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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Mukhammad Islom Azimov; Takhmina Igamberdieva,

Petitioners,

v.

Kristi Noem, Secretary of Homeland Security; Fred Figueroa, Eloy Detention Center, John E. Cantu, Field Office Director, Phoenix Field Office, United States Immigration and Customs Enforcement; Todd M. Lyons, Acting Director, United States Immigration Customs Enforcement; Pamela Bondi, Attorney General *in their official capacities,*

Respondents.

CASE NO.:

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioners Mukhammad Islom Azimov and Takhmina Igamberdieva ("Petitioners") are currently detained by U.S. Immigration and Customs Enforcement ("ICE") at Eloy Detention Center, located in Eloy, Arizona, within this judicial district. Petitioners bring this action under 28 U.S.C. § 2241 seeking release from unlawful detention.

2. Petitioners presented themselves at the Nogales, Arizona Port of Entry through the lawful CBP One process and sought asylum on March 2, 2024. They have been continuously detained at the Eloy Detention Center in Eloy, Arizona since that day - a period of over twenty-three months - almost two years.

3. An immigration judge has now twice granted Petitioners asylum. On May 29, 2025, the immigration judge issued an oral decision granting asylum. After the BIA remanded for additional factual findings, the immigration judge issued a comprehensive written decision on January 21, 2026, again granting Petitioner Azimov asylum based on past persecution and a well-founded fear of future persecution in Russia and Kyrgyzstan. DHS filed a second appeal to the BIA, which was received on February 3, 2026.

4. Petitioners have been detained for nearly two years without any individualized determination that their continued detention is necessary. They have no criminal history. They followed the lawful CBP One process. The government's own credible fear interviewer determined that Petitioners have a credible fear of

persecution. The government's own Immigration Judge has twice found them to be bona fide refugees who face persecution if returned to their home countries of nationality.

5. Their prolonged detention - driven solely by the government's abusive exercise of its right to serially appeal favorable decisions - violates the Due Process Clause of the Fifth Amendment. Petitioners respectfully request that this Court order their immediate release or, in the alternative, a bond hearing at which the government must meet the burden of justifying Petitioner's continued detention by clear and convincing evidence.

JURISDICTION

6. Petitioners are in the physical custody of Respondents. Petitioners are detained at the Eloy Detention Facility in Eloy, Arizona.

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause), 28 U.S.C. § 2201 (Declaratory Judgment Act), and 28 U.S.C. § 1651 (All Writs Act).

8. This Court may grant relief pursuant to 28 U.S.C. §2241, the Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

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VENUE

9. Venue is proper in this District under *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484 (1973), and 28 U.S.C. § 1391(e) because Petitioners are currently detained at Eloy Detention Center in Eloy, Arizona, which is within the District of Arizona.

10. Respondent Fred Figueroa, Senior Warden of Eloy Detention Center, is Petitioners' immediate custodian and is located within this District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. Pursuant to 28 U.S.C. § 2243, upon the filing of a habeas corpus petition, "the court shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

12. The writ of habeas corpus "is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Fay v. Noia*, 372 U.S. 391, 401-02 (1963). Courts are required to act promptly on habeas petitions. See *Yong v. INS*, 208 F.3d 1116, 1119 (9th Cir. 2000) (vacating district court's order staying habeas proceedings and remanding for prompt adjudication).

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PARTIES

13. Petitioner Mukhammad Islom Azimov is a native of Kyrgyzstan and citizen of Russia, [redacted] His Alien Registration Number is A[redacted] Petitioner is currently detained at Eloy Detention Center, 1705 E. Hanna Road, Eloy, Arizona, 85131. He has been detained there since March 2, 2024.

14. Petitioner Takhmina Igamberdieva is a 23-year-old native of Kyrgyzstan and citizen of Russia, [redacted] Her Alien Registration Number is A[redacted]

15. Respondent Fred Figueroa is the Senior Warden of Eloy Detention Center and is Petitioners' immediate custodian. He is sued in his official capacity.

16. On information and belief, Respondent John Cantu is the current Field Office Director responsible for the Phoenix Field Office of ICE. He is a legal custodian of the Petitioners and is named in his official capacity.

17. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of the Petitioners and is named in his official capacity.

18. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security ("DHS"). She is responsible for administering and enforcing immigration laws, including the detention of noncitizens. She is sued in her official capacity.

19. Respondent U.S. Department of Homeland Security is the federal agency responsible for immigration enforcement and the detention of noncitizens.

20. Respondent Pamela Bondi is the Attorney General of the United States. She is a legal custodian of the Petitioners and is named in her individual capacity.

STATEMENT OF FACTS

I. Petitioner's Background

21. Petitioner Mukhammad Islom Azimov is a 33-year-old native of Kyrgyzstan and citizen of Kyrgyzstan and Russia. He was born on [redacted] in Kyrgyzstan. [redacted] In 2002, when he was ten years old, his family [redacted] and relocated to Russia.

[redacted]

23. Petitioner Takhmina Igamberdieva was born on [redacted] in Kyrgyzstan. She is the wife of Petitioner Azimov. They were married in May, 2021, in the Perm region of Russia. [redacted]

24. In December 2023, fearing for their lives, Petitioners fled Russia and traveled to the United States.

II. Entry into the United States and Detention

25. On March 2, 2024, Petitioners presented themselves at the Nogales, Arizona Port of Entry through the lawful CBP One scheduling process. They applied for admission and expressed a fear of return to their countries of nationality.

26. Petitioners were processed for expedited removal and referred for credible fear interviews.

27. Following positive CFI determinations, DHS placed Petitioners in full removal proceedings under INA § 212(a)(7)(A)(i)(I) as immigrants without valid entry documents.

28. Petitioners have been continuously detained at the Eloy Detention Center since March 2, 2024 - a period of approximately 721 days, just a week short of two years. At no point during this period have Petitioners received a bond hearing or any individualized determination that their continued detention is necessary.

III. Bond Proceedings

29. Petitioners' cases were initially calendared before the Florence Immigration Court and subsequently transferred to the Eloy Immigration Court. The cases were consolidated before immigration judge William Marby III.

30. On May 29, 2025, following a full merits hearing at which both Petitioners testified, IJ Marby issued an oral decision granting Petitioner Azimov's application for asylum, with Petitioner Igamberdieva as a derivative beneficiary. The IJ found Petitioners credible and determined that Petitioner Azimov had established past persecution and a well-founded fear of future persecution in Russia on account of [redacted]

31. DHS appealed the IJ's decision to the BIA. On October 22, 2025, the BIA remanded the case for additional factual findings regarding the nexus between the harm and protected grounds in Russia, and for further analysis regarding Kyrgyzstan.

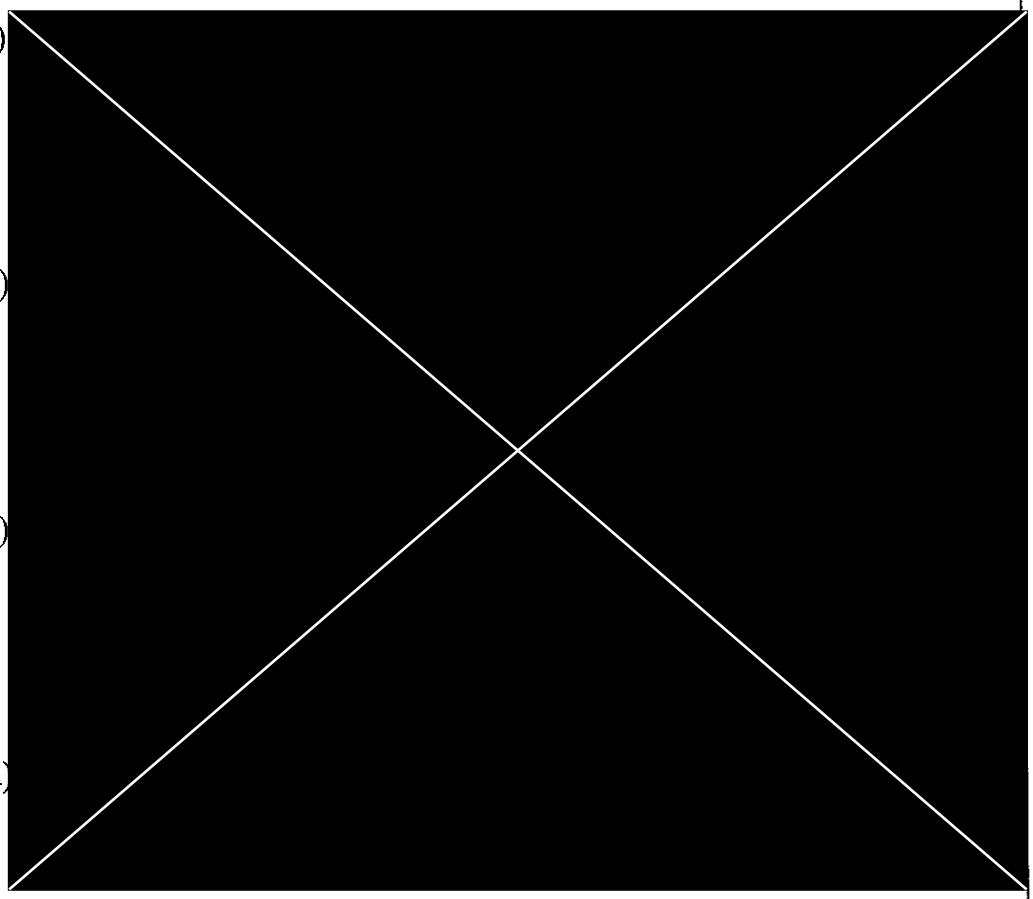
32. On January 21, 2026 IJ Marby issued a comprehensive written decision on remand. The decision again granted Petitioner Azimov asylum as to both Russia and Kyrgyzstan, granted him withholding of removal as to both countries, and granted rider Igamberdieva derivative asylum as to both countries. The IJ found, *inter alia,* that:

(a)

(b)

(c)

(d)



(e) Petitioner Azimov warrants a favorable exercise of discretion.

33. On February 3, 2026, DHS filed a second appeal to the BIA. The appeal is currently pending. No briefing schedule has been set.

IV. Petitioners' Disappearance from ICE Locator

34. As of the date of this filing, Petitioners do not appear in the ICE Online Detainee System, despite being detained at the Eloy Detention Center. Undersigned counsel is concerned that Petitioners may be at risk of transfer to another facility, which would disrupt their access to counsel and the adjudication of this petition.

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CLAIMS FOR RELIEF

Count I

Prolonged Detention in Violation of the Due Process Clause of the Fifth Amendment

35. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraph as if fully set forth herein.

36. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

37. The Ninth Circuit has held that the limitations on extended detention described in *Zadvydas* also apply to arriving aliens detained under INA § 235(b)(2)(A). *Nadarajah v. Gonzales,* 443 F.3d 1069 (9th Cir. 2006). In that case, the arriving alien petitioner had been detained for five years, despite having been granted relief twice. The court held that general detention statues do not authorize the government to detain aliens indefinitely. Although the *Zadvydas* decision dealt with aliens who had been admitted, the Ninth Circuit found that it should be applied to the petitioner, an arriving alien, because the Supreme Court held in *Clark v. Martinez,* 543 U.S. 371 (2005) that the prohibition against detention beyond the 90 day removal period applies equally to inadmissible aliens detained pursuant to INA § 241. *Nadarajah* 443 F.3d at 1077.

38. The court also applied *Zadvydas* to find that after a presumptively reasonable six-month detention "once the alien provides good reason to believe that there is no significant likelihood of removal in reasonable foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Nadarajah* at 1079-80 (quoting *Zadvydas* 533 U.S. at 701).

39. Petitioners have been detained for just about two years without any individualized determination that their continued detention is justified. Their asylum application has been granted two times, yet they remain detained.

40. Although 8 C.F.R. § 1003.19(h)(2)(i)(B) deprives the IJ of jurisdiction to conduct bond hearings for "arriving aliens" in removal proceedings, when the post-removal period detention crosses the six months threshold, the noncitizen is entitled to an individualized bond hearing where the government bears the burden of establishing that continued detention is justified. *See Diouf v. Napolitano,* 634 F.3d 1081 (9th Cir. 2011).

41. Petitioners' detention of nearly two years is extreme, extraordinary, and far exceeds the six month threshold established by the Ninth Circuit. Detention of this magnitude raises grave constitutional concerns and is presumptively unreasonable absent exceptional circumstances. *Id.* at 1091.

42. Therefore, Petitioners' prolonged detention without a hearing at which the government can justify their continued custody violates their Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order that Petitioners shall not be transferred outside the District of Arizona while this habeas petition is pending, and that Respondents provide forty-eight (48) hours advance notice to Petitioners' counsel before any transfer;

c. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

d. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

e. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

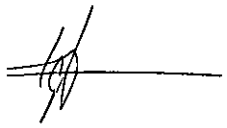
f. Grant any other and further relief that this Court deems just and proper.

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Dated: February 20, 2026

Respectfully submitted,



Igor Harris,
Attorney for Petitioner