

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nabijon Niyozov

Petitioner,

v.

Markwayne Mullin, *et al.*,

Respondents.

Case No. 26-cv-2469-LMP-LIB

MOTION TO ENFORCE JUDGEMENT

Mr. Niyozov moves for this Court to enforce its June 18th order by ordering his immediate release from custody.

SUMMARY OF FACTS

On or about August 6, 2024, Mr. Niyozov was arrested by Hennepin County on criminal charges. Shortly thereafter, Hennepin County released Mr. Niyozov on a bond of \$6,000. *See* Hennepin Bond, attached. Mr. Niyozov remained at liberty until he was detained by ICE in April of 2026.

On May 5, 2026, Mr. Niyozov filed this Petition for Habeas Corpus to secure his release from ICE custody. On June 18, 2026, this Court ordered the Government to provide a bond hearing to Mr. Niyozov on or before June 25th at 5 p.m., or, in the alternative, to release him.

On or about May 18, 2026, Hennepin County requested the physical transfer of Mr. Niyozov to Hennepin County Jail in order to continue his criminal trial. *See* Hennepin Writ, attached. The Hennepin County Writ states that “[a]t the conclusion of all proceedings, the Hennepin County Sheriff will return the person to your custody and deliver the person to the ICE Ft. Snelling office.” Mr. Niyozov remains under ICE custody because it is the only reason he has not been released from Hennepin County Jail.

ARGUMENT

Counsel for Petitioner contacted the AUSA to see if Respondents could facilitate Mr. Niyozov's appearance at the immigration bond hearing pursuant to this Court's order, but they flatly refused. Respondents' position is that Mr. Niyozov is not under the custody or control of Respondents despite the fact that Mr. Niyozov remains incarcerated *solely* because of ICE. Respondents do not argue any practical issue that prevents them from holding the bond hearing- such as issues with transportation or technology. Instead, Respondents argue that they should be able to continue their unlawful detention of Mr. Niyozov simply because he is located in a different jail.

But Mr. Niyozov remains in custody *solely* because of ICE's unlawful restraint on his liberty. Mr. Niyozov already posted his bond for Hennepin County back in 2024. This Court may order Mr. Niyozov's release even if he is not in the physical custody of ICE, as the Writ of Habeas Corpus extends to other forms of unlawful restraint on an individual's liberty. *See Orellana Juarez v. Moniz*, 2025 WL 1698600, at *4 (D. Mass. June 11, 2025), ("petitioner adequately alleged custody where petitioner was required to wear a 24/7 GPS device on his ankle which allows ICE to monitor him constantly and to enroll in an intensive supervision program which includes the requirements of regular reporting, allowing ICE to enter his residence at home visits, a curfew of 10 PM, and geographic restrictions which prohibit him from traveling outside of Massachusetts, New Hampshire, Rhode Island, and Connecticut.").

CONCLUSION

Because Respondents have refused to comply with this Court's order by facilitating Mr. Niyozov's appearance at a bond hearing- either in person or by video- on or before June 25th, this Court must order his immediate release. Respondents may not argue that they do not have to comply with this Court's order simply because he is under their custody but at a different jail.

Dated: 06/18/2026

/s/ Jennifer Scarborough

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Certificate of Service

I certify that all parties were served through this Court's ECF system.

/s/ Jennifer Scarborough

Dated: 06/18/2026

Jennifer Scarborough