

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

KAMRONBEK NIGMATOV,	)	
Petitioner,	)	
	)	
vs.	)	CASE NO. CIV-25-1515-SLP
	)	
KRISTI NOEM, et al.,	)	
Respondents.	)	

SUPPLEMENTAL BRIEF

In the Court’s Order (Doc. 14) dated February 6, 2026, the Court notified the parties that they may file an optional brief in response to Objections then on file on or before February 11, 2026. On February 5, 2026, Petitioner filed his Objections to the Report and Recommendation (“R&R”) of the Honorable Suzanne Mitchell (“Objections”) (Doc. 12), and on February 9, 2026, Petitioner filed his Response to Respondents’ Objection to R&R (“Response”) (Doc. 15). Respondents now file this supplemental response to briefly address collateral arguments raised in both Petitioner’s Objections and his Response.

At its core, Petitioner raises a straight-forward narrow question: whether he should be regarded as detained under 8 U.S.C. § 1226 such that he is entitled to a bond hearing, rather than 8 U.S.C. § 1225(b)(2)(A) under which he is now held. *See* Pet. (Doc. 1), at ¶¶ 15, 21-22, pg. 29 at (d). This question fits hand-in-glove with the vehicle through which Petitioner raises his arguments—a Petition for Writ of Habeas Corpus. *See id.* Indeed, 28 U.S.C. § 2241(c)(1), (3)—the jurisdictional provisions he invokes—provide that the writ of habeas corpus extends to prisoners who are “in custody under or by color of the authority of the United States or [are] committed for trial before some court thereof” or are “in

custody in violation of the Constitution or laws or treaties of the United States.” In either case, a petition for writ of habeas corpus is a request to be freed from unlawful detention—it is not an opportunity for kitchen sink disagreements regarding substantive law. *See Walker v. Wainwright*, 390 U.S. 335, 336 (1968) (“the great and central office of the writ of habeas corpus is to test the legality of a prisoner’s current detention”); *see also Basri v. Barr*, 469 F. Supp. 3d 1063, 1066-67 (D. Colo. 2020).

On the latter point, in fact, Petitioner’s mid-stream amendments urging this Court to address the termination of his deferred action are both collateral to the core issue and dovetail into the very jurisdictional prohibitions Respondents have already presented to this Court. *See* Objections at 3-4 (discussing termination or cancellation of deferred action), 4 (contending this *post*-Petition change in circumstances violates the *Accardi* doctrine); Response at 1 (“Petitioner writes only to address a material development”). At its nub, Petitioner contends that because Petitioner’s deferred action was terminated, “the Court must evaluate . . . the legality of Petitioner’s detention; the constitutional interests implicated by that detention; and the appropriate form of habeas relief.” Response at 2. That is, despite filing a Petition for Writ of Habeas Corpus and asserting jurisdiction on those grounds, Petitioner now asserts that “the constitutional violations are not cured by a bond hearing,” Objection at 5, and seeks entirely distinct relief. This is problematic given that Petitioner asks, in essence, to refile his claim via post-R&R briefing to include claims that this Court cannot review based on the jurisdictional arguments already on file.

As has been briefed, the INA provides that claims related to removal orders are to be presented to the appropriate court of appeals through a petition for review. § 1252(a)(5). Review of a final order includes review of “all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States.” *Id.* § 1252(b)(9) (emphasis added).

Congress also limited what types of claims district courts can review. Specifically, § 1252(g) states that, except as otherwise provided in Section 1252, courts lack jurisdiction to consider “any cause or claim by or on behalf of any alien arising from the decision or action by [DHS] to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.” (emphasis added). The bar on considering the commencement of proceedings includes a bar on considering challenges to the basis on which DHS chooses to commence removal proceedings. *See Alvarez v. U.S. Immigr. & Customs Enf’t*, 818 F.3d 1194, 1203 (11th Cir. 2016).

Accordingly, Congress—in sections 1252(a)(5) and (b)(9)—provided noncitizens with a vehicle to challenge the basis on which ICE seeks to detain and remove them in the court of appeals; but Congress also—in sections 1252(b)(9) and (g)—deprived district courts of jurisdiction to review a noncitizen’s challenge to DHS’s decision about the basis of removal proceedings.

Indisputably, Petitioner is asking the court to review DHS’s actions. Indeed, he calls upon the court to conduct a de novo review of, what appears to be, the termination of his

deferred action and his bond hearing, and for the Court itself to order Petitioner released on his own recognizance. Response at 4. Petitioner’s invitation to the Court goes well beyond the Petition for Writ of Habeas Corpus and its concern with mere detention, and instead invites the Court into the Tenth Circuit’s review of collateral issues about removability. The Court should decline that invitation.

Finally, as to the core issue, Petitioner’s status as a Special Immigrant Juvenile (“SIJ”) has no bearing on that determination, regardless of Petitioner’s protestations otherwise. Strikingly, Petitioner cites no authority to support a suggestion that SIJ status otherwise changes the Court’s analysis in this 1225/1226 case. *See* Pet. at ¶ 87; Objections at 2 (generally addressing the statutory interpretation question and arguing that SIJ status must be harmonized with this statute but citing no recent, relevant authority in support of that contention). Rather, the analysis bottoms out on the same statutory interpretation questions already before the Court. *See F.R.R. v. Rodriguez*, No. SA-25-CA-01564-XR, 2025 WL 3654266 (W.D. Tex. Dec. 5, 2025) (considering SIJ status in the context of a statutory interpretation of 1225/1226); *Del Cid v. Bondi*, No. 3:25-cv-00304, 2025 WL 2985150 (W.D. Penn. Oct. 23, 2025) (same).¹ The Honorable Chris Stephens has opined

¹ Interestingly, Petitioner heavily relies on *Osorio-Martinez v. Atty’s General*, 893 F.3d 153 (3d Cir. 2018), an out-of-circuit opinion upon which he seemingly contends that his SIJ status gives him protected liberty interests in this proceeding that must be taken into account and “harmonized” with 1225/1226. *See* Petition at ¶¶ 9, 51; Objections at 3. But the *Del Cid* court—a district court within the Third Circuit that decided *Osorio-Martinez*—addressed it at length and found, based on a later 2023 Third Circuit opinion, that 1225 and 1226 were germane to the issue and that SIJ status alone does not prevent the Government from affecting removal or otherwise the analysis. 2025 WL 2985150 at *3-4.

as much in a recent R&R in an equivalent case. *See Oxlaj v. Noem*, Case 5:25-cv-1466-PRW (W.D. Okla. Dec. 31, 2025), R&R (Doc. 10), at 15-16.

In short, the issues Petitioner raises in his Objection and Response do not belong in this habeas action (the relief prayed for having already been recommended in the R&R), and are jurisdictionally barred based on the arguments already on file in this case. Without waiving their arguments, Respondents understand from this Court's prior ruling how it will likely resolve the statutory interpretation question originally presented such that the Court need not venture into the new, jurisdictionally-barred territory Petitioner presents.²

Dated: February 11, 2026

Respectfully Submitted,

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² If the Court is, however, inclined to entertain one of Petitioner's new arguments rather than the fully-briefed arguments now before the Court, Respondents ask that Petitioner be directed to identify which arguments bear on his detention and release and then give Respondents sufficient time to fully brief and address those new, identified arguments.