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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

KEMRAN OSMANOVICH LETIFOV,
[redacted]

Petitioner,

v.

ALAN CROSBY, Jail Administrator, Liberty County Jail, DUSTY ARNOLD, Sheriff of Liberty County, FL, GARRETT J. RIPA, Field Office Director Miami Filed Office, U.S. Immigration and Customs Enforcement, Department of Homeland Security and TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the Department Of Homeland Security ("DHS"); U.S. Department of Homeland Security, and TODD BLANCHE, Acting Attorney General of the United States, *Acting in their official capacities*

Respondents.

No. _____

Petition for Writ of Habeas Corpus

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

This is a petition for a writ of habeas corpus filed on behalf of Mr. Kemran Osmanovich Letifov, seeking relief to remedy his unlawful detention. Respondent is detaining Mr. Letifov pending administratively closed proceedings before the Board of Immigration Appeals ("BIA" or "Board"). He is not in removal proceeding and no longer has a final removal order. Procedurally, the petitioner was ordered removed by the Los Angeles Immigration Court by order dated December 17, 2017. He timely filed an appeal before the BIA which dismissed the appeal on August 27, 2021. While a petition for review was pending before the U.S. Court of Appeals for the Ninth Circuit [Docket no. 21-811], the petitioner filed a Joint Motion to Reopen before the BIA. By order dated April 3, 2024, the BIA granted the motion and reopened removal proceedings as well as granted Administrative Closure. The matter remains pending before the BIA.

Mr. Letifov has fully cooperated with Respondents. To date, Respondents have been unable or unwilling to remove Mr. Letifov who was detained on or June 2, 2026 while driving to Miami, FL as a truck driver when he drove into an inspection point. He was detained 48 hours by local authorities claiming he did not have a valid commercial driving license and then handed over to Immigration and Customs Enforcement ["ICE"]. Mr. Letifov has been detained for two weeks. He is married and father to four children, two of whom were born in the United States and are U.S. citizens, as well as gainfully employed as a commercial truck driver with a valid commercial driver license so that he is not a flight risk or a danger to the community. Respondents moved the BIA to reinstate removal proceedings against the petitioner before the BIA on June 10, 2026. Respondents previously accepted his asylum application before the Immigration Court, thus entitling him to present his asylum claim with the due process rights under 8 U.S.C. § 1229a.

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FACTUAL BACKGROUND

1. Prior to his detention, the petitioner had not committed any crimes. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). On or about June 2, 2026, Respondent Garrett J. Ripa arrested Mr. Letifov while he was stopped at an Immigration inspection point while driving a truck in the course of his employment. He had not committed any crime, there was nothing untoward regarding the load he carried, he was in possession of a valid commercial trucking license, and he was not in violation of any supervisory order or Immigration Court order. Indeed, his matter was pending before the BIA in administratively closed removal proceedings. The removal order issued by the Immigration Judge was vacated after the BIA granted his motion to reopen. Despite the lack of removal order against him and the current posture of his case before the BIA, he was, nevertheless, placed in the custody of the Liberty County Jail. Mr. Letifov's detention was not made for the purpose of executing a removal order as no such removal order had issued and to date, he has not been scheduled to appear for any Immigration Court hearing as Respondent's did not move to remand to the Immigration Court prior to June 10, 2026.

2. Petitioner submits that he entered the United States on May 17, 2017 at or near San Ysidro, CA without inspection or admission. He affirmatively filed for asylum on Form I-589 before Los Angeles Immigration Court. He timely filed an appeal of the December 7, 2021 decision of the Immigration Judge, denying asylum and related relief. The BIA dismissed the appeal by order dated August 27, 2021. The petitioner timely filed a petition for review before the U.S. Court of Appeals for the Ninth Circuit [Docket No. 21-811]. While appellate review was pending, the petitioner filed a Joint Motion to Reopen and Administratively Close proceedings under Prosecutorial Discretion. The matter remains closed before the BIA. The petitioner has never

committed any crimes after entering the United States. He obtained work authorization, gained employment in various trucking firms and has no criminal history. He also maintains strong ties to his community and his family which includes his wife and his two U.S. born children with whom he resided in Indiana prior to his detention. His two oldest children reside abroad.

3. Petitioner fled Russia following experiences of past persecution on the protected grounds of [redacted] The petitioner was unlawfully [redacted] This necessitated him to flee Russia and seek asylum in the United States. He entered the United States on May 17, 2017 at or near San Ysidro, CA without inspection or admission. He timely submitted an application for asylum under INA § 208 in 2017 which is currently pending in Administratively Closed proceedings before the BIA before his unlawful detention.

4. Mr. Letifov submits that his detention is in violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Letifov from their custody.

CUSTODY

5. Mr. Letifov is in the physical custody of Respondent Garrett, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Alan Crosby, Jail Administrator of the Liberty County Jail. At the time of the filing of this petition, Petitioner is detained at the Liberty County Jail in Bristol, FL. The Liberty County Jail contracts with the DHS to detain aliens such as Petitioner. Mr. Letifov is under the direct control of Respondents and their agents.

JURISDICTION

6. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue lies in the United States Northern District Court for Floria, the judicial district in which Respondents, Alan Crosby and Garrett J. Ripa reside and where Petitioner is detained. 28 U.S.C. § 1391(e). Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because Petitioner is detained within the District of Northern Florida and his immediate physical custodian is located within this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see* also *United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) ("A § 2241 petition for a writ of habeas corpus must be addressed to the federal district court in the district where the prisoner is confined.").

PARTIES

8. Petitioner, Mr. Letifov, is a national and citizen of Russia. Petitioner entered the United States on or about May 17, 2017 at the San Ysidro, CA border without inspection or admission. He was encountered by DHS and placed in removal proceedings before which he filed a defensive application for asylum relief before the Los Angeles Immigration Court. Petitioner pled to the

Notice of Appeal before the Immigration Court. The Notice to Appear charged the petitioner under the Immigration and Nationality Act (INA) section 212(a)(6)(A)(i) as an alien present without inspection or admission. To date, the matter is pending before the BIA in Administratively closed proceedings. No hearing has yet been scheduled before any Immigration Court following the BIA's granting of a Joint Motion to Reopen.

9. Immigration and Customs Enforcement of the Department of Homeland Security (DHS) has detained Petitioner since approximately June 2, 2026.

10. Petitioner contends that he is not subject to the mandatory detention provisions of INA § 236(c), 8 U.S.C. § 1226(c) and he asserts that his detention without an individualized bond hearing violates his due process rights under the Fifth Amendment of the Constitution of the United States as there is no evidence of record to establish he is a flight risk or danger to the community yet the Petitioner remains in detention. Since being detained, the Respondent have not given any indication they seek to remove petitioner to a third country. Petitioner does not have any meaningful way to contest his detention or request bond as his matter is Administratively closed before the BIA. Moreover, bond such relief is no longer available. See: *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

11. Respondent Garrett R. Ripa is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Alan Crosby is a custodial official acting within the boundaries of the Northern judicial district of the United States Court for the District of Florida. Pursuant to Respondent Ripa's orders, Petitioner remains detained.

12. Respondent Alan Crosby is the Jail Administrator of the Liberty County Jail in Bristol, Fl. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Northern District of Florida.

13. Respondent Markwayne Mullin is the nominated Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

14. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

15. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

16. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

17. This action is commenced against all Respondents in their official capacities.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. Mr. Letifov has exhausted his administrative remedies to the extent required by law to secure his release because of recent Board of Immigration Appeals' case law prohibiting an Immigration Judge from entertaining a bond request for an alien who entered the United States without admission or inspection. See: *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Moreover, Petitioner is in Administratively Closed proceedings before the Board so that he cannot request an Immigration Judge for bond despite the 11th Circuit Court's holding in *Hernandez Alvarez v . Warden*, Fed. Det. Ctr. Miami, No. 25-14065, --- F.4th -, 2026 WL 1243395, at *1 (11th Cir. May 6, 2026). Moreover, the Petitioner contends that a bond hearing request would be futile. *See: Ramos v. Warden*, No. 2:26-CV-32-JES-DNF, 2026 WL 195200, at *1 (M.D. Fla. Jan. 26, 2026);

Mejia v. Lyons, No. 0:26-60258-CIV, 2026 WL 914753, at *2 (S.D. Fla. Apr. 3, 2026) ("exhaustion is not required where no genuine opportunity for adequate relief exists...or an administrative appeal would be futile"); *Cetino v. Hardin*, No. 2:25-CV-1037- JES-DNF, 2025 WL 3558138, at *2 (M.D. Fla. Dec. 12, 2025) ("requiring [petitioner] to make an administrative request for a bond hearing would be futile because the result is predetermined"). Petitioner is not an "arriving alien" who was "seeking admission" when he was detained on June 2, 2026, as required under § 1225; instead, he was encountered inside the country in his work vehicle. See 2026 WL 1243395, at *1 (holding § 1225's no bond provision did not apply because "neither petitioner was seeking lawful entry into the United States after inspection by an immigration officer when he was arrested... in fact, neither petitioner was pursuing any object, let alone lawful entry, when he was detained following a traffic stop"). Thus, Petitioner is subject to discretionary detention under § 1226, and not mandatory detention under § 1225, he is entitled to an individualized bond hearing. Petitioner has fully cooperated with Respondents and has not delayed or obstructed in any manner. Petitioner's only remedy is by way of this judicial action.

STANDARD OF LAW

19. The Constitution guarantees the availability of the writ of habeas corpus "to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). "The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A writ of habeas corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3). Historically, "the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have

been strongest." *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Accordingly, a district court's habeas jurisdiction includes challenges to immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008).

20. The INA gives the Attorney General or the Secretary of Homeland Security discretion to grant asylum to noncitizens who satisfy the definition of "refugee." Under that definition, individuals generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and if they are unable or unwilling to return to and avail themselves of the protection of their homeland because of that persecution of fear. 8 U.S.C. § 1101(a)(42)(A). Petitioner submitted an application for asylum under INA § 208 before the Immigration Court which remains pending before the BIA in Administratively Closed proceedings.

21. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993). Noncitizens who are applicants for asylum are entitled to a full hearing in immigration court before they can be removed from the United States. 8 U.S.C. § 1229a. Consistent with due process, noncitizens may seek administrative appellate review before the Board of Immigration Appeals of removal orders entered against them and judicial review in federal court upon a petition for review. 8 U.S.C. § 1252(a)

22. Petitioner contends that his ongoing, prolonged detention without a hearing violates his due process rights under the Fifth Amendment. The Fifth Amendment Due Process Clause prohibits government deprivation of an individual's life, liberty, or property without due process of law. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). The Due Process Clause applies to all "persons" within the borders of the United States, regardless of immigration status. *Zadvydas*,

533 U.S. at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including noncitizens, whether their presence here is lawful, unlawful, temporary, or permanent."). These due process rights extend to immigration proceedings, including deportation proceedings. *Id.* at 693–94; *see Demore v. Kim*, 538 U.S. 510, 523 (2003). Courts examine procedural due process claims in two steps: the first asks whether there exists a protected liberty interest under the Due Process Clause, and the second examines the procedures necessary to ensure any deprivation of that protected liberty interest accords with the Constitution. *See Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 460 (1989); *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972) ("Once it is determined that due process applies, the question remains what process is due.").

23. "Freedom from imprisonment—from government custody, detention, or other forms of physical restrain—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. "Even individuals who face significant constraints on their liberty or over whose liberty the government wields significant discretion retain a protected interest in their liberty." *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. July 24, 2025). To determine whether an individual's specific conditional release rises to the level of a protected liberty interest, courts have "compar[ed] the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*." *R.D.T.M. v. Wofford*, No. 1:25-CV- 01141-KES-SKO, 2025 WL 2617255, at *3 (E.D. Cal. Sept. 9, 2025).

24. Here, the Court must find that the Petitioner developed "enduring attachments of normal life" after entering the United States as described in *Morrissey*, 408 U.S. at 482. Prior to detention, Petitioner lived in the United States for over 9 years. During that time, he lawfully obtained work authorization and developed strong ties to the community. Petitioner does not have any criminal history. For these reasons, the Court must find the Petitioner's matter creates a substantial liberty

interest protected by the Fifth Amendment. *See Salcedo Aceros v. Kaiser*, No. 25-CV- 06924-EMC, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025) ("Accordingly, a noncitizen release from custody pending immigration proceedings has a protected liberty interest in remaining out of custody.").

25. Here, there is no evidence on the record to suggest Petitioner is a member of the group subject to mandatory detention under § 1225(b)(1) or that he sought or is seeking asylum through the § 1225(b)(1) process. There is no evidence in the record that an immigration officer made the requisite determinations for § 1225(b)(1) to apply to Petitioner. Mr. Letifov entered the United States to seek asylum and did not undergo nor is he currently in § 1225(b)(1) asylum proceedings.

REQUIREMENTS OF 28 U.S.C. § 2243

26. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the 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).

CLAIMS FOR RELIEF

COUNT ONE
CONSTITUTIONAL CLAIM

27. Petitioner re-alleges and incorporates by reference paragraphs 1 through 26.

28. Petitioner established a protected liberty interest, protected by Due Process. The Court must consider three factors: (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and (3) "the Government's

interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Due process rights in the immigration context "must account for the government's countervailing interests in immigration enforcement." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022). As to the first *Mathews* factor – Petitioner's private interest – Petitioner had been in DHS custody only briefly at the time of his apprehension at the border in May 2017 before his release on supervision and not been in any other state of custody other than the present time. In that time, Petitioner lawfully secured employment and built ties to his local community and his family. The time Petitioner has spent in the United States, as well as his established relationships, create a powerful private interest in Petitioner's continued liberty. *See Doe v. Becerra*, 787 F. Supp. 3d 1083, 1094 (E.D. Cal. 2025).

29. As to the second *Mathews* factor – the risk of erroneous deprivation – the Court must find the risk here be considerable. The risk of an erroneous deprivation of Petitioner's liberty interest is high where he has received virtually no procedural safeguards such as a bond or custody redetermination hearing. *A.E. v. Andrews*, No. 1:25-CV-00107-KES-SKO, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025). This is particularly so where, as here, Petitioner has no criminal history and has complied with the conditions of his release; *see R.D.T.M. v. Wofford*, No. 1:25-CV-01141-KES-SKO, 2025 WL 2686866, at *6 (E.D. Cal. Sept. 18, 2025).

30. As to the third *Mathews* factor, the government's interest in detaining Petitioner without a hearing before a neutral decisionmaker is negligible. *R.D.T.M.*, 2025 WL 2686866 at *6. Custody hearings in immigration court are "routine and impose a 'minimal' cost," and the government's interest is further diminished here where the Government entered into a Joint Motion to Reopen and Administratively Close removal proceedings under Prosecutorial Discretion before the BIA,

lawfully obtained employment authorization and has no criminal history. "The government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by [ ] bond or alternative conditions."). *Hernandez*, 872 F.3d at 994.

31. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO
STATUTORY CLAIM

32. Petitioner re-alleges and incorporates by reference paragraphs 1 through 31.

33. Petitioner continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

34. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

(a) Assume jurisdiction over this matter;

(b) Issue an order directing Respondents to show cause why the writ should not be granted;

(c) Issue a writ of habeas corpus ordering Respondents to release Mr. Letifov on his own recognizance or under parole, a low bond or reasonable conditions of supervision shown;

(d) Award Petitioner reasonable costs and attorney's fees; and,

(e) Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s// *Inna Lipkin*

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By: /s// *Inna Lipkin*
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California State Bar No. 197559

VERIFICATION OF COUNSEL

I, Inna Lipkin, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s// Inna Lipkin *06/15/2026*

Inna Lipkin Date