

WESTERN DISTRICT OF TEXAS
UNITED STATES COURT

FILED

MAR 19 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

Magomed Soltakhanov



Petitioner,

v.

Case No. EP-26-CV-00168-DCG

Pamela Bondi, Attorney General, et al.,

Respondents.

REDACTED PETITION

INTRODUCTION

1. Petitioner MAGOMED SOLTAKHANOV is a citizen and native of the Russian Federation who has been held in immigration detention at the El Paso Service Processing Center (“ESPC”) in El Paso, Texas. Petitioner’s detention has become arbitrary, punitive, and constitutionally unlawful, and violates both statutory and constitutional limitations on federal civil detention.

2. As detailed below, Petitioner suffers from significant mental health deterioration, acute anxiety, depression, sleep disturbance, and physical decline, all of which have been exacerbated by his prolonged imprisonment in a facility ill-equipped to address his worsening medical and psychiatric needs. Absent intervention from this Court, Petitioner faces continued unlawful detention, further deterioration of his health, and irreparable harm.

3. Petitioner therefore respectfully asks this Court to find that his continued civil detention violates the U.S. Constitution, the Immigration Nationality Act, and binding judicial precedent, and to order his immediate release, or, in the alternative, to order Respondents to

provide a constitutionally adequate bond hearing before a neutral adjudicator where the government bears the burden of proving by clear and convincing evidence that continued confinement is justified.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, because Petitioner challenges the legality of his federal civil detention; under 28 U.S.C. § 1331, because the case arises under federal law; and under the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. Habeas corpus remains available to those in immigration custody who challenge the lawfulness of detention. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001).

3. This Court may grant relief under the habeas corpus statutes, the Declaratory Judgment Act, 28 U.S.C. § 2201, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

1. Venue is proper in the Western District of Texas because Petitioner is detained at ESPC in El Paso, Texas, within this District.

2. Venue is proper in this District because the Respondents—the parties with immediate custody over Petitioner—are subject to this District’s personal jurisdiction. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

1. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

2. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

1. Petitioner MAGOMED SOLTAKHANOV is a citizen and native of the Russian Federation who is currently detained at the El Paso Service Processing Center in El Paso, Texas. He is in the physical custody of Respondents and under their direct control. Petitioner has been detained by ICE following his apprehension by immigration authorities. Petitioner has no criminal history in the United States, has longstanding ties to his community, and has diligently pursued all forms of relief available to him under the Immigration and Nationality Act. Petitioner remains in indefinite detention without a constitutionally adequate custody review or any meaningful opportunity to seek release.

2. Respondent KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security (“DHS”), oversees Immigration and Customs Enforcement

("ICE") and the Customs and Border Protection ("CBP") and is responsible for the implementation and enforcement of immigration laws, including detention authority. She is a legal custodian of the Petitioner. Respondent Secretary has ultimate authority over the agency's detention operations and policies, including the statutory and regulatory framework that governs Petitioner's continued confinement. Respondent Secretary has the power to order Petitioner's release, modify detention conditions, or terminate his placement at the facility.

3. Respondent PAMELA BONDI, in her official capacity as Attorney General of the United States, is responsible for oversight of the Department of Justice and the Executive Office for Immigration Review (EOIR), which adjudicates Petitioner's removal case. She is a legal custodian of Petitioner. Respondent Attorney General supervises immigration judges and the Board of Immigration Appeals ("BIA"), whose actions and delays have contributed to the indefinite and uncertain nature of Petitioner's custody.

STATEMENT OF FACTS

1. Petitioner is a native and citizen of the Russian Federation who entered the United States having fled his country of origin in search of asylum from political persecution involving severe harm and abuse to himself and his family.

2. While residing in the United States, Petitioner filed an Application for Asylum and for Withholding of Removal (Form I-589) and he appeared for his individual merits hearing before the Immigration Court on November 10, 2025. Following that hearing, the Immigration Judge denied his applications for relief and ordered him removed from the United States.

3. Petitioner timely appealed the Immigration Judge's decision to the Board of Immigration Appeals ("BIA") on November 23, 2025. In his appeal, Petitioner raised multiple

due process and legal errors, including that he was denied a competent interpreter in his native Chechen language, which materially impaired his ability to testify fully and fairly in support of his claims. That appeal remains pending before the BIA.

4. During the period of his residence in the United States, Petitioner was properly authorized by DHS, through the U.S. Citizenship and Immigration Services ("USCIS"), to be lawfully employed in the United States, and he received an Employment Authorization Document based on his pending asylum application, and he thereafter secured lawful employment, worked continuously, supported himself and his family through legitimate means, complied with all applicable laws, and did not rely on public assistance or impose any burden on the public fisc.

5. Petitioner was detained by ICE following a civil apprehension by immigration authorities. Importantly, his apprehension was not the result of any criminal arrest. He was subsequently transferred to ESPC, where he remains detained. His apprehension was solely a civil immigration enforcement action. He was taken into ICE custody without any allegation of criminal conduct.

6. Petitioner continues to pursue protection-based relief before the immigration authorities, including his pending appeal before the Board of Immigration Appeals, and has fully complied with all requirements placed upon him by DHS, notwithstanding the significant obstacles imposed by his detention.

7. Petitioner's mental health has deteriorated severely during his confinement. He suffers escalating anxiety, panic episodes, depressive symptoms, inability to sleep, and diminished appetite. His physical health has likewise deteriorated—he experiences recurrent headaches, weight loss, worsening stomach pain, and symptoms consistent with severe stress.

8. Despite repeated requests, Petitioner has not received consistent mental health treatment or adequate medical care inside ESPC. His condition places him at heightened risk of self-harm and long-term psychological trauma.

9. Conditions at ESPC are punitive, not civil, in nature. Petitioner spends most days in near-solitary confinement, with limited outdoor access, inadequate recreation, minimal mental health support, and chronic exposure to noise, stress, and violence and intimidation among detainees.

10. ICE has failed to consider reasonable alternatives to detention, despite mandatory statutory and regulatory obligations to periodically reassess custody for parolees and asylum seekers.

11. Petitioner's continued detention serves no legitimate governmental purpose, especially now that he is pursuing a bona fide appeal. His detention is arbitrary and in violation of due process.

12. Adjudication of appeals before the Board of Immigration Appeals routinely takes many months and often exceeds one year. During this extended appellate period, removal is not reasonably foreseeable, particularly where, as here, Petitioner has raised substantial legal and due process challenges to the underlying removal order. Continued detention during a lengthy and uncertain appellate process transforms civil immigration custody into prolonged, indeterminate confinement untethered to any realistic prospect of removal.

13. Petitioner is the father of eight children. Several of his children were born in the United States and are United States citizens, while others reside abroad. Two of Petitioner's daughters bear the surnames of their mothers. Prior to his detention, Petitioner maintained active

parental relationships with all of his children and provided emotional, financial, and familial support.

14. Petitioner has three minor children who are particularly dependent on him: [REDACTED] age seven, who is of school age; [REDACTED] age one, who requires constant care; and a newborn son whom Petitioner has never seen because the child was born after Petitioner was placed in immigration detention. Petitioner's prolonged confinement has resulted in severe hardship to his children and has fractured the family unit.

15. Petitioner's wife is disabled and suffers from significant physical limitations, including impaired mobility and severe weakness. She is unable to lift more than minimal weight and has official medical documentation confirming her disability. As a result, she is physically incapable of caring for the children alone. Petitioner's detention has left the family without essential support, placing an unsustainable burden on his disabled spouse and depriving the children of necessary care and stability.

16. One of Petitioner's daughters suffers from [REDACTED] requiring medical monitoring and care. Relevant medical documentation exists and can be submitted to the Court if requested. Petitioner's absence has further compromised the family's ability to manage this medical condition and ensure appropriate care for the child.

17. In the event of his return to the Russian Federation, Petitioner faces a real and immediate threat to his life and physical safety. Petitioner has been subjected to targeted persecution in his country of origin and possesses extensive corroborating evidence, including official documentation from governmental and other authorities, as well as sworn witness testimony from twelve individuals, all of which confirm the existence of past persecution and the

serious danger attendant to his return. These materials are prepared for submission and can be translated and presented upon request.

18. On June 12, 2024, Petitioner was placed into the Intensive Supervision Appearance Program ("ISAP") and fitted with an electronic monitoring device. During his participation in ISAP, Petitioner committed no violations, complied fully with all requirements, and demonstrated complete adherence to supervision conditions.

19. Shortly after being placed on electronic monitoring, Petitioner began experiencing serious health complications. Medical providers diagnosed him with two chronic and incurable conditions: diabetes mellitus and psoriasis. These conditions require continuous medical supervision, treatment, and monitoring.

20. Despite these diagnoses and Petitioner's documented medical needs, his subsequent placement into immigration detention has resulted in inadequate medical care. His conditions have worsened in custody, further evidencing that detention is excessive, unnecessary, and incompatible with his health status.

LEGAL FRAMEWORK

1. Immigration detention is civil, not criminal, and is strictly limited by the Due Process Clause. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

2. Prolonged or indefinite detention without adequate procedural safeguards raises grave constitutional concerns. In *Zadvydas*, the Supreme Court held that government detention "violates the [Due Process] Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special justification outweighs the individual's liberty interest." 533 U.S. at 701.

3. Due process prohibits the government from detaining a noncitizen for a prolonged or indefinite period absent a showing—by clear and convincing evidence—that the individual poses a danger or flight risk. See Zadvydas v. Davis, 533 U.S. 678, 690 (holding that an allegation of detainee’s danger or flight risk “must also be accompanied by some other special circumstance, such as mental illness, that helps to create the danger”).

4. Civil detainees may not be subject to punitive conditions of confinement. The Supreme Court holds that civil detention violates due process if conditions are intended to punish or are excessive in relation to their legitimate governmental purpose. Bell v. Wolfish, 441 U.S. 520, 535 (1979).

5. Under Zadvydas, removal detention becomes presumptively unconstitutional after six months unless removal is significantly likely in the reasonably foreseeable future. 533 U.S. at 701.

6. ICE must consider less restrictive alternatives and provide periodic custody reviews. Federal regulations require DHS to reassess detention on an ongoing basis and to consider release when continued detention is not justified. 8 C.F.R. § 241.4; see also Zadvydas, 533 U.S. at 700 (detention must remain reasonably related to its purpose).

7. Where liberty is at stake, due process demands an individualized determination of whether continued detention is necessary to serve a legitimate governmental purpose. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

8. Detention pending administrative appeal raises heightened due process concerns because the government’s asserted interest in effectuating removal is speculative and attenuated. Where a noncitizen has filed a timely appeal and removal cannot lawfully occur until that appeal is resolved, continued detention ceases to bear a reasonable relationship to its stated purpose.

Prolonged detention during a pending BIA appeal therefore weighs heavily in favor of release or, at minimum, a constitutionally adequate bond hearing.

9. Civil immigration detention is constitutionally permissible only to the extent it serves a legitimate regulatory purpose, such as ensuring appearance at proceedings or preventing danger to the community. Where the government cannot demonstrate that detention meaningfully advances either interest, continued confinement becomes punitive in effect and unconstitutional in fact.

10. Due process requires that, when detention becomes prolonged, the government—not the detainee—bear the burden of justifying continued confinement by clear and convincing evidence. Absent such proof, detention violates fundamental principles of liberty protected by the Fifth Amendment.

11. The Due Process Clause protects the fundamental right to family integrity, including the right of parents and children to maintain a meaningful relationship free from unwarranted governmental interference. Civil detention that unnecessarily and indefinitely separates a parent from his U.S. citizen children implicates these fundamental liberty interests and must be narrowly tailored to serve a compelling governmental purpose.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

1. Petitioner re-alleges and incorporates the above paragraphs.
2. Respondents have not demonstrated—let alone by clear and convincing evidence—that Petitioner poses a danger or flight risk that would justify continued imprisonment.

3. Petitioner is subjected to punitive conditions, inadequate medical and mental health care, and an environment that is indistinguishable from penal confinement.

4. Petitioner's worsening psychological and physical health, coupled with Respondents' failure to provide adequate treatment, magnifies the constitutional violation.

5. Continued confinement in the face of such a finding severs detention from its purported civil purposes and renders it excessive in relation to any legitimate governmental interest. See *Bell v. Wolfish*, 441 U.S. 520, 538 (1979).

6. Respondents' continued detention of Petitioner during the pendency of his BIA appeal subjects him to confinement of potentially extraordinary duration with no defined end point. The indeterminate nature of this detention exacerbates its punitive character and independently violates due process.

7. Petitioner presents no risk of flight. Prior to detention, he lived openly in the United States, maintained stable residence, worked lawfully pursuant to government authorization, complied with all immigration requirements, and appeared for all scheduled proceedings. His pending appeal further incentivizes compliance rather than flight.

8. Nor does Petitioner pose any danger to the community. He has no criminal history, no history of violence, and no adverse conduct while in the United States. Civil detention may not be justified by speculation or generalized concerns untethered to individualized evidence.

9. Petitioner's documented mental health deterioration constitutes a special circumstance that intensifies the constitutional injury caused by prolonged detention. Rather than justifying confinement, Petitioner's psychological vulnerability underscores the excessiveness

and disproportionality of continued incarceration in a facility incapable of providing adequate care.

10. Respondents' continued detention of Petitioner unlawfully interferes with the fundamental liberty interests of both Petitioner and his U.S. citizen children in maintaining family unity. The prolonged and indeterminate separation of a parent from his citizen children, absent any showing of danger or flight risk, constitutes an excessive and unjustified intrusion on constitutionally protected family relationships.

11. Respondents' continued detention of Petitioner is particularly arbitrary given his full compliance with prior alternatives to detention, his chronic medical conditions, his disabled spouse, and the severe hardship imposed on his eight children, including U.S. citizen minors. These circumstances render continued confinement grossly disproportionate and untethered to any legitimate regulatory purpose, in violation of the Fifth Amendment.

12. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1231 and Implementing Regulations

1. Petitioner re-alleges and incorporates the above paragraphs.

2. Under the INA and its implementing regulations, the government must conduct periodic custody reviews and consider less restrictive alternatives to detention. Respondents have failed to do so.

3. Respondents' failure to reassess custody, failure to provide medical treatment, and reliance on blanket detention policies violate 8 U.S.C. § 1231 and 8 C.F.R. § 241.4.

4. Respondents have also failed to meaningfully consider alternatives to detention, such as parole, supervision, or conditions of release, as required by statute and regulation. This

failure reflects reliance on categorical detention practices rather than the individualized custody determination mandated by law.

5. For these reasons, Petitioner's continued detention violates 8 U.S.C. § 1231 and the corresponding regulations.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause within three days under 28 U.S.C. § 2243;
- (3) Declare Petitioner's detention unconstitutional under the Fifth Amendment and unlawful under 8 U.S.C. § 1231 and 8 C.F.R. § 241.4;
- (4) Issue a writ of habeas corpus ordering Petitioner's immediate release or, in the alternative, a constitutionally adequate bond hearing where the government bears the burden of proving by clear and convincing evidence that continued detention is justified;
- (5) Grant any other relief the Court deems just and proper.

Respectfully submitted,



MAGOMED SOLTAKHANOV

Petitioner

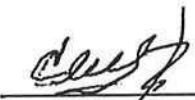
Dates: March 17th, 2026.

CERTIFICATE OF SERVICE

I, Magomed Soltakhanov, certify that a true copy of the above document (Redacted Petition) was served on March 17th, 2026 upon the following:

Western District Court of Texas
Albert Armendariz, Sr. United States Courthouse
525 Magoffin Avenue
Room 105
El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.



Magomed Soltakhanov, *Pro Se*





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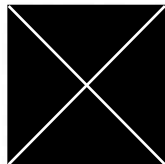
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