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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JURABEK MUSINOV,

Petitioner,

v.

RAUL MALDONADO , the warden of Brooklyn Metropolitan Detention Center, WILLIAM JOYCE, the Acting ICE Field Office Director, KRISTI NOEM, the Secretary of the Department of Homeland Security, TODD M. LYONS, the Acting Director of U.S. Immigration and Customs Enforcement (ICE), PAMELA BONDI, the Attorney General of the United States

Defendants

Civil Action No. 1:26-cv-00628

A# A220-356-526

MOTION FOR PARTIAL VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(2)

MOTION FOR PARTIAL VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(2)

Petitioner Jurabek Musinov, by and through undersigned counsel, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 41(a)(2) for an Order dismissing Count III of the Petition for Writ of Habeas Corpus in its entirety.

INTRODUCTION

Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 asserting three counts challenging the legality of his detention. Respondents have appeared and filed an opposition.

Upon review of the administrative record produced by Respondents, including the Form I-200, Warrant for Arrest of Alien issued under sections 236 and 287 of the Immigration and Nationality Act, and in the interest of narrowing the issues before this Court, Petitioner seeks to voluntarily dismiss Count III (Fourth Amendment claim) in its entirety.

Petitioner continues to pursue:

- Count I (Violation of the INA: Detention under the Wrong Statutory Provision); and
- Count II (Violation of Due Process).

ARGUMENT

Dismissal of Count III will:

1. Streamline the litigation;
2. Narrow the constitutional questions presented; and
3. Focus the Court's review on the statutory and due process defects underlying Petitioner's continued detention.

Respondents suffer no prejudice because:

- The remaining claims are fully briefed and properly before the Court;
- No additional discovery or procedural burden arises; and
- The dismissal removes, rather than adds, issues.

Petitioner's core habeas challenge — that he is being detained under the wrong statutory authority and without constitutionally adequate process — remains unchanged.

This request is made in good faith and in the interest of judicial economy.

CONCLUSION

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant partial voluntary dismissal of Count III of the Petition in its entirety;
2. Permit Counts I and II to proceed; and
3. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Date: February 11, 2026

/S/ Sergey Risko
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