UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NURIDDIN NURIDDINOV, A-Number [redacted], Petitioner, v. JOSEPH E. FREDEN, Deputy Field Office Director, Buffalo Field Office, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations; DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States, Respondents.	Civil Action No. _____

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

Petitioner Nuriddin Nuriddinov, by and through undersigned counsel, petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, and in support alleges as follows:

I. INTRODUCTION

1. Petitioner is a 31-year-old citizen of Uzbekistan who has lived in Brooklyn, New York, since December 2021. He is the beneficiary of a positive credible-fear determination, has a pending application for asylum (Form I-589), holds a valid employment authorization document, and for more than four years complied with every condition of his supervised release. He is now detained by U.S. Immigration and Customs Enforcement ("ICE") at the Buffalo (Batavia) Service Processing Center in this District.

2. In February 2022, the Department of Homeland Security ("DHS") released Petitioner from custody on a Form I-220A, Order of Release on Recognizance, issued expressly "in accordance with section 236" of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226. He was released under section 236, not under the parole authority of section 212(d)(5).

3. Petitioner is now held without a bond hearing. DHS takes the position—following the Board of Immigration Appeals' decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)—that Petitioner is detained as an "applicant for admission" under INA § 235(b), 8 U.S.C. § 1225(b), and is therefore ineligible for any bond hearing.

4. That position is foreclosed in this Circuit. In *da Cunha v. Freden*, 175 F.4th 61 (2d Cir. 2026), the Second Circuit held that a noncitizen who entered without inspection and has lived in the interior—though an "applicant for admission" by definition—is not "seeking admission" within INA § 235(b), and is therefore detained under INA § 236(a), 8 U.S.C. § 1226(a), with the right to an individualized bond hearing before an immigration judge. Accord *Franco De La Cruz v. Freden*, No. 6:25-cv-06699 (W.D.N.Y. Apr. 1, 2026).

5. Petitioner's continued detention without the bond hearing to which § 1226(a) entitles him is contrary to the statute and to binding precedent, and violates the Due Process Clause of the Fifth Amendment.

6. Petitioner seeks a writ of habeas corpus directing Respondents to afford him an individualized bond hearing before an immigration judge—at which the Government bears the burden of justifying continued detention—or, in the alternative, ordering his release on reasonable conditions of supervision.

II. JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause). The Court may grant declaratory relief under 28 U.S.C. §§ 2201–2202.

8. Jurisdiction is proper because Petitioner challenges the lawfulness of his detention, not a final order of removal. 8 U.S.C. § 1252(g) does not bar review of a detention challenge that is "independent of, and collateral to, the removal process." *Ozturk v. Hyde*, 136 F.4th 382, 397–98 (2d Cir. 2025).

9. Venue lies in this District. Petitioner is confined at the Buffalo (Batavia) Service Processing Center in Batavia, New York, within the Western District of New York, and his immediate custodian is located in this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443–47 (2004).

III. PARTIES

10. Petitioner Nuriddin Nuriddinov (A-Number [redacted]) is a native and citizen of Uzbekistan currently detained at the Buffalo (Batavia) Service Processing Center.

11. Respondent Joseph E. Freden is the Deputy Field Office Director of the ICE Buffalo Field Office, Enforcement and Removal Operations, and is Petitioner's immediate custodian. He is sued in his official capacity.

12. Respondent David Venturella is the Acting Director of ICE, sued in his official capacity.

13. Respondent Markwayne Mullin is the Secretary of Homeland Security, sued in his official capacity.

14. Respondent Todd Blanche is the Acting Attorney General of the United States, sued in his official capacity.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

15. Exhaustion is not required for a § 2241 challenge to the statutory and constitutional authority for detention. In any event, exhaustion would be futile: under the Board's decisions in *Q. Li* and *Yajure Hurtado*, the immigration judge will decline bond jurisdiction over a noncitizen in Petitioner's posture, so resort to the agency cannot afford the relief sought. See *Franco De La Cruz*, No. 6:25-cv-06699.

V. STATEMENT OF FACTS

A. Entry, Credible Fear, and Release Under Section 236

16. Petitioner entered the United States on or about December 11, 2021, without admission or parole. He was apprehended by DHS, placed in expedited removal, and issued a Form I-860. He expressed a fear of return to Uzbekistan, and an asylum officer found that he had a credible fear of persecution or torture.

17. On February 1, 2022, DHS released Petitioner on a Form I-220A, Order of Release on Recognizance, issued "in accordance with section 236" of the INA, 8 U.S.C. § 1226. The order imposed conditions of supervision, including reporting to the ICE Office at 26 Federal Plaza, New York. A true copy of the Form I-220A is attached as Exhibit A.

B. More Than Four Years of Compliance and a Pending Asylum Application

18. Petitioner has resided at [redacted], since his release. He filed an application for asylum (Form I-589), which remains pending; U.S. Citizenship and Immigration Services granted him employment authorization, and he was issued a Social Security number. He complied with every reporting condition of his release.

19. On June 11, 2026, the New York Asylum Office issued a Notice of Forwarding of Form I-589 to the immigration court and served a new Notice to Appear (Form I-862), charging Petitioner under INA §§ 212(a)(7)(A)(i)(I) and 212(a)(6)(A)(i) and placing him in removal

proceedings under INA § 240. The Notice to Appear designates Petitioner as "an alien present in the United States who has not been admitted or paroled"—not as an arriving alien. The Notice to Appear and Notice of Forwarding are attached as Exhibits B and C.

C. Re-Arrest and Current Detention at Batavia

20. On June 26, 2026, Petitioner was taken into custody by local police in New York and transferred the same day to ICE custody. ICE transferred him to the Buffalo (Batavia) Service Processing Center, where he remains detained. He thus comes before this Court at the very outset of his detention. Upon information and belief, ICE executed a Warrant for Arrest of Alien (Form I-200) and issued a Notice of Custody Determination (Form I-286); those documents will be filed as Exhibits G and H upon receipt.

21. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c); he is subject to discretionary detention under § 1226(a) rather than the mandatory-detention provision. [Confirmation that Petitioner has no qualifying criminal conviction is pending — TO BE CONFIRMED.]

D. Detention Without a Bond Hearing

22. Petitioner has not been afforded an individualized bond hearing. Treating him as an applicant for admission detained under INA § 235(b), Respondents maintain that no bond hearing is available—notwithstanding that Petitioner was released years ago under an Order of Recognizance citing INA § 236, has lived in the interior since 2021, and is in ordinary § 240 removal proceedings.

VI. CLAIMS FOR RELIEF

COUNT I — Unlawful Detention Contrary to 8 U.S.C. § 1226(a)

23. Petitioner realleges the foregoing paragraphs.

24. Petitioner is detained under 8 U.S.C. § 1226(a), which authorizes detention pending a decision on removal and permits release on bond. Under *da Cunha v. Freden*, 175 F.4th 61 (2d Cir. 2026), a noncitizen who entered without inspection and has lived in the interior is detained under § 1226(a), not the mandatory-detention provision of § 1225(b), and is entitled to an individualized bond hearing. Respondents' refusal to afford that hearing is contrary to the statute and to binding precedent.

COUNT II — Violation of the Due Process Clause (Fifth Amendment)

25. Petitioner realleges the foregoing paragraphs.

26. The Fifth Amendment forbids civil detention that is not reasonably related to a legitimate, nonpunitive purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Construing § 1225(b) to mandate Petitioner's detention without any bond hearing would raise grave constitutional concerns and must be rejected under the canon of constitutional avoidance. *da Cunha*, 175 F.4th at 69. Detaining a long-resident, credible-fear-positive asylum applicant with strong community ties, with no individualized determination of dangerousness or flight risk, violates due process.

COUNT III — Procedural Due Process at the Bond Hearing (Alternative)

27. Petitioner realleges the foregoing paragraphs.

28. To the extent Petitioner's detention is or becomes prolonged, due process requires a bond hearing at which the Government bears the burden of justifying continued detention by clear and convincing evidence. *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020); *Black v. Decker*, 103 F.4th 133 (2d Cir. 2024).

VII. REQUIREMENTS OF 28 U.S.C. § 2243

29. Because Petitioner is in custody, he respectfully requests that the Court issue an order directing Respondents to show cause within three days why the writ should not be granted, and that the Court "dispose of the matter as law and justice require." 28 U.S.C. § 2243.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Issue a writ of habeas corpus and an order to show cause under 28 U.S.C. § 2243;

b. Declare that Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an individualized bond hearing;

c. Order Respondents to provide, within seven days, an individualized bond hearing before an immigration judge at which the Government bears the burden of justifying continued detention by clear and convincing evidence;

d. In the alternative, order Petitioner released on reasonable conditions of supervision;

e. Enjoin Respondents from transferring Petitioner outside this District during the pendency of these proceedings;

f. Award costs and reasonable attorney's fees as permitted by law; and

g. Grant such other relief as the Court deems just and proper.

Dated: June 27, 2026
Philadelphia, Pennsylvania

Respectfully submitted,

/s/ Robert Bond
Robert Bond, Esq.
(PA Bar No. 308371)
(Application for Admission Pro Hac Vice to be filed)
Law Offices of Robert Bond, Esq.
11880 Bustleton Avenue, Suite 206
Philadelphia, PA 19116
Tel: (215) 240-7565
rbond@phillylawcenter.com

Alpha Diallo, Esquire
No.: 615-2003
AFROINDIGO LEGAL
276 5TH Avenue, Suite 704
New York, NY 10001
(929) 785 8944
alpha@afroindigo.com

Member of the Bar of this Court

Counsel for Petitioner

LIST OF EXHIBITS

Exhibit A — Form I-220A, Order of Release on Recognizance (Feb. 1, 2022) ("in accordance with section 236")

Exhibit B — Form I-862, Notice to Appear (issued May 8, 2026; served June 11, 2026)

Exhibit C — Notice of Forwarding of Form I-589 to EOIR (June 11, 2026)

Exhibit D — Employment Authorization Document

Exhibit E — EOIR Automated Case Information

Exhibit F — ICE Online Detainee Locator record

Exhibit [__] — Form I-286, Notice of Custody Determination [TO BE ADDED]

Exhibit [__] — Form I-200, Warrant for Arrest of Alien [TO BE ADDED]

CERTIFICATE OF SERVICE

I certify that on June 29, 2026, I caused a copy of the foregoing Petition to be served on Respondents through the Office of the United States Attorney for the Western District of New York, and on the Attorney General of the United States, by the methods required by Federal Rule of Civil Procedure 4(i) and the Local Rules of this Court.

/s/ Robert Bond
Robert Bond, Esq.