UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

JAVOKHIR RAJABOV, Petitioner, vs. **KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement;** **KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY;** Respondents.	Case No.: **PETITION FOR WRIT OF HABEAS CORPUS**

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

1. Petitioner, Javokhir Rajabov, [hereinafter, "Petitioner"], by and through undersigned counsel, petitions this Honorable Court for a Writ of Habeas Corpus to remedy his unlawful detention because the Immigration Judge improperly denied bond by incorrectly finding that Petitioner was a flight risk. In support thereof, Petitioner, states as follows:

I. CUSTODY

2. Petitioner is in the physical custody of the United States Immigration and Customs Enforcement ("ICE") detained at North Lake Processing Center in Baldwin, Michigan. ICE has contracted with the North Lake Processing Center to detain individuals in ICE custody. Petitioner is under the direct control of Respondents and their agents.

II. JURISDICTION AND VENUE

3. This case arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., and the Administrative Procedures Act ("APA"), 5 U.S.C. §701 et seq. This Court has jurisdiction in this action under 28 U.S.C. §§ 2241(a) and (c)(1) and (3); U.S. CONST. art. I, §9, cl. 2 (the "Suspension Clause"); and 28 U.S.C. § 1331, as Petitioner is presently in custody under the authority of the United States, and such custody is in violation of the Constitution and laws of the United States.

4. The 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.

5. Further, this Court has jurisdiction under 28 U.S.C. § 2241 to review

constitutional as well as statutory issues. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 33 (1st Cir. 2021).

6. The Writ of Habeas Corpus "is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Harris v. Nelson*, 394 U.S. 286, 290 (1969). The power of this Court's inquiry on federal habeas corpus review is plenary. *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001); *Townsend v. Sain*, 372 U.S. 293, 312 (1963). "District courts retain jurisdiction over challenges to the legality of detention in the immigration context." *Aguilar v. U.S. Immigration & Customs Enforcement Div. of Dep't of Homeland Sec.*, 510 F.3d 1, 11 (1st Cir. 2007).

7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Western District of Michigan, the judicial district in which Petitioner currently is detained.

8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in Baldwin—housed in the Western District of Michigan.

III. PARTIES

9. Petitioner is a citizen of Uzbekistan who has been in immigration detention since on or around November 25, 2025. After arresting Petitioner, ICE did not set bond, and Petitioner is unable to obtain review of his custody by an Immigration Judge, pursuant to the Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

10. Kevin Raycraft is the Director of the Detroit Field Office of ICE's

Enforcement and Removal Operations division. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

11. Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

IV. EXHAUSTION

12. There is no statutory exhaustion requirement under 28 U.S.C. § 2241. Habeas protections have been recognized by the Court as fundamental to individual liberty. See e.g., *Boumediene v. Bush*, 553 U.S. 723, 740-46 (2008).

V. STATEMENT OF RELEVANT FACTS

13. Petitioner has continuously resided in the United States since August 13, 2019. He has U.S. citizen mother and cousin, he has LPR aunt and uncle, and his sister with her family also reside in the U.S.

14. On November 25, 2025, Petitioner was arrested by immigration officers during Operation "Midway Blitz". Petitioner was subsequently transferred to the North Lake Processing Center in Baldwin, Michigan, where he remains detained.

15. Prior to the arrest, Petitioner's removal proceedings were terminated.

16. Crucially, there is no evidence that an 'examining immigration officer' determined that Petitioner was not clearly and beyond a doubt entitled to be admitted as required to trigger mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Instead, he was

processed as an interior apprehension.

17. Petitioner has no criminal record in or out of the U.S.

18. Different counsel filed a Habeas Petition in January 2026, based on belief that the Immigration Judge would determine he does not have jurisdiction to hold a Bond hearing in his case because Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b).

19. On February 5, 2026, the Habeas Petition was granted, and Judge Beckering ordered that Petitioner be provided a bond hearing before an Immigration Judge, pursuant to 8 U.S.C. § 1226(a). Per the Judge's Order, a bond hearing was held on February 10, 2026.

20. During the bond hearing, the Government did not submit any evidence in regard to Respondent being a flight risk or a danger. The Immigration Judge conducted an immigration hearing where the Petitioner had no real opportunity and there was not a meaningful analysis of the arguments provided by the Petitioner's counsel. Immigration Judge denied Petitioner's bond as instructed by the Respondents. **(EXHIBIT A and B)**.

21. Although the Government failed to submit any evidence to meet its burden of proving by clear and convincing evidence that the Petitioner poses a flight risk, it argued that 1) Court did not have jurisdiction despite the grant of Habeas Petition and 2) his recent entry and absence of family ties in the United States made him a flight risk. The Immigration Judge agreed with this argument, denied bond and did not let the counsel formulate further arguments in opposition to such determination. **(EXHIBIT A and EXHIBIT C)**.

VI. LEGAL FRAMEWORK

22. Individuals detained pursuant to § 1226(a) are entitled to custody redetermination hearings, or bond hearings. 8 U.S.C. § 1226(a) (2025); 8 C.F.R. § 236(d)(1).

23. Although the Sixth Circuit has not yet issued a published decision directly setting the Government's burden at an immigration bond hearing, due process requires that the Government bear the burden of proving that continued detention is justified. Courts in other circuits confirm that the Government must prove by clear and convincing evidence that a detainee poses a danger to the community, and must provide at least a meaningful, individualized evidentiary showing that the detainee is a flight risk (*Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021); *Velasco-Lopez v. Decker*, 2d Cir. 2020). The Government cannot rely solely on prior removals, unlawful entry, or generalized assertions of flight risk. Applying these principles in the Western District of Michigan, where immigration judges follow Sixth Circuit guidance on due process (*Garcia v. Barr*, 969 F.3d 129 (6th Cir. 2020)), continued detention of the petitioner without an individualized bond hearing meeting this burden violates the Due Process Clause, and immediate habeas relief is warranted.

24. Here, the decision from the Detroit Immigration Court held that the fact that Petitioner entered the USA in 2019 and the context of his family ties somehow establishes that he is a flight risk, even though Petitioner has a U.S. citizen mother and other family members, proper work documentation, letters from co-workers stating he is of high moral character and establishing a reliable work history. In fact, the Petitioner already had legal employment to sustain himself, which he submitted to the court. Here, the flight risk

finding was held arguably in an attempt to deny Petitioner relief, even with a granted habeas petition as instructed by the Respondents.

25. Here, the correct legal standard required the IJ to find that the government could not show by preponderance of the evidence that Petitioner is a flight risk. The IJ determined that Petitioner was a "flight risk," and denied bond as a result, based only on the Petitioner entering the USA in 2019 and "absence of family ties" when having a USC mother is one of the strongest ties one might possess. That determination was an error as a matter of law. See Alvarez Puerta, No. 1:25-cv 108; Diaz Calderon v. Barr, 535 F.Supp.3d 669, 681 (E.D. Mich. 2020) ("Accordingly, the police report upon which the Respondents rely was properly considered by the Immigration Judge, but the standard required by the case law, that unproved allegations should be assigned little weight in determining Petitioner's dangerousness, was not applied correctly. To have relied so heavily on a matter that must only be given little weight as the basis for meeting a "clear and convincing" standard of evidence is not consistent with due process.").

VII. CAUSE OF ACTION

Count One – Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

29. Petitioner realleges and incorporates by reference each allegation contained above.

30. Petitioner entering the USA in 2019 and the so-called absence of family ties cannot be used as enough reasons to deny the Petitioner's relief. Especially when the adjudicator was provided with evidence of the contrary (family and friends affidavits) and the Petitioner's counsel was not provided with an opportunity to explain or argue

against the IJ's decision. Freedom determination made under those conditions does not adjust with the standards of the due process fundamental rights set forth in the Fifth Amendment.

VIII. PRAYER FOR RELIEF

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

1. Assume jurisdiction over the matter;

2. Order Respondents to show cause why the Writ should not be granted within three days;

3. Declare that Petitioner's detention violates the Due Process Clause of the Fifth amendment of the U.S. Constitution;

4. Grant a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

5. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

6. Grant such further relief as this Court deems just and proper.

Respectfully submitted,
Nazly Mamedova

By: */s/ Nazly Mamedova*
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Dated: 03/10/2026

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2026, *Petitioner's Petition for Writ of Habeas Corpus* was filed with the Court Clerk via ECF system e-filing system which will give notice of such filing to all parties of record.

/s/ Nazly Mamedova
Nazly Mamedova