UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

AKRAMKHON I. KHAMRAEV, Petitioner, v. SHERIFF, Liberty County; SAMUEL OLSON, FOD, U.S. Immigration and Customs Enforcement, Chicago Field Office; TODD M. LYONS, Acting Director, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States Department of Justice, *in their official capacities*, Respondents.	Case No..: 4:26-cv-00171

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

INTRODUCTION

Petitioner Akramkhon I. Khamraev is a native and citizen of Uzbekistan currently detained by the United States Immigration and Customs Enforcement ("ICE") at the Call Field Office, 12499 Pogo Street, Bristol, Florida 32321—within the jurisdiction of this Court. Petitioner challenges the legality of his civil immigration detention pursuant to 28 U.S.C. § 2241.

Petitioner entered the United States without inspection at or near San Ysidro, California, on or about September 25, 2023. Following his apprehension, DHS issued Petitioner a Notice to

Appear on September 27, 2023, charging him under INA § 212(a)(6)(A)(i) as an alien present in the United States without having been admitted or paroled. On that same date, DHS released Petitioner on an Order of Release on Recognizance pursuant to INA § 236(a), 8 U.S.C. § 1226(a)—a formal, affirmative governmental determination that his custody fell under the discretionary detention framework of § 1226(a). After his release, Petitioner relocated to the Chicago, Illinois metropolitan area, where he resided and worked throughout his non-detained removal proceedings.

While awaiting his asylum merits hearing, Petitioner was taken into ICE custody in Florida. His immigration case was subsequently transferred from the Chicago Immigration Court to the Bristol, Florida Immigration Court, where a master calendar hearing is presently scheduled for May 11, 2026. Petitioner is currently in ICE custody in Bristol, Florida, without having been afforded an individualized bond hearing.

The Government's basis for detaining Petitioner without any bond hearing rests on the assertion that he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2). That position is foreclosed by the plain text of the statute, by the substantial weight of persuasive authority from the Middle and Southern Districts of Florida and courts across the country, and by fundamental principles of constitutional due process. Courts in the Middle and Southern Districts of Florida—the geographically and legally proximate fora—have consistently held that noncitizens who entered the United States on parole or otherwise, were released into the interior, and were subsequently detained by ICE in the interior are governed by 8 U.S.C. § 1226(a)—not § 1225(b)(2)—and are entitled to individualized bond hearings. See *Malikov v. Bondi*, No. 2:26-cv-00172-SPC-NPM (M.D. Fla. Feb. 12, 2026); *Abdukarimov v. Warden, Krome North Serv. Processing Ctr.*, No. 1:26-cv-22193-KMW (S.D. Fla. Apr. 9, 2026); *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM (M.D. Fla. Feb. 24, 2026); *Hernandez-Lopez v. Hardin*, No. 2:25-

CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Hinojosa Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025); *Vasquez Carcamo v. Noem*, No. 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025).

Petitioner respectfully requests, as his PRIMARY RELIEF, that this Court order his IMMEDIATE RELEASE on recognizance or reasonable conditions. Petitioner entered the United States, was released by DHS on an Order of Release on Recognizance under § 1226(a), complied fully with all conditions of his release and all immigration proceedings for over a year, maintained lawful employment in the Chicago, Illinois metropolitan area, and has no criminal history of any kind in the United States. The Government has provided no individualized basis for his detention. In the alternative, should this Court decline to order immediate release, Petitioner requests that Respondents be ordered to provide him with an individualized bond hearing before an immigration judge within five (5) business days, at which the Government must bear the burden of demonstrating by clear and convincing evidence both that Petitioner poses a flight risk or danger to the community and that no alternative conditions of release would mitigate those risks. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241(a) and (c)(3), which authorizes federal courts to issue writs of habeas corpus on behalf of persons held in custody in violation of the Constitution or laws of the United States. Federal courts have long exercised habeas jurisdiction over the legality of civil immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003). The proper respondent is the custodian in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443–47 (2004).

VENUE

Venue is proper in the Northern District of Florida, Tallahassee Division, because Petitioner is physically confined at the 12499 Pogo Street, Bristol, Liberty County, Florida 32321—which lies within the Tallahassee Division of this District. 28 U.S.C. § 2241(d). Liberty County, Florida is within the geographic jurisdiction of the Northern District of Florida.

Venue is also proper in this Court pursuant to 28 U.S.C. § 2241(d) 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 the Northern District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. Habeas corpus is "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia,* 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Exhaustion of administrative remedies is not required in this case. 28 U.S.C. § 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. See *McCarthy v. Madigan,* 503 U.S. 140, 144 (1992) (exhaustion not required where not mandated by statute). Where, as here, a petitioner challenges the statutory and constitutional authority for detention, exhaustion is not required because administrative agencies cannot adjudicate constitutional claims and lack the power to grant habeas relief. See *Sterkaj v. Gonzales,* 439 F.3d 273, 279 (6th Cir. 2006) (BIA lacks authority to decide constitutional issues).

Moreover, exhaustion would be futile because neither the Immigration Judge nor the Board of Immigration Appeals can review DHS's claim that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), nor can they order release where DHS invokes that statute. See *McCarthy,* 503 U.S. at 146–49 (exhaustion excused where agency remedies are inadequate or would cause irreparable injury).

PARTIES

Akramkhon Isaevich Khamraev (A-Number: [redacted]) is a native and citizen of Uzbekistan, born on [redacted], in Samarkand, Uzbekistan. He is currently detained at the ICE detention facility located at 12499 Pogo Street, Bristol, Florida 32321. His immigration removal proceedings remain pending before the Chicago Immigration Court.

Respondent Sheriff, Liberty County, is, upon information and belief, the immediate custodian of Petitioner and the proper respondent in this habeas proceeding pursuant to 28 U.S.C. § 2241; Samuel Olson, Field Office Director, U.S. Immigration and Customs Enforcement, Chicago Field Office, is responsible for decisions regarding Petitioner's custody and detention in

Florida; Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and has supervisory authority over immigration detention nationwide; Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has ultimate authority over immigration enforcement; and Respondent Todd Blanche is the Acting Attorney General of the United States and oversees the Executive Office for Immigration Review. All Respondents are sued in their official capacities.

STATEMENT OF FACTS

I. Background, Country Conditions, and Entry

Petitioner Akramkhon Isaevich Khamraev is a native and citizen of Uzbekistan, born on [redacted], in Samarkand, Uzbekistan. [redacted] As a result, Petitioner feared for his safety and was forced to flee Uzbekistan, ultimately seeking protection in the United States.

Petitioner entered the United States without inspection at or near San Ysidro, California, on or about September 25, 2023.

On the same date, U.S. Customs and Border Protection issued Petitioner a Notice to Appear ("NTA"), charging him as an arriving alien under INA § 212(a)(7)(A)(i)(I) and ordering him to appear before the Chicago Immigration Court on September 25, 2023.

II. Residence, Employment, and Immigration Proceedings in Chicago

Following his release on the Order of Recognizance, Petitioner relocated to the Chicago, Illinois metropolitan area. Petitioner subsequently applied for asylum, withholding of removal, and protection under the Convention Against Torture.

Petitioner filed his Form I-589 Application for Asylum and Withholding of Removal with the Chicago Immigration Court on April 24, 2024. On November 7, 2024, USCIS issued Petitioner an Employment Authorization Document valid through November 6, 2029, under Category C08 (pending asylum applicant). Petitioner maintained lawful employment as a delivery worker.

III. Detention and Transfer to Bristol, Florida Immigration Court

Upon information and belief, in or about early 2026, Petitioner was taken into ICE custody in Florida while his immigration proceedings were ongoing. According to ICE records, Petitioner is currently detained under the custody of the Liberty County Sheriff's Department. At the time of his detention, Petitioner had a scheduled individual merits hearing before the Chicago Immigration Court.

Following his detention, Petitioner's case was transferred to the Florida Immigration Court, where a master calendar hearing is currently scheduled for May 11, 2026. At no time prior to his detention was Petitioner provided with an individualized bond hearing before an immigration judge.

Petitioner is currently detained under the authority of U.S. Immigration and Customs Enforcement. Upon information and belief, the Government has treated Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and has denied him the opportunity for an individualized bond hearing under 8 U.S.C. § 1226(a).

LEGAL FRAMEWORK

I. The Statutory Detention Framework: § 1225 versus § 1226

Two statutory provisions govern immigration detention pending the outcome of removal proceedings. Section 1225(b) applies to 'applicants for admission' who are physically seeking entry into the United States. Section 1225(b)(1) applies to aliens arriving in the United States who are 'determined to be inadmissible' and directs their expedited removal or detention. Section 1225(b)(2)(A), a residual provision, requires detention of any alien 'seeking admission' who 'is not clearly and beyond a doubt entitled to be admitted.' *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Detention under § 1225(b)(2) is mandatory; there is no bond hearing. Id.

Section 1226(a), by contrast, governs aliens 'already in the country pending the outcome of removal proceedings.' Jennings, 583 U.S. at 289 (emphasis added). It provides that the Attorney General may arrest and detain an alien pending a removal decision, or may release the alien on bond or conditional supervision. 8 U.S.C. § 1226(a). Aliens detained under § 1226(a) have the right to a bond hearing before an immigration judge. Id.; 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1).

II. Persuasive Authority in This Circuit's Sister Districts: EWI Noncitizens Released into the Interior Are Governed by § 1226(a)

Courts in the Middle and Southern Districts of Florida—the geographically and jurisdictionally proximate authorities in this state—have consistently and unambiguously held that noncitizens who entered the United States and were subsequently detained in the interior of the country are governed by the discretionary detention framework of 8 U.S.C. § 1226(a), not the mandatory detention provision of § 1225(b)(2). This body of persuasive authority, combined with the overwhelming national consensus, provides compelling guidance for this Court's decision.

First-tier persuasive authority—Middle District of Florida: In *Malikov v. Bondi*, the Middle District of Florida—on facts directly analogous to Petitioner's—held that a native and citizen of Russia who had entered the United States on humanitarian parole, applied for asylum, and was subsequently detained by ICE following a local police traffic stop was governed by § 1226(a), not § 1225(b)(2). The court rejected the Government's mandatory detention argument, held that exhaustion was excused on futility grounds, and ordered Respondents to either bring the petitioner before an immigration judge for an individualized bond hearing or release him within ten days. The *Malikov* court specifically noted that the BIA's decision in *Matter of Yajure Hurtado* provides no basis for denying a bond hearing in federal habeas proceedings, and that following *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), no deference is owed to the BIA's statutory interpretation.

First-tier persuasive authority—Southern District of Florida: In *Abdukarimov v. Warden, Krome North Service Processing Center*, No. 1:26-cv-22193-KMW (S.D. Fla. Apr. 9, 2026), the Southern District of Florida—in a decision rendered just days ago—granted habeas relief to a fellow citizen of Uzbekistan who had entered the United States and was detained without a bond hearing. The court rejected the Government's mandatory detention argument under § 1225(b)(2), noting that "This Court and countless others have uniformly rejected the Government's expansive interpretation of § 1225" and that the issue of which detention statute applies is a "purely legal question of statutory interpretation" squarely within the court's jurisdiction. The *Abdukarimov* decision is particularly instructive here because the petitioner, like Petitioner Khamraev, is a citizen of Uzbekistan with a pending asylum claim and employment authorization history. The Southern District's April 9, 2026 order demonstrates that Florida federal courts—at

both the district court and sister-court levels—continue to grant habeas relief to detained noncitizens in circumstances materially indistinguishable from Petitioner's.

The Middle District's Consistent Line of Authority: In *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM (M.D. Fla. Feb. 24, 2026), the court held that a noncitizen who had entered without inspection and was detained in the interior was entitled to an individualized § 1226(a) bond hearing, specifically granting the petition in part and ordering a bond hearing within ten days. The court further held that the Government's reliance on *Yajure Hurtado* to deny bond jurisdiction before the immigration court was unavailing in a federal habeas proceeding. These rulings were presaged by *Hernandez-Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025), *Hinojosa Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025), and *Vasquez Carcamo v. Noem*, No. 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025), all of which granted habeas relief on the same § 1226(a) theory to interior detainees in the Middle District of Florida.

Second-tier persuasive authority—EWI Noncitizens Nationally: Courts specifically addressing the § 1226(a) versus § 1225(b) question as applied to noncitizens who, like Petitioner, entered the United States, were released on Orders of Recognizance under § 1226(a), and were subsequently re-arrested in the interior have held that § 1226(a) governs. In *Navarrete v. Lowe*, No. 3:26-cv-00320-KM (M.D. Pa. Feb. 26, 2026), the court held that a noncitizen paroled into the United States under 8 U.S.C. § 1182(d)(5)—who subsequently obtained an EAD, applied for asylum, and was arrested by state police before being transferred to ICE—was improperly detained under § 1225(b) and ordered his immediate release. The *Navarrete* court specifically rejected the Government's argument that such individuals are "effectively still in line at the border" after parole, finding that this interpretation "would recreate the incentive for noncitizens to avoid inspection

that IIRIRA was enacted to eliminate." The court further held that § 1225(b)(2)(A) requires that an individual be both an "applicant for admission" and be actively "seeking admission"—an ongoing, present-tense action—while a noncitizen who has resided in the United States for years since entry is no longer "seeking admission." See also *A-J-R v. Rokosky*, No. 25-17279, 2026 WL 25056, at *5 (D.N.J. Jan. 5, 2026) (petitioner re-detained after release on humanitarian parole governed by § 1226(a)); *Francois v. Noem*, No. 25-7334, 2026 WL 27565, at *5–6 (E.D. Pa. Jan. 5, 2026) (noncitizen paroled under § 1182(d)(5) and later apprehended properly detained under § 1226(a) not § 1225(b)(2)).

III. The Due Process Standard at Bond Hearings

As a noncitizen detained under § 1226(a), Petitioner has the right to a bond hearing before a neutral immigration judge. See *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) ("Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.") (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). The Due Process Clause of the Fifth Amendment requires that civil immigration detention be accompanied by adequate procedural protections. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. at 531. Petitioner requests that, at any ordered bond hearing, the Government be required to bear the burden of proof by clear and convincing evidence that he poses a flight risk or danger to the community, and that no less-restrictive conditions of supervision would mitigate any identified risk. See *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

ARGUMENT

I. PETITIONER IS ENTITLED TO IMMEDIATE RELEASE BECAUSE THE GOVERNMENT HAS NO VALID AUTHORITY TO DETAIN HIM UNDER § 1225(b)(2), AND THE SUBSTANTIAL WEIGHT OF FLORIDA AND NATIONAL AUTHORITY ESTABLISHES THAT § 1226(a) GOVERNS HIS DETENTION.

A. EWI Noncitizens Released Into the Interior Are Not "Seeking Admission" Within the Meaning of § 1225(b)(2).

Section 1225(b)(2)(A) applies only to a noncitizen who is both an "applicant for admission" and who is actively "seeking admission." *Navarrete*, slip op. at 9; *Hernandez-Lopez*, 2025 WL 3022245, at *2. The phrase "seeking admission" describes active, present, and ongoing conduct—physically attempting to enter the United States at a border or port of entry and presenting oneself for inspection at that moment. A noncitizen who entered the United States years ago, was granted formal parole, established a home and a business, applied for asylum, and lived and worked in an interior city for an extended period is not "seeking admission" within any reasonable construction of that phrase. See *Navarrete*, slip op. at 12 (so holding as to noncitizen released into interior who was re-detained years after entry).

Petitioner Khamraev entered the United States on September 25, 2023—nearly three years ago—having entered without inspection at San Ysidro, California. He was apprehended, issued an NTA under INA § 212(a)(6)(A)(i), and released on an Order of Recognizance by DHS itself under § 1226(a) on September 27, 2023. DHS's own issuance of an Order of Recognizance—a mechanism that exists exclusively under § 1226(a)—constitutes an affirmative governmental determination that § 1226(a) governs his custody. Section 1225(b)(2)(A), as a residual provision, similarly cannot apply because Petitioner is not actively seeking admission—he sought and obtained entry via parole in 2023 and established his residence and livelihood in Naperville, Illinois. The Government cannot transform a noncitizen who entered lawfully, built a life here for nearly three years, and was arrested in the interior into a border-seeker by the mere act of revoking his parole or classifying him as an arriving alien. See Navarrete, slip op. at 13.

The practical consequence of the Government's position—if accepted—would be that EWI noncitizens released by DHS on Orders of Recognizance under § 1226(a) who resided in the interior for over a year have no right to contest their re-detention. This position has been emphatically rejected in Florida and across the country. See *Abdukarimov v. Warden; Malikov v. Bondi; Navarrete v. Lowe; A-J-R v. Rokosky,* 2026 WL 25056, at *5 (D.N.J. Jan. 5, 2026). Section 1226(a) governs Petitioner's detention.

B. Interior Detention Following Removal from the Chicago Metropolitan Area Confirms That § 1226(a) Governs.

Courts in the Middle District of Florida, as well as courts nationwide, have consistently recognized that the circumstances and location of a noncitizen's arrest—interior location rather than border apprehension—bear directly on which statutory detention framework applies. *Hernandez-Lopez*, 2025 WL 3022245, at *2; *Hinojosa Garcia*, 2025 WL 3041895, at *4. Section 1225(b)(2)(A) is designed for the port-of-entry inspection process; it applies to individuals who are physically presenting themselves for admission, not individuals who are arrested years after entry in the interior of the country.

Petitioner, who had been residing in Illinois, was detained by ICE officials and subsequently transferred to a detention facility in Bristol, Florida—hundreds of miles away from his residence. This sequence is precisely the pattern that courts have consistently recognized as an interior detention governed by § 1226(a). See *Malikov v. Bondi* (Russian national detained by ICE following local police traffic stop in interior held under § 1226(a)); *Abdukarimov v. Warden* (Uzbek citizen detained by ICE after state law enforcement contact in interior held under § 1226(a)).

C. Florida District Court Persuasive Precedent, Combined with the National Consensus, Forecloses the Government's § 1225(b)(2) Theory.

The decisions of the Middle and Southern Districts of Florida—the federal courts most familiar with the legal and practical landscape of immigration detention in this state—establish a clear and consistent line of authority: noncitizens who entered the United States, whether by parole or without inspection, were released into the interior, established residence, and were thereafter detained by ICE in the interior are governed by § 1226(a). The Government has no valid basis to depart from this framework in this Court.

As the Southern District of Florida specifically observed in *Abdukarimov*, decided on April 9, 2026, "This Court and countless others have uniformly rejected the Government's expansive interpretation of § 1225," and the question of which statute applies is a "purely legal question of statutory interpretation" within the court's jurisdiction. The Seventh Circuit has found in a preliminary determination that the Government's argument that interior detainees are subject to mandatory detention under § 1225(b)(2)(A) is not likely to succeed on the merits. *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060–63 (7th Cir. 2025).

IN THE ALTERNATIVE, THE COURT SHOULD ORDER AN INDIVIDUALIZED BOND HEARING WITHIN FIVE DAYS AT WHICH THE GOVERNMENT BEARS THE BURDEN OF CLEAR AND CONVINCING EVIDENCE.

A. Bond Hearing as Alternative Relief.

Should this Court conclude that immediate release is not appropriate at this stage, the established remedy in Florida federal courts is a prompt § 1226(a) bond hearing at which the Government bears the burden of proof. In *Malikov*, the Middle District of Florida ordered Respondents to either bring the petitioner before an immigration judge for an individualized bond hearing or release him within ten days. In *Sibrian*, the court ordered a bond hearing within ten

days. In *Hernandez-Lopez*, *Hinojosa Garcia*, and *Vasquez Carcamo*, the courts granted habeas relief entitling petitioners to bond hearings as a matter of right under § 1226(a). Petitioner requests a hearing within five business days of this Court's order.

Should this Court order a bond hearing, it should further specify that the Government bears the burden of proving by clear and convincing evidence both that Petitioner poses a flight risk or danger to the community and that no alternative conditions of supervision would adequately mitigate those risks. See *Mathews v. Eldridge*, 424 U.S. at 334–35. The Government has classified Petitioner as subject to mandatory detention without any individualized assessment. Imposing the burden upon the Government at the bond hearing is necessary to remedy the deprivation of process Petitioner has already suffered.

B. This Court's Habeas Authority Is Independent of Any Administrative Framework.

This petition is an independent action brought pursuant to 28 U.S.C. § 2241 on behalf of Petitioner individually. Any class action proceedings or administrative agency rules that may otherwise affect similarly situated noncitizens do not impair this Court's authority to grant individual habeas relief to Petitioner. This Court retains full and independent authority to grant relief to Petitioner through the ordinary habeas corpus process, finding as a matter of law that Petitioner's detention violates the INA and the Fifth Amendment.

II. PETITIONER'S CONTINUED DETENTION WITHOUT ANY HEARING INDEPENDENTLY VIOLATES THE FIFTH AMENDMENT DUE PROCESS CLAUSE.

Even setting aside the statutory framework, Petitioner's continued civil detention without any individualized hearing violates the Fifth Amendment. "Freedom from imprisonment—from

government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. Civil immigration detention is among the most severe deprivations of liberty. *United States v. Salerno*, 481 U.S. 739, 748–49 (1987). Petitioner has received no process—no hearing, no individualized assessment, no finding that he poses a flight risk or danger. This procedural void is constitutionally impermissible regardless of which detention statute technically applies.

Applying the *Mathews* balancing test: (1) Petitioner's private interest is his physical liberty, the most fundamental liberty interest recognized by American law; (2) the risk of erroneous deprivation is high, given that courts in Florida and across the country have held that the Government's § 1225(b)(2) classification of identically situated individuals is unlawful, and given that Petitioner has a documented history of compliance, employment, and no criminal conduct in the United States; and (3) the Government's interest in administrative convenience does not override the constitutional requirement of process where liberty is at stake. *Mathews*, 424 U.S. at 334–35; *Navarrete*, slip op. at 15 (applying Mathews; finding first two factors weigh heavily in petitioner's favor). Applying Mathews, all three factors weigh decisively in Petitioner's favor. His ongoing confinement without any hearing constitutes an unreasonable deprivation of liberty requiring either immediate release or a bond hearing at which the Government bears the burden. *Zadvydas*, 533 U.S. at 699.

The Southern District of Florida specifically applied this constitutional analysis in *Abdukarimov*, finding that the detention of a citizen of Uzbekistan—the same nationality as Petitioner—without a meaningful opportunity to contest his detention violated the Due Process Clause. This Court should reach the same conclusion.

III. ADVERSE AUTHORITY DOES NOT PRECLUDE RELIEF IN THIS COURT.

The Government may cite *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), which upheld mandatory detention for EWI noncitizens under § 1225(b)(2), or *Avila v. Bondi*, No. 25-3248, 2026 WL 819258 (8th Cir. 2026). Neither decision is binding in the Eleventh Circuit. The Middle District of Florida has specifically observed that *Buenrostro-Mendez* "contradicts the vast majority of district court opinions addressing the issue," that the court "respectfully disagrees with the majority's reasoning," and that "Judge Douglas's dissent" is "more persuasive." *Malikov v. Bondi*, No. 2:26-cv-00172-SPC-NPM, slip op. at 3 n.1 (M.D. Fla. Feb. 12, 2026). The Southern District of Florida similarly declined to follow these circuit decisions, noting that they "run contrary to the legion" of district court authority, that "[n]either opinion is binding on this Court," and that "without Eleventh Circuit guidance, this Court will not adopt the Government's expansive reading of § 1225." *Abdukarimov v. Warden, Krome North Serv. Processing Ctr.*, No. 1:26-cv-22193-KMW, slip op. at 6 n.4 (S.D. Fla. Apr. 9, 2026). The Eleventh Circuit has not yet ruled on this question, and the emerging weight of authority—including from multiple Florida federal district courts—strongly favors Petitioner.

Furthermore, *Buenrostro-Mendez* and *Avila* both involved noncitizens who entered without inspection—a materially distinct posture from Petitioner Khamraev, who entered the United States, was released on an Order of Recognizance by DHS itself under § 1226(a), and resided as a non-detained respondent in Illinois for over a year before his re-arrest. The rationale underlying those circuit decisions—to the extent it has any force—does not extend to noncitizens who were expressly processed and released by DHS under the § 1226(a) framework and spent years in the interior in compliance with all their immigration obligations. The Seventh Circuit—the circuit that governed Petitioner's proceedings while he resided in Chicago—has found in a preliminary

determination that the Government's position on the scope of § 1225(b)(2) is "unlikely to succeed on the merits." *Castanon-Nava v. U.S. Dep't of Homeland Sec.*

The Government may also invoke *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), arguing that immigration judges lack jurisdiction to conduct § 1226(a) bond hearings for noncitizens in Petitioner's posture. Florida federal courts have repeatedly rejected *Yajure Hurtado* as a basis for denying habeas relief and have ordered bond hearings over the Government's reliance on that decision. *See Malikov*, slip op. at 3; *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM, slip op. at 4–5 (M.D. Fla. Feb. 24, 2026). Following *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 394 (2024), this Court owes no deference to the BIA's statutory interpretation and must exercise independent judgment in interpreting the INA. *See Abdukarimov*, slip op. at 6 (citing *Loper Bright* for independent judicial interpretation of § 1225 versus § 1226). The BIA's interpretive position cannot override this Court's independent habeas authority to grant relief.

CLAIMS

CLAIM ONE

Detention Violates the Immigration and Nationality Act (INA)

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

The Government is unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2), despite the fact that § 1225(b)(2) does not govern Petitioner's detention. Petitioner entered the United States without inspection on September 25, 2023. DHS issued him a Notice to Appear on September 27, 2023, and released him on an Order of Recognizance under § 1226(a) the same day. He filed a Form I-589 on April 24, 2024, obtained an EAD on November 7, 2024, maintained lawful employment in the Chicago, Illinois metropolitan area, and resided in [redacted]

until his re-detention. He was not apprehended at a port of entry or during any contemporaneous effort to enter the country. The statutory framework and the overwhelming weight of persuasive authority from Florida and national courts make clear that individuals who entered the United States, were released on Orders of Recognizance under § 1226(a), were not re-apprehended at the border, and resided in the interior of the United States are detained, if at all, under 8 U.S.C. § 1226(a), which provides for discretionary custody and guarantees the right to an individualized bond hearing before a neutral decisionmaker. See *Malikov v. Bondi*; *Abdukarimov v. Warden; Navarrete v. Lowe.*

Because Petitioner is not subject to detention under § 1225(b)(2), his continued detention without access to an individualized bond hearing violates the INA, exceeds the Government's statutory detention authority, and is unlawful. Petitioner is entitled to habeas relief, including immediate release, or, in the alternative, a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a).

CLAIM TWO

Violation of the Due Process Clause of the Fifth Amendment

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

Petitioner's continued detention without a bond hearing or individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. The Government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), even though DHS itself released him on an Order of Recognizance under § 1226(a) on September 27, 2023, he applied for asylum on April 24, 2024, maintained lawful employment in Chicago, Illinois, was not re-apprehended at any border, and has no criminal history in the United States.

Treating Petitioner as an 'applicant for admission' subject to mandatory detention without any procedural safeguards is arbitrary, punitive, and contrary to the basic guarantees of due process. Even where the Government possesses authority to detain individuals for immigration purposes, such detention must bear a reasonable relation to its asserted purpose and be accompanied by adequate procedural protections. See *Demore v. Kim*, 538 U.S. at 531.

As the Supreme Court explained in *Zadvydas v. Davis*, 533 U.S. at 690, freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. The Due Process Clause of the Fifth Amendment extends to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

The Mathews balancing test confirms that Petitioner is entitled to a bond hearing at minimum. *Mathews v. Eldridge*, 424 U.S. at 334. Petitioner's liberty interest is at its highest; the risk of erroneous deprivation is extreme given Florida and national courts' established precedent against § 1225(b)(2) classification of interior detainees who entered via lawful parole; and the Government's administrative interest does not override constitutional commands where, as here, the statutory basis for detention has been rejected by courts across the country. See *Navarrete*, slip op. at 14–16 (applying *Mathews* and ordering immediate release of noncitizen released into interior and re-detained).

Accordingly, Petitioner's continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner's immediate release, or, at a minimum, a prompt bond hearing at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified and that no less-restrictive alternatives exist.

CLAIM THREE

Violation of the Suspension Clause of the U.S. Constitution

Petitioner incorporates by reference all preceding paragraphs. The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, guarantees that '[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.' Petitioner's continued detention without access to a meaningful mechanism to challenge the legality of his custody violates this constitutional guarantee.

The Supreme Court has long held that habeas relief remains available to noncitizens seeking to challenge unlawful executive detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). The writ cannot be withdrawn where, as here, the Executive detains an individual without statutory authority and without due process safeguards. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

Because the Government has invoked § 1225(b)(2) to assert mandatory detention while simultaneously foreclosing bond jurisdiction before the Immigration Court under *Matter of Yajure Hurtado*, Petitioner's only meaningful remedy is through this Court's habeas jurisdiction under 28 U.S.C. § 2241. Denial of this petition would constitute an effective suspension of the writ as to Petitioner. This Court must therefore exercise jurisdiction and grant relief.

PRIMARY RELIEF REQUESTED: IMMEDIATE RELEASE

Petitioner respectfully submits that the appropriate and primary remedy in this proceeding is his immediate release from custody—not merely an order directing Respondents to conduct a bond hearing. The statutory predicate for Petitioner's detention—§ 1225(b)(2)—is inapplicable under the substantial weight of authority from Florida's federal district courts and courts across the country. Petitioner was released by DHS on an Order of Release on Recognizance under §

1226(a), complied with every condition of his release, applied for asylum in a timely manner on April 24, 2024, obtained an EAD, maintained lawful employment as a delivery worker, and has no criminal history of any kind in the United States. Where, as here, the Government has no valid statutory basis for detention and has provided no individualized finding of flight risk or danger whatsoever, immediate release is the appropriate remedy. See *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); *Navarrete v. Lowe*, No. 3:26-cv-00320-KM (M.D. Pa. Feb. 26, 2026) (ordering immediate release of noncitizen who entered, was released into interior, and was re-detained).

Immediate release is warranted because the Government has neither statutory authority nor individualized justification for this detention. Petitioner has demonstrated through his conduct since entry that he poses no flight risk and no danger to the community. He applied for asylum and actively pursued his proceedings before the Chicago Immigration Court. He maintained lawful employment, obtained an EAD, and paid the EOIR annual asylum fee. He never violated a single condition of his Order of Recognizance, never missed a single immigration court obligation, and has no criminal history of any kind in the United States. The Government has never alleged—and cannot allege—that any individualized basis for his re-detention exists. Petitioner is not a flight risk. Petitioner is not a danger to the community. He is a worker and a lawful asylum seeker who was awaiting his day in immigration court when the Government re-detained him without any hearing.

The combined effect of (a) the substantial weight of authority in Florida and nationally establishing that § 1225(b)(2) does not govern Petitioner's detention; and (b) the BIA's position under *Matter of Yajure Hurtado* foreclosing bond jurisdiction before the Immigration Court, is that there is no administrative forum in which Petitioner can meaningfully obtain relief. The only avenue available to Petitioner is this Court's independent habeas authority under 28 U.S.C. § 2241.

This Court should exercise that authority to remedy unlawful detention directly and order Petitioner's immediate release under reasonable conditions of supervision. See *Zadvydas v. Davis*, 533 U.S. at 699; *Preiser*, 411 U.S. at 484; *Navarrete*, slip op. at 15 (ordering immediate release; finding that where the Government lacks statutory authority to detain and has made no individualized showing, release—not a bond hearing—is the appropriate remedy).

ALTERNATIVE RELIEF: INDIVIDUALIZED BOND HEARING

Should this Court determine, in its discretion, that immediate release is not warranted at this stage, Petitioner respectfully requests—as alternative and secondary relief—that the Court order Respondents to provide a constitutionally adequate, individualized bond hearing before a neutral Immigration Judge within five (5) business days of this Court's order. See *Malikov v. Bondi*, (ordering bond hearing within ten days or release); *Abdukarimov v. Warden*, No. 1:26-cv-22193-KMW (S.D. Fla. Apr. 9, 2026) (ordering bond hearing within five days or release for Uzbek national in identical posture); *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM (M.D. Fla. Feb. 24, 2026) (same).

Should this Court order a bond hearing, it must further specify that the burden of proof rests entirely and exclusively upon Respondents. The Government must demonstrate by clear and convincing evidence—not by a preponderance, and not by categorical assertion—that Petitioner poses a danger to the community or a risk of flight, and that no less-restrictive conditions of supervision would adequately mitigate any identified risk. *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976); *Zadvydas*, 533 U.S. at 690. The Government must come forward with concrete, individualized evidence—not generalized assumptions applicable to all noncitizens in removal proceedings, not speculation about the outcome of his pending asylum application, and not categorical reliance on immigration status alone. The strong presumption of release, established

by Petitioner's years of compliance, his family ties, his employment, and the complete absence of any individualized finding of risk, must be overcome by the Government by clear and convincing evidence or Petitioner must be released.

Should Respondents fail either to provide such a hearing within the five-day period ordered by this Court, or fail to carry their burden of proof by clear and convincing evidence at such a hearing, Petitioner must be immediately released from custody. This Court retains continuing jurisdiction to enforce its order and to ensure compliance.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
2. Issue an Emergency Order prohibiting Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings;
3. Grant the Petition for a Writ of Habeas Corpus and hold that Petitioner's continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
4. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration detention under reasonable conditions of supervision;
5. In the alternative, should the Court determine that release is not immediately warranted, order Respondents to provide Petitioner with a constitutionally adequate individualized bond hearing within five (5) business days, at which the Government bears the burden of proving dangerousness or flight risk by clear and convincing evidence;

6. Order that if Respondents fail to provide such a hearing within the specified time, or fail to meet their burden of proof, Petitioner must be immediately released from custody;
7. Temporarily enjoin the Government from re-detaining Petitioner unless they first demonstrate by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker that Petitioner is a flight risk or danger to the community;
8. If the Government pursues re-detention, order that it must first provide Petitioner with a bond hearing at which a neutral immigration judge shall determine whether detention is warranted pending the resolution of his removal proceedings;
9. Upon Petitioner's release, order Respondents to return all of Petitioner's personal belongings confiscated upon his detention, including identification documents; and
10. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on April 13, 2026.

/s/ Harun Taskin
Harun Taskin
Motion for Pro Hac Vice Forthcoming
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ATTORNEY FOR PETITIONER

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom the Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Respectfully submitted on April 13, 2026.

/s/ Harun Taskin
Harun Taskin
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