IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMIR VALIKHODJAEV	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 26-cv-970 (Judge Gallagher)
	:	
JAMAL L. JAMISON.,	:	
	:	
Respondents.	:	

RESPONSE IN OPPOSITION TO PETITION
FOR WRIT OF HABEAS CORPUS

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I. INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain him under the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(2). This petition is distinguishable from the numerous petitions recently considered by this Court in the wake of the Board of Immigration Appeals' (BIA) decision in *Matter of Hurtado*, 29 I & N Dec. 216 (BIA 2025), which, despite Petitioner's representations, is not implicated here.[1] *See e.g., Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.). The cases cited above and by Petitioner involved **aliens detained under 8 U.S.C. § 1225(b)(2)(A)** because they are removable and present in the United States without inspection and admission or parole.

However, Petitioner is subject to mandatory detention under **8 U.S.C. § 1225(b)(1) [not 1225(b)(2)(A)]** because he was initially processed for **expedited removal** when he attempted to enter the United States without authorization. That Petitioner is no longer in expedited removal under 8 U.S.C. § 1225 and is now in standard removal proceedings under 8 U.S.C. § 1229a does not change the statutory basis for detention. Petitioner is returned to his "detention status" when his parole ends.

DHS processed Petitioner for expedited removal pursuant to 8 U.S.C. § 1225(b)(1) after he entered the United States without inspection on or about July 28, 2021. *See* Petition at ¶ 16 and September 29, 2021 Notice to Appear, attached as Exh. A to the petition. *See also* Exhibits 1 and 2, Forms I-213, Record of Deportable/Inadmissible Alien, dated August 1, 2021 and February 13, 2026. However, after the United States Citizenship and Immigration Services

[1] Similarly, the claims here would not implicate the recent class-certification and partial-summary-judgment rulings issued by the U.S. District Court for the Central District of California. *See Bautista v. Santacruz*, 2025 WL 3289861, *4 (C.D. Cal. Nov. 20, 2025) (addressing arguments that 8 U.S.C. § 1226, not § 1225, should apply to detention claims).

(USCIS) rendered a positive finding of credible fear, DHS paroled him from custody pursuant to 8 U.S.C. § 1182(d)(5) to facilitate the removal process under 8 U.S.C. § 1229a. *See* Petition at Exh. B – Interim Notice Authorizing Parole, dated October 21, 2021. This parole has since terminated, meaning Petitioner has now returned to his detention status at the time of his parole—*i.e.,* mandatory detention under § 1225(b)(1)—during the remainder of his removal proceedings under § 1229a.[2] Thus, Petitioner's detention comports with the INA, the bond regulations, and the Constitution, and the Court should accordingly deny the petition for a writ of habeas corpus.

I. DETENTION FRAMEWORK UNDER THE INA

The INA provides a statutory scheme for the civil detention of aliens pending a decision during removal proceedings, as well as once a final order of removal has been entered. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. The time and circumstances of entry, as well as the stage of the removal process, determines where an alien falls within this scheme and whether detention of the alien is discretionary or mandatory.

a. Applicants for Admission and Expedited Removal

An applicant for admission to the United States is defined as "[a]n alien present in the United States who has not been admitted or who arrives in the United States [] whether or not at a designated port of arrival. . . ." 8 U.S.C. § 1225(a)(1). As explained by the Supreme Court, "an alien who tries to enter the country illegally is treated as an 'applicant for admission,' and an

[2] Multiple district courts in this jurisdiction (including this Court) have rejected this argument. *See e.g. Talabadze v. Rose, et al.,* No. 26-cv-360 (E.D. Pa Jan. 30, 2026) (Perez, J.); *Seminario-Marcos v. Jamison, et al.,* No. 26-cv-421 (E.D. Pa Feb. 6, 2026) (Kearney, J.); *Vazquez-Diaz v. Rose, et al,* No. 26-cv-342 (E.D. Pa Feb. 10, 2026) (Gallagher, J.); *Vargas- Quajada v. Jamison, et al*, 26-cv-914 (E.D. Pa. Feb 17, 2026 (McHugh, J.); *Nawab Ali v. Jamison, et al.*, No. 26-cv-729 (E.D. Pa. Feb 19, 2026) (Quinones-Alejandro, J.); *Zavala Ulloa v. Jamison, et al,* No. 26-cv-823 (E.D. Pa. Feb 20, 2026) (Marston, J.)

alien who is detained shortly after unlawful entry cannot be said to have 'effected an entry' into the United States." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020). Put differently, an "alien who arrives at a 'port of entry,' *i.e.* a place where the alien may lawfully enter, must apply for admission. An alien [] who is caught trying to enter at some other spot is treated the same way." *Id.* at 108. Such applicants for admission, "even those paroled elsewhere in the country for years pending removal—are 'treated' for due process purposes 'as if stopped at the border.'" *Id.* at 139 (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)). Pursuant to 8 U.S.C. § 1225, immigration officials have discretion to place aliens arriving in the United States in either expedited removal proceedings under Section 1225(b)(1) or full removal proceedings under 8 U.S.C. § 1229a. Under either approach, § 1225 authorizes detention of such individuals "throughout the completion of applicable proceedings and not just until the moment those proceedings begin." *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018).

In 1996, Congress amended § 1225(b) to add "expedited removal" procedures for certain applicants for admission. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104208, Tit. III, § 302(a), 110 Stat. 3009-579 (1996); *see also Thuraissigiam*, 591 U.S. at 109–11 (describing the expedited removal process). Section 1225(b)(1) now provides that an applicant for admission is subject to expedited removal if the applicant is: (i) inadmissible because he or she lacks valid documents or is inadmissible due to fraud; (ii) has not "been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility"; or (iii) is among those whom the Secretary of DHS has designated for expedited removal. For these individuals, once an immigration officer determines that they are inadmissible, the officer must "order the alien removed from the United States without further hearing." 8 U.S.C. § 1225(b)(1)(A)(i); *Thuraissigiam*, 591

U.S. at 109.

b. Credible Fear Determinations

If, however, the alien expresses a fear of persecution or torture in their home country, an asylum officer must determine whether the alien has a credible fear. *See* 8 U.S.C. §§ 1225(b)(1)(A)(ii) & (B); 8 C.F.R. §§ 208.30, 235.3(b)(4). If an asylum officer makes a positive finding of credible fear, the individual is placed into removal proceedings to pursue asylum under 8 U.S.C. § 1229a. *Id.*

As explained by the Supreme Court, "[a]n alien subject to expedited removal thus has an opportunity at three levels to obtain an asylum hearing, and the applicant will obtain one unless the asylum officer, a supervisor, and an immigration judge all find that the applicant has not asserted a credible fear." *Thuraissigiam*, 591 U.S. at 110–11 ("As a practical matter, then, the great majority of asylum seekers who fall within the category subject to expedited removal do not receive expedited removal and are instead afforded the same procedural rights as other aliens."). An individual subject to expedited removal under § 1225(b)(1), however, including an individual undergoing further review of their asylum claim, "is not entitled to immediate release" regardless of whether their asylum claim is reviewed fully or in an expedited manner. *Id.* at 111. *Jennings,* 583 U.S. at 302. Rather, § 1225(b)(1)(B)(iii)(IV) provides for mandatory detention of individuals during the credible fear review process and until removal from the United States. ("Any alien subject to the procedures under this clause *shall be detained* pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.") (emphasis added).

c. Parole for Applicants for Admission

While an applicant for admission is not entitled to release or a bond hearing by statute or

regulation, the Secretary, acting through Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), has discretion to release applicants for admission from custody on humanitarian parole. *See* 8 U.S.C. § 1182(d)(5). Such a parole is done "temporarily under such conditions as [the Secretary] may prescribe [and] only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. §1182(d)(5)(A).

Parole is not an "admission" to the United States. 8 U.S.C. §§ 1101(a)(13)(B), 1182(d)(5)(A). As noted above, "aliens who arrive at ports of entry—*even those paroled elsewhere in the country for years pending removal*—are 'treated' for due process purposes 'as if stopped at the border.'" *Thuraissigiam*, 591 U.S. at 139 (quoting *Mezei*, 345 U.S. at 215) (emphasis added); *see also Leng May Ma v. Barber*, 357 U.S. 185, 188–90 (1958). In other words, an applicant for admission paroled into the United States "remain[s] constructively detained at the border, *i.e.* legally unadmitted, while their status is being resolved by immigration officials." *Ibragimov v. Gonzales*, 476 F.3d 125, 134 (2d Cir. 2007); *see also Duarte v. Mayorkas*, 27 F.4th 1044, 1059 (5th Cir. 2022) ("[A] paroled alien is legally equivalent to an alien that is held in custody at the border while their application for admission is processed.").

ICE may terminate a parole under § 1182(d)(5)(A) when, "in the opinion of the Secretary of Homeland Security, "the purposes of such parole . . . have been served." 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i). As one example, when a Notice to Appear (NTA)—the charging document that initiates proceedings—is served on the parolee, this serves as written notice of termination of parole. *See Matter of Arambula-Bravo*, 28 I & N Dec. 388, 395 (BIA 2021) ("A charging document presumptively terminates parole because an intent to remove a noncitizen necessarily reflects a determination that the continued presence of that individual is no longer warranted."). No pre-termination hearing is required. *See Ofosu v.*

McElroy, 98 F.3d 694, 700 (2d Cir. 1996) (explaining that parole "may be ended without hearings or special forms."); *Ahrens v. Rojas*, 292 F.2d 406, 410 (5th Cir. 1961) ("Neither the statute nor the regulation provides for a hearing on revocation of parole."). Further, at the expiration of the time for which parole was authorized, "[p]arole shall be automatically terminated without written notice." 8 C.F.R. § 212.5(e)(1)(ii).

d. Return to Custody After Parole Expiration or Termination

After parole is terminated, "the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall *continue to be dealt with in the same manner as that of any other applicant for admission* to the United States." 8 U.S.C. § 1182(d)(5)(A) (emphasis added); 8 C.F.R. § 212.5(e)(2)(i) (explaining that after automatic termination, the alien "shall be restored to the status that he or she had at the time of parole"). Once parole is terminated, "[a]ny further inspection or hearing shall be conducted under section 235 [8 U.S.C. § 1225] or 240 [8 U.S.C. § 1229a] of the Act." 8 C.F.R. § 212.5(e)(2)(i); *see Ahrens,* 292 F.2d at 410 (noting that after parole termination, "the plaintiff's status was the same as if he had been stopped at the border."). The grant of parole and its termination is committed to the broad discretion of the Secretary. *See Samirah v. O'Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (holding DHS's authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of agency discretion barred from review by § 1252(a)(2)(B)(ii)); *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (same).

II. FACTUAL AND PROCEDURAL HISTORY

Petitioner, a native and citizen of Uzbekistan, entered the United States without inspection on or about July 28, 2021. *See* Petition at ¶16 and Notice to Appear attached as Exhibit A to the petition. Given his time, manner, and place of entry, CBP determined that

Petitioner was inadmissible to the United States and thereafter placed him into expedited removal proceedings. *See* Forms I-213, Record of Deportable/Inadmissible Alien, dated August 21, 2021 and February 13, 2026, attached as Exhibits 1 and 2. However, after Petitioner claimed a fear of return to his home country, DHS referred Petitioner to USCIS for completion of a credible fear interview. *Id.* Following that interview, USCIS rendered a positive finding of credible fear and placed Petitioner into removal proceedings under 8 U.S.C. § 1229a through issuance of a Notice to Appear on September 29, 2021. *See* Petition at Exhibit A. On October 1, 2021, ICE exercised its discretion to parole Petitioner from its custody under 8 U.S.C. § 1182(d)(5); that parole was valid for one year. *See* Petition at Exhibit B. On November 21, 2025, Petitioner was arrested by the Southampton Township Police Department and subsequently pleaded guilty to various offenses in the Bucks County Court of Common Pleas on February 11, 2026. Petition at ¶¶ 25-30 and exhibits referenced at Exhibit D. ICE detained Petitioner on February 12, 2026, under 8 U.S.C. § 1225(b)(1), pending completion of his removal proceedings. *Id.* at paragraph 30.5.

III. LEGAL STANDARD

A writ of habeas corpus is an "extraordinary remedy." *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner "carries the burden of proof"); *see also* 28 U.S.C. § 2241.

Judicial review of immigration matters, including of detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm.* (*AADC*), 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow*

Sun Wong, 426 U.S. 88, 101 n.21 (1976) ("[T]he power over aliens is of a political character and therefore subject only to narrow judicial review."). The Supreme Court has "underscore[d] the limited scope of inquiry into immigration legislation," and "has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens." *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79–82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."); *Demore v. Kim*, 538 U.S. 510, 531 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that process."); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) ("Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien's status without running the risk of the alien's either absconding or engaging in criminal activity before a final decision can be made.").

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See U.S. v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) ("This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to

deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power").

IV. ARGUMENT

As discussed below, Petitioner's detention is authorized by statute, regulation, and comports with the Constitution and the Administrative Procedures Act. As such, this Court should deny the petition for a writ of habeas corpus.

a. Petitioner's Detention is Authorized by 8 U.S.C. § 1225(b)(1)

Petitioner's argument that his detention violates the INA and accompanying regulations is without merit because ICE's current detention of Petitioner is authorized and, indeed, mandated by statute. Petitioner attempted to enter the United States without inspection in July 2021 and was not inspected, admitted, or paroled by an immigration officer at the time of that entry. See Exhibits 1 and 2. Petitioner was therefore an "applicant for admission" and was accordingly processed for expedited removal under § 1225(b)(1)(A)(i). *Id*.

i. Petitioner was properly processed for expedited removal

Petitioner was initially and properly processed for expedited removal, in accordance with the regulations. However, Petitioner was not removed following this initial expedited removal processing, because he expressed a fear of return to Uzbekistan during his interview. *See* Exhibits 1 and 2. The fact that Petitioner is no longer in expedited removal proceedings does not preclude continued detention under § 1225(b)(1). To the contrary, when Petitioner claimed a fear of returning to Uzbekistan, he triggered the § 1225(b)(1)(B) process, which includes a referral for a credible fear interview and further (full removal) proceedings to consider any applications for relief from removal. 8 U.S.C. § 1225(b)(1)(B). Until his removal proceedings under § 1229a are complete, which includes adjudication of his application for asylum application, or until he

withdraws his application for admission pursuant to 8 U.S.C. § 1225(a)(4), Petitioner remains in this process. And Congress has mandated that anyone going through this process "shall be detained pending a final determination of credible fear and persecution and, if found not to have such a fear, until removed." *Id.* § 1225(b)(1)(B)(ii); *see also id.* § 1225(b)(1)(B)(iii)(IV); *Jennings*, 538 U.S. at 297, 302 (section 1225(b)("mandate[s] detention of applicants for admission until proceedings have concluded."

ii. Petitioner's release on parole does not preclude detention under 8 U.S.C. § 1225(b)(1)

Importantly, ICE's release of Petitioner on parole pursuant to 8 U.S.C. § 1182(d)(5) does not preclude detention under § 1225(b)(1)(B)(ii). Petitioner argues he is not subject to mandatory detention under § 1225(b)(1) because he has been paroled into the United States. *See* § 1225(b)(1)(A)(iii)(II) (applying the expedited removal provisions to certain other aliens "who have not been admitted or paroled into the United States"). However, the Court should reject this argument because the DHS Secretary's 2004 Expedited Removal Designation makes clear that this language applies only to certain categories of aliens who were admitted or paroled into the United States *following inspection by an immigration officer at a designated port-of-entry*. *See* Designating Aliens for Expedited Removal, 69 Fed. Reg. 48877 (Aug. 11, 2004) (emphasis added); *see also* 8 U.S.C. § 1225(b)(1)(A)(iii)(I) (allowing the DHS Secretary to designate certain aliens for expedited removal and clarifying that this designation "shall be in the sole and unreviewable discretion" of the DHS Secretary). In this case, Petitioner entered the United States without inspection and is charged on his NTA as being present in the United States without admission or parole. *See* Petition at Exh. 1. Following this unlawful entry, DHS made the discretionary decision to parole Petitioner from its custody under § 1182(d)(5)(A). Petition at Exh. B. Importantly, this parole did not occur following inspection by an immigration officer at a

designated port of entry. Therefore, Petitioner remains subject to the expedited removal provisions at § 1225(b)(1) and, in turn, mandatory detention.

Nor does ICE's release of Petitioner on parole pursuant to 8 U.S.C. § 1182(d)(5) convert DHS's detention authority from § 1225(b)(1) to § 1226 because, as noted above, parole "shall not be regarded as an admission of the alien." *Id.* § 1182(d)(5)(A). Rather, Congress was very explicit: "when the purposes of such parole have been served[,] the alien shall forthwith return or *be returned to the custody from which he was paroled* and thereafter his case shall continue to be dealt with *in the same manner as that of any other applicant for admission* to the United States." *Id.* (emphasis added).

Regardless of the length of his parole, Petitioner remains "'treated' for due process purposes 'as if stopped at the border.'" *Thuraissigiam*, 591 U.S. at 139–40 (noting that "even those paroled elsewhere in the country for years" "cannot be said to have 'effected an entry' and remain "on the threshold."). Petitioner therefore remains subject to the same detention authority (§ 1225(b)(1)) until his claim for asylum is fully adjudicated and he is either granted asylum or removed. *See Jennings*, 583 U.S. at 302; *Thuraissigiam*, 591 U.S. at 111; *see also Woodley v. Rokosky*, Case No. 26-cv-00150 (D.N.J. Feb. 2, 2026) (denying habeas petition and finding detention lawful under § 1225(b)(1) for alien initially processed for expedited removal, notwithstanding prior grant of parole under § 1182(d)(5); *Faqirzada v. Rokosky*, No. 25-cv-16639 (D.N.J. Jan. 8, 2026) (same); *but see Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J) (granting habeas petition and finding that a grant of parole under 1182(d)(5) forecloses mandatory detention under § 1225(b).

That Petitioner is properly detained under § 1225(b)(1) receives further support from the Attorney General's decision in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019). In *M-S-*, the

Attorney General overruled as wrongly decided an earlier BIA case, *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005), in which the BIA held that aliens transferred to full proceedings after establishing a credible fear were eligible for bond. 27 I& N Dec. at 513–14. The Attorney General explained that, by its plain language, applicants for admission transferred to full removal proceedings after establishing a credible fear remain ineligible for bond. *Id.* at 515. Instead, this category of applicants for admission "must be detained until [their] removal proceedings conclude, unless [they] are granted parole." *Id.* at 509.

The BIA's decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), builds upon the Attorney General's holding in *M-S-*. For aliens like Petitioner who are placed into expedited removal proceedings and later referred to an immigration judge for consideration of their asylum application, the BIA affirmed that § 1225(b)(1)(B)(ii) mandates their detention until the final adjudication of their asylum application, unless that alien is granted parole. *Id.* at 68 (citing *M-S-*, 27 I&N Dec. at 516). If that parole is granted and later terminated, the BIA held that the alien is then returned to custody under § 1225(b) pending completion of removal proceedings. *Id.* at 70. Thus, the termination of Petitioner's parole—either through issuance of the NTA or expiration of his period of authorized parole—returned him to his initial custody status upon entry, *i.e.,* mandatory detention pursuant to § 1225(b)(1)(B)(ii).

iii. No written notice is required prior to revoking parole

If Petitioner argues that ICE improperly revoked his parole without first providing notice of such revocation, the Court should reject that argument. The regulations make clear that no written notice is required prior to terminating a prior discretionary parole decision under § 1182(d)(5)(A). *See* 8 C.F.R. § 212.5(e)(1)(ii) (explaining that parole *shall be automatically terminated without written notice* . . . at the expiration of the time for which parole was

authorized . . . in accordance with 8 C.F.R. § 212.5(e)(2), *except that no written notice shall be required*) (emphasis added). Only when termination of parole is not automatic under § 212.5(e)(1)—in other words, when an alien has not departed the United States or the period of parole has not expired—is notice required under § 212.5(e)(2). *But see Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.) (finding notice required prior to granting parole); *Vasquez Diaz v. Rose,* No. 26-cv-342 (E.D. Pa. Feb. 10, 2026) (Gallagher, J.) (same).

The Interim Notice Authorizing Parole issued to Petitioner confirms the above regulatory scheme. The parole document states:

> Your parole authorization is valid for one year beginning from the date on this notice and *will automatically terminate* upon your departure or removal from the United States *or at the end of the one-year period* unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Petition at Exh. B. Petitioner signed this document, thus placing him on notice of the terms of his parole, including the terms of its revocation. *Id.* Accordingly, no notice or formal hearing is required when, as here, the time for which parole was authorized has expired, and the automatic termination of Petitioner's parole was thus lawful.

Furthermore, the Court lacks jurisdiction to review a parole revocation decision under 8 U.S.C. § 1252(a)(2)(B), since it is plainly a discretionary "decision or action." *Samirah* 335 F.3d at 549 (holding DHS's authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of agency discretion barred from review by § 1252(a)(2)(B)(ii)); *Hassan*, 593 F.3d at 789 (same). Moreover, to the extent Petitioner is alleging that revocation of parole requires a case-by-case analysis, the Court should reject this argument. While 8 U.S.C. § 1182(d)(5)(A) requires that *grants* of parole be made on a case-by-case basis, it contains no parallel language with respect to

terminations, and the language of § 1182(d)(5)(A) makes clear that such a determination is left entirely to the "opinion" of the DHS Secretary.

iv. Petitioner is not detained under 8 U.S.C. § 1225(b)(2)

To the extent Petitioner claims DHS is detaining him under § 1225(b)(2) pursuant to the BIA's recent decision in *Hurtado*, 29 I&N Dec. at 216, and DHS's new policy, the facts and procedural history of Petitioner's case do not support such an allegation. As discussed above, Petitioner was processed for expedited removal upon entry into the United States and was subsequently found to have a credible fear of return to Uzbekistan, thus bringing him within the mandatory detention authority of § 1225(b)(1). Therefore, Petitioner is detained under § 1225(b)(1), not § 1225(b)(2). Because Petitioner is properly detained under § 1225(b)(1) and not eligible for a bond hearing, this Court should deny the petition for a writ of habeas corpus.

b. Petitioner's Detention is Constitutional

Petitioner's argument that his detention violates procedural due process also lacks merit. The Supreme Court has long recognized that "an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Further, applicants for admission like Petitioner lack any constitutional due process rights with respect to admission aside from the rights provided by statute: "[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned," *Mezei*, 345 U.S. at 212, and, "it is not within the province of any court, unless expressly authorized by law, to review [that] determination." *United States ex. rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950). *See also Thuraissigiam* 591 U.S. at 140 ("[T]he Due Process Clause provides nothing more.").

The Supreme Court reaffirmed "[its] century-old rule regarding the due process rights of an alien seeking initial entry" in *Thuraissigiam*, explaining that an individual who illegally crosses the border—like Petitioner—is an applicant for admission and "has only those rights regarding admission that Congress has provided by statute." 591 U.S. at 139–40. The *Thuraissigiam* Court explained that "[w]hile aliens who have established connections in this country have due process rights in deportation proceedings, the Court held long ago that Congress is entitled to set the conditions for an alien's lawful entry into this country and that, as a result, an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause." *Id.* at 107.

"When an alien arrives at a port of entry—for example, an international airport—the alien is on U.S. soil, but the alien is not considered to have entered the country." *Id.* at 139. The same "threshold" rule applies to individuals who are apprehended after trying "to enter the country illegally" since by statute, such individuals are also defined as applicants for admission. *Id.* at 139–40. And all applicants for admission, "even those paroled elsewhere in the country for years pending removal," "have no entitlement to procedural rights other than those afforded by statute." *Id.* at 107, 139. And the statute provides no more procedural protections than allowing an applicant for admission to seek relief from removal if he fears return to his home country, and to seek parole from the agency. *Id.* During that process, however, applicants for admission may be detained without a bond hearing pending admission or removal without running afoul of the Constitution. *Demore v. Kim*, 538 U.S. 510, 531 (2003)

Petitioner's recent detention pending his removal proceedings thus does not violate Due Process. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v.*

Warden Pike Cnty. Corr. Facility, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness of his detention under *German Santos*. Therefore, the Court should find that Petitioner's detention is constitutional and deny the petition for writ of habeas corpus.

V. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Susan R. Becker
SUSAN. R. BECKER
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Counsel for Respondents

Dated: February 23, 2026

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 23, 2026

/s/ Susan R. Becker
SUSAN R. BECKER
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMIR VALIKHODJAEV:	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 26-cv-970
	:	
JAMAL L. JAMISON., ET AL.	:	
	:	
Respondents.	:	

Exhibit List

Exhibit 1: Form I-213, Record of Deportable/Inadmissible Alien, dated August 1, 2021

Exhibit 2: Form I-213, Record of Deportable/Inadmissible Alien, dated February 13, 2026

Exhibit 1

U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
VALIKHODJAEV, DAMIR		

Sex	Hair	Eyes	Cmplxn
M	BRO	BRO	MED

Country of Citizenship	Passport Number and Country of Issue	File Number
UZBEKISTAN	[redacted]	[redacted]

Height	Weight	Occupation
67	175	

U.S. Address

Scars and Marks

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
07/28/2021 01:25, SLU, PWA (AFOOT)	

F.B.I. Number [redacted]

☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence

Method of Location/Apprehension: PB

Date of Birth		Date of Action	Location Code	At/Near	Date/Hour
[redacted]	Age: 23	08/01/2021	YUS	, , , ,	07/28/2021 01:30

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
UZBEKISTAN			RICHARD LONG

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.

Immigration Record	Criminal Record
NEGATIVE	

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate)	Number and Nationality of Minor Children
	None

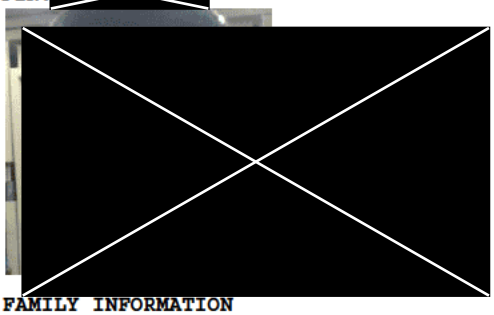
Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
AZAMOVICH NATIONALITY: UZBEKISTAN ADDRESS: SAS	MADINA NATIONALITY: UZBEKISTAN ADDRESS: SAS

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☒ Yes ☐ No	Systems Checks	Charge Code Words(s)
None Claimed		See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
		Hr	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



FAMILY INFORMATION

Father:AZAMOVICH is a citizen of UZBEKISTAN.
Mother:MADINA is a citizen of UZBEKISTAN.
Spouse:Subject is not married.
Child:Subject does not have children or dependents.

CURRENT CRIMINAL CHARGES

07/28/2021 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212 ...(CONTINUED ON I-831)

AARON CRENSHAW
BORDER PATROL AGENT

Alien has been advised of communication privileges _____ (Date/Initials) (Signature and Title of Immigration Officer)

Distribution:

Received: (Subject and Documents) (Report of Interview)

Officer: AARON CRENSHAW

on: August 1, 2021 (time)

Disposition: Expedited Removal with Credible Fear

Examining Officer: MANGES, BRIAN E

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VALIKHODJAEV, DAMIR	[redacted] Event No: [redacted]	08/01/2021

CURRENT ADMINISTRATIVE CHARGES

07/28/2021 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

CIS checked on 08/01/2021 with Negative result.ABIS checked on 07/28/2021 with Positive result.EARM checked on 08/01/2021 with Negative result.NCIC checked on 08/01/2021 with Negative result.TECS checked on 08/01/2021 with Negative result.NGI checked on 08/01/2021 with Negative result.

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

VALIKHODJAEV, Damir, has no previous arrests by the United States Border Patrol.

CRIMINAL HISTORY:
See attached records.

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), 8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the Act, as amended, and therefore are subject to removal, in that: you are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

ENCOUNTER:
A Border Patrol (BP) Agent encountered this subject in the Yuma, Arizona Border Patrol Sector Area of Responsibility. As per the field form, the subject admitted that they had unlawfully entered the United States of America from Mexico, at a time and place other than as designated by immigration officers of the United States of America. As per the field form, the subject was apprehended for illegally entering the United States.

After determining that this subject was an alien who illegally entered the United States, the subject was arrested and transported to the Yuma, Arizona Border Patrol Station for further processing using the e3/IDENT and NGI systems.

On August 01, 2021, I encountered subject while performing assigned processing duties at the Yuma BP Station.

The subject stated that he left Uzbekistan on 06/09/2021 ago via commercial plane. Subject claimed to have flown from Uzbekistan through Turkey and to Columbia. From Columbia the subject walked and took many bus routes through Panama, Costa Rica, Nicaragua, Honduras, Guatemala and Mexico. The subject stated subject took a bus ride to San Luis, Mexico where subject illegally climbed the United States/Mexico international boundary fence and approached a nearby immigration officer requesting asylum. The subject's intended destination is [redacted] to live with an uncle and seek employment. Subject stated both of parents are citizens and nationals of Uzbekistan, neither subject nor subject's parents have ever been citizens of any other countries. Subject made no claim to US citizenship or legal permanent resident status, furthermore subject has no petitions pending with USCIS on subject's behalf.

The subject native language is Uzbek. The interview was conducted with the assistance of Language Line Solutions interpreter Mary ([redacted]).

Signature	Title
AARON CRENSHAW	BORDER PATROL AGENT

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VALIKHODJAEV, DAMIR	[redacted] Event No: [redacted]	08/01/2021

The subject further stated they do fear persecution or torture if returned to their country of citizenship.

The subject was notified of their right to communicate with a Consular Officer from their country as per Article 36(1) (b) of the Vienna convention on Consular Relations. The subject indicated they understood this right but declined to speak with anyone at this time.

Subject has not applied with the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to enter the United States.

Subject is being processed for an Expedited Removal with Credible Fear and 8 USC 1182 Removal Proceeding.

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]

Signature	Title
AARON CRENSHAW	BORDER PATROL AGENT

Exhibit 2

U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
VALIKHODJAEV, DAMIR		

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	FAR

Country of Citizenship	Passport Number and Country of Issue	File Number
UZBEKISTAN		[redacted]

Height	Weight	Occupation
70	155	UNR

U.S. Address: See Narrative

Scars and Marks:

Date, Place, Time, and Manner of Last Entry: 07/28/2021 Unknown Time, SLU, WI-Without Inspection

Passenger Boarded at:

F.B.I. Number: [redacted]

☐ Single ☐ Divorced ☒ Married ☐ Widower ☒ Separated

Number, Street, City, Province (State) and Country of Permanent Residence: [redacted]

Method of Location/Apprehension: NCA

Date of Birth	Date of Action	Location Code	At/Near	Date/Hour
[redacted] Age: 27	02/13/2026	PHI/PHI	See I-831	02/13/2026 08:44

City, Province (State) and Country of Birth: TASHKENT, UZBEKISTAN

AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐

By: BRYAN PACHINI

NIV Issuing Post and NIV Number:

Social Security Account Name:

Status at Entry:

Status When Found:

Date Visa Issued:

Social Security Number:

Length of Time Illegally in U.S.:

Immigration Record: POSITIVE - See Narrative

Criminal Record: See Narrative

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate):

Number and Nationality of Minor Children: None

Father's Name, Nationality, and Address, if Known:

Mother's Present and Maiden Names, Nationality, and Address, if Known: VALIKHODJAEV, MADINA NATIONALITY: UZBEKISTAN

Monies Due/Property in U.S. Not in Immediate Possession: None Claimed

Fingerprinted? ☒ Yes ☐ No

Systems Checks: See Narrative

Charge Code Words(s): See Narrative

Name and Address of (Last)(Current) U.S. Employer:

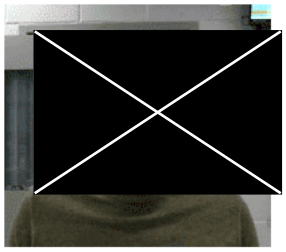
Type of Employment: Unemployed or Retired

Salary / Hr:

Employed from/to:

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



Body Worn Camera (BWC) Information

BWC footage was recorded for this enforcement activity.

FAMILY INFORMATION

Father:Subject has not provided information for Father.
Mother:VALIKHODJAEV, MADINA is a citizen of UZBEKISTAN.
Spouse:Subject is not married.
Child:Subject does not have children or dependents. ...(CONTINUED ON I-831)

BRYAN PACHINI
Deportation Officer

Alien has been advised of communication privileges _____ (Date/Initials) (Signature and Title of Immigration Officer)

Distribution:

A-File

Received: (Subject and Documents) (Report of Interview)

Officer: BRYAN PACHINI

on: February 13, 2026 (time)

Disposition: Other

Examining Officer: CLARK, J 8355

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VALIKHODJAEV, DAMIR	[redacted] Event No: [redacted]	11/23/2025

IMMIGRATION RECORD

History was expected but not provided

SUBJECT HEALTH STATUS

The subject claims good health.

CURRENT CRIMINAL CHARGES

02/13/2026 - 8 USC 1251 - DEPORTATION ONLY

U.S. ADDRESS

[redacted]

RECORDS CHECKED

CIS checked on 02/13/2026 with Positive result.CLAIM checked on 02/13/2026 with Positive result.TECS checked on 02/13/2026 with Positive result.NCIC checked on 02/13/2026 with Positive result.AFIS checked on 02/13/2026 with Positive result.

ARRESTED AT/NEAR

[redacted] UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

A detainer was lodged by Philadelphia ERO on November 23, 2025, for custody redetermination of Damir VALIKHODJAEV, (hereafter will be referred to as VALIKHODJAEV) due to arrest while in removal proceedings. VALIKHODJAEV was arrested on November 21, 2025, by the Lower Southampton Township (TWP) Police Department and charged with Strangulation - Applying Pressure to Throat or Neck, Terroristic Threats with Intent to Terrorize Another, Possessing Instrument of a Crime with Intent and Simple Assault. Bucks County Prison did not honor the detainer despite one being in place and released VALIKHODJAEV from custody on February 12, 2026. The case was referred to the Philadelphia ICE ERO Montgomery/Bucks County At-Large unit.

ENCOUNTER:

On February 13, 2026, Deportation Officer (DO) Pachini, SDDO Clark, DO Perrini, DO Stewart and DO Brown with the Philadelphia ICE ERO Montgomery/Bucks County at large unit assisted by Customs and Border Protection Officers (CBPO) Graves and CBPO Lemanski, conducted a targeted enforcement operation at [redacted] where there was credible information Damir VALIKHODJAEV may currently reside. At approximately 0657 hours, VALIKHODJAEV was seen leaving the above address and getting into the driver's seat of a parked white in color BMW SUV that was later discovered to be registered to VALIKHODJAEV's brother. All Officers moved in and approached the vehicle with their department issued and worn vest, badges and body worn cameras. VALIKHODJAEV was instructed to step out of the vehicle which he complied with. VALIKHODJAEV was positively identified by his name when asked and by his most recent arrest photograph taken by the Lower Southampton TWP Police Department. VALIKHODJAEV was then made aware that he was being placed under arrest by Immigration and Customs Enforcement for being in violation of the Immigration and Nationality (INA) Act. VALIKHODJAEV was then transported without incident, to the Philadelphia Field Office for processing as a Custody Redetermination.

Signature	Title
BRYAN PACHINI	Deportation Officer

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VALIKHODJAEV, DAMIR	[redacted] Event No: [redacted]	11/23/2025

IMMIGRATION HISTORY:

VALIKHODJAEV is a native and citizen of Uzbekistan. Damir VALIKHODJAEV is not a Lawful Permanent Resident of the United States. Damir VALIKHODJAEV, does not make any claims of being a United States Citizen. On or about July 28, 2021, VALIKHODJAEV was served a Notice and Order of Expedited Removal with Credible Fear by United States Border Patrol and placed into removal proceedings after an illegal entry into the United States. On September 29, 2021, VALIKHODJAEV was served a Notice to Appear due to credible fear. VALIKHODJAEV was approved for a work authorization until July 19, 2025. VALIKHODJAEV has a pending I-589 and work authorization renewal applications. VALIKHODJAEV is pending immigration judge decision in removal proceedings with his next hearing scheduled for June 02, 2026.

CRIMINAL HISTORY:

On November 21, 2025, VALIKHODJAEV was arrested by the Lower Southampton Twp. Police Department for Strangulation - Applying Pressure to Throat or Neck, Terroristic Threats with Intent to Terrorize Another, Possessing Instrument of a Crime with Intent and Simple Assault. Charges are still pending in the Court of Common Pleas of Bucks County.

It should be noted, according to the Lower Southampton TWP Police report, VALIKHODJAEV was involved in a physical fight with his brother and during the fight VALIKHODJAEV retrieved a white kitchen knife and stabbed his brother in the arm twice. The Lower Southampton TWP responding Officer observed two small open lacerations to VALIKHODJAEV's brother. VALIKHODJAEV is a risk to public safety due to his violent behavior. VALIKHODJAEV should be denied bond or release from custody during his immigration proceedings.

During the investigation it was discovered VALIKHODJAEV has a TECS hit ([redacted] for Human Smuggling/Trafficking stating that VALIKHODJAEV is part of a HSI Quito HT/HS investigation. A query of the ICM database indicated that the case was closed on September 30, 2024.

HEALTH AND HUMANITARIAN:

VALIKHODJAEV claims to be in good health and takes no medications.

VALIKHODJAEV claims to be single and has no children.

VALIKHODJAEV claimed fear of returning to Uzbekistan.

INTEL:

VALIKHODJAEV has a valid passport issued from the Republic of Uzbekistan that is currently located his A-file. Passport number [redacted] and it expires on September 17, 2029.

VALIKHODJAEV denies service in any branch of the United States military. VALIKHODJAEV denies service in any branch of the Uzbekistan military.

PROCESSING DISPOSITION:

VALIKHODJAEV will be processed as a Custody Redetermination and was served with an I-200. VALIKHODJAEV will be served with an I-830. VALIKHODJAEV will be detained without bond. VALIKHODJAEV was provided with the most recent version of free legal services.

Signature	Title
BRYAN PACHINI	Deportation Officer

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VALIKHODJAEV, DAMIR	[redacted] Event No: [redacted]	11/23/2025

MISC NUMBERS:

FBI: [redacted]
SID: [redacted]

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]
State Criminal Number/State Bureau Number-[redacted] (UNITED STATES)
Other Biometric-[redacted]

Signature	Title
BRYAN PACHINI	Deportation Officer