FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 17 2026
JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 26-CV-00962-RTG
(To be supplied by the court)

MuKhammad Nematzoda Fayziev, Applicant,

v. Warden, Juan Baltasar
Director of ICE, Todd Lyons
Attorney General, Pamela Bondi
Director of ICE Field Office of Colorado, Robert Guadian, Respondent.
(Name of warden, superintendent, jailer, or other custodian)

(Note: If you are attacking the validity of a state conviction or sentence and not the execution of your sentence, you must file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. If you are attacking the validity of a judgment entered in a federal court, you must file a motion pursuant to 28 U.S.C. § 2255 in the federal court that entered the judgment.)

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

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. APPLICANT INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

MuKhammad Nematzoda Fayziev, [redacted]
(Applicant's name, prisoner identification number, and complete mailing address)

Aurora Detention Center, 3130 N Oakland St, Aurora CO 80010

Indicate whether you are a prisoner or other confined person as follows: (check one)

___ Pretrial detainee
___ Civilly committed detainee
✓ Immigration detainee
___ Convicted and sentenced state prisoner
___ Convicted and sentenced federal prisoner
___ Other: (*Please explain*) _____

B. RESPONDENT INFORMATION

Facility Administrator, Aurora Detention Center
(Respondent's name and complete mailing address)

3130 North Oakland Street, Aurora CO 80010

C. STATEMENT OF CLAIMS

State clearly and concisely every claim you are asserting in this action. For each claim, specify the right that allegedly has been violated and all facts that support your claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "C. STATEMENT OF CLAIMS."

CLAIM ONE: Please see the attached pages.

Supporting facts:

D. PRIOR APPLICATIONS

Have you ever filed a lawsuit, other than this lawsuit, in any federal court in which you raised or could have raised the claim(s) raised in this action? ___ Yes ✓ No (*check one*).

If your answer is "Yes," complete this section of the form. If you have filed more than one prior application, use additional paper to provide the requested information for each prior application. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "D. PRIOR APPLICATIONS."

Name and location of court: _____

Case number: _____

Type of proceeding: _____

List the claim(s) raised: _____

Date and result: (Attach a copy of the decision if available) _____

Result on appeal, if appealed: _____

E. ADMINISTRATIVE REMEDIES

WARNING: You must exhaust administrative and/or state remedies before filing an action in federal court pursuant to 28 U.S.C. § 2241. Your case may be dismissed if you have not exhausted administrative and/or state remedies. If additional space is needed to explain exhaustion, use extra paper to do so. Please indicate that additional paper is attached and label the additional pages regarding exhaustion as "E. ADMINISTRATIVE REMEDIES."

Explain the steps you have taken to exhaust administrative and/or state remedies:

Petitioner has participated in immigration proceedings while in ICE custody. However, there is no available administrative remedy to challenge prolonged detention without a bond hearing.

F. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."

Please see the attached pages.

G. APPLICANT'S SIGNATURE

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this application: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the application otherwise complies with the requirements of Rule 11.

(Applicant's signature)

03/13/2026
(Date)

(Form Revised December 2017)

C. STATEMENT OF CLAIMS

CLAIM ONE: Prolonged immigration detention without a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment.

Supporting facts: Petitioner has been detained by ICE since May 4, 2024. He is currently detained at Denver Contract Detention Facility. His immigration proceedings remain pending before the Board of Immigration Appeals (BIA). Petitioner has remained detained for an extended period of time without a meaningful bond hearing or other adequate review of the necessity of detention violates the Due Process Clause of the Fifth Amendment.

F. REQUEST FOR RELIEF

Petitioner respectfully asks the Court to:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Respondents to show cause why should not be granted within seven days pursuant to 28 U.S.C. §2243;
3. Order an immediate bond hearing before an Immigration Judge at which the Government must justify continued detention; or
4. In the alternative, order Petitioner's immediate release from ICE detention; and
5. Grant any other relief the Court considers just and proper.

Background

Petitioner is a citizen of Uzbekistan who crossed the border on May 4, 2024 and was taken into immigration custody.

When Petitioner expressed a fear of returning to Uzbekistan, he was given a credible fear interview which resulted in a positive credible fear determination. Then he was transfered to River Correctional Center, LA.

On August 13, 2024, Petitioner filed an application for asylum. On August 14, 2024, he had a bond hearing and the Immigration Judje (IJ) denied the request based on lack of jurisdiction. Petitioner appealed to the Board of Immigration Appeals (BIA), which dismissed the appeal.

On December 19, 2024, IJ granted asylum and DHS appealed the IJ's decision to the BIA. On June 20, 2025, BIA remanded the matter back to the IJ. On August 20, 2025, the IJ entered new decision denying petitioner's application for asylum and ordered him removed to Uzbekistan. Petitioner appealed the decision to BIA which remains pending.

On October 11, 2025, Petitioner was transferred to Denver Contract Detention Facility and remains there since that time.

To date, Petitioner has been in detention for over 22 months. His appeal is in process with BIA and still subject to later Ninth Circuit review.