101(a)(27)(J). Congress also required that SIJs be eligible to adjust status from within the United States. 8 U.S.C. § 1255(h). Reading § 1225 to authorize detention of individuals who have already obtained SIJ classification would effectively nullify the statutory protections Congress afforded to abused and neglected minors under § 1101(a)(27)(J). The Supreme Court disfavors interpretations that render statutes inoperative. *Morton v. Mancari*, 417 U.S. 535, 551 (1974). Statutes must be harmonized. *Morton*, 417 U.S. at 551. The R&R's construction allows DHS to override the SIJ framework by detention alone. Congress did not authorize that result.

Congress designed the SIJ framework to provide a humanitarian remedy for juveniles present in the United States, not persons applying from abroad. Detention under § 1225(b)(2) therefore conflicts with the statutory protection of physical presence required by § 1255(h)(1).

II. “APPLICANT FOR ADMISSION” IS NOT THE SAME AS “SEEKING ADMISSION”

Section 1225(b)(2)(A) applies only if the noncitizen is both an “applicant for admission” and “seeking admission.” The R&R treats these terms as interchangeable. They are not. Congress used both phrases. Each must mean something different. *Fuller v. Norton*, 86 F.3d 1016, 1024 (10th Cir. 1996). An SIJ recipient with an approved immigrant classification and statutory eligibility to adjust is not “seeking admission” at the border. He is pursuing lawful status from within the United States. Section 1225 does not apply.

III. SIJ STATUS CREATES A PROTECTED LIBERTY INTEREST

SIJ recipients with deferred action have a protected liberty interest in remaining in the United States to pursue adjustment. *Osorio-Martínez v. Att’y Gen.*, 893 F.3d 153, 170–72 (3d Cir. 2018).

The R&R does not address this authority. Because Petitioner possessed SIJ status and deferred action when detained, his incarceration without individualized review violates due process. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

IV. USCIS TERMINATED DEFERRED ACTION WITHOUT PROCESS

On January 28, 2026, USCIS terminated Petitioner’s deferred action without notice, hearing, or explanation. See Ex. 2. This occurred while Petitioner was detained and while this habeas action was pending. This action materially altered Petitioner’s custodial posture and ability to seek release, establishing concrete prejudice beyond procedural irregularity.

That termination extinguished a protected liberty interest without any process. It violates the Fifth Amendment and the Administrative Procedure Act. 5 U.S.C. §§ 706(2)(A), (D).

The timing shows that DHS and USCIS acted to retroactively justify detention and defeat habeas relief. Agencies may not nullify statutory protections mid-litigation to evade judicial review. *INS v. St. Cyr*, 533 U.S. 289 (2001).

V. MATTER OF YAJURE HURTADO DOES NOT CONTROL

The R&R relies on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). But administrative decisions cannot resolve constitutional claims or eliminate habeas jurisdiction. *Boumediene v. Bush*, 553 U.S. 723 (2008).

Deference cannot override statutory text or constitutional guarantees.

USCIS's termination of Petitioner's deferred action also violates the *Accardi* doctrine, which requires agencies to follow their own regulations before taking adverse action. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). USCIS regulations require notice, an opportunity to respond, and a reasoned explanation before rescinding deferred action. See, e.g., 8 C.F.R. §§ 103.2(b)(8), (16); 274a.14(b). USCIS provided none. The termination was therefore ultra vires and void, independent of any constitutional defect.

VI. THE COURT SHOULD REACH PETITIONER'S DUE PROCESS CLAIMS

Although the Report and Recommendation recommends statutory relief, declining to reach the constitutional claims is inappropriate where those claims independently affect the legality of detention and the scope of available remedies.

Federal courts retain discretion to address constitutional violations where:

- the injury is ongoing,
- agency conduct is capable of repetition,
- or statutory interpretation alone cannot fully redress the harm. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

Here, the constitutional violations are not cured by a bond hearing because:

1. USCIS terminated deferred action without notice or process during litigation;
2. Petitioner's protected liberty interest in SIJ-based presence was extinguished without procedural safeguards; and
3. These actions affected the conditions and duration of confinement independent of statutory detention authority.

Where government conduct independently violates due process, courts routinely adjudicate constitutional claims even when statutory relief is granted. *See Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

Accordingly, de novo review should include consideration of Petitioner's due-process claims to ensure complete relief and preserve meaningful judicial oversight of agency conduct. This is particularly appropriate where agency conduct occurred during the pendency of habeas review.

VII. THE COURT SHOULD ORDER RELEASE OR PROVIDE A FEDERAL REMEDY

Remand to EOIR will not cure the constitutional injury. Post-habeas bond hearings rely on the same framework already found unlawful. Where agency process is structurally inadequate, the Court may fashion its own remedy. *Boumediene*, 553 U.S. at 779; *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

A. Immediate Release

Petitioner has no criminal history, strong family ties, and years of U.S. residence. Courts have ordered immediate release where unlawful detention caused petitioners to “sit in jail waiting for a judicial decision.” *Moctezuma v. Henkey*, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026); *Santiago v. Noem*, 2025 WL 2792588, at *13–14 (W.D. Tex. Oct. 2, 2025).

B. Federal Custody Hearing

This Court may conduct its own custody hearing and require the Government to justify detention by clear and convincing evidence. *L.G.M. v. LaRocco*, 788 F. Supp. 3d 401, 405–07 (E.D.N.Y. 2025).

C. Minimum Safeguards

If the Court orders an IJ bond hearing, it should require:

1. DHS to prove danger or flight risk by clear and convincing evidence.
2. Retention of jurisdiction to review compliance.
3. No automatic stay under 8 C.F.R. § 1003.19(i)(2). *Gutierrez v. Thompson*, 2025 WL 3187521, at *8 (S.D. Tex. Nov. 14, 2025).

Alternatively, the Court should retain jurisdiction pending completion of any ordered custody proceedings.

CONCLUSION

For these reasons, the Court should adopt the R&R's statutory holding, address the constitutional deficiencies identified above, and grant appropriate habeas relief.

s/Steven F. Langer

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CERTIFICATE OF SERVICE

I certify that on the date below, I served this PETITIONER'S OBJECTIONS TO THE REPORT AND RECOMMENDATION to counsel of record for Respondents through the CM/ECF system:

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Dated this 5th day of February 2026.

s/Steven F. Langer

STEVEN F. LANGER