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7 Attorney for Petitioner
8 AIUB MULIUKOV

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12 **AIUB MULIUKOV,**

13 Petitioner,

14 v.

15 JEFFREY LYNCH, Warden, Golden State
16 Annex;

17 SERGIO ALBARRAN, Field Office
18 Director of San Francisco Office of
19 Detention and Removal, U.S. Immigrations
20 and Customs Enforcement, U.S.
21 Department of Homeland Security;

22 TODD M. LYONS, Acting Director,
23 Immigration and Customs Enforcement,
24 U.S. Department of Homeland Security;

25 MARKWAYNE MULLIN, in his Official
26 Capacity, Secretary, U.S. Department of
27 Homeland Security; and

28 Todd BLANCHE, in his Official Capacity,
Attorney General of the United States,

Respondents-

Defendants.

DETAINED

Case No.

Immigration alien number: 

**PETITION FOR WRIT OF HABEAS CORPUS;
ORDER TO SHOW CAUSE WITHIN THREE
DAYS; COMPLAINT FOR DECLARATORY
RELIEF**

INTRODUCTION

1. Petitioner Aiub Muliukov is an asylum seeker from Russia who lived at liberty in the Sacramento area for roughly two and a half years while his application for asylum proceeded before the immigration court. The Department of Homeland Security (“DHS”) itself paroled him into the United States in January 2024, necessarily determining that he was neither a danger nor a flight risk; it authorized him to work through February 2030; and it supervised his release without incident. He filed his asylum application on time, appeared at every immigration court hearing, complied with every order, and completed his ICE monitoring — including regular check-ins with photographs — without a single violation. He has never been arrested and has no criminal history.
2. On June 27, 2026, without notice and without any hearing before a neutral decisionmaker, Immigration and Customs Enforcement (“ICE”) re-arrested Mr. Muliukov at a check-in it had directed him to attend, and confined him at the Golden State Annex in McFarland, California. Nothing about his circumstances had changed. DHS made no finding that he had violated any condition of his release — because he had not — and no finding that he had become a danger to the community or a flight risk. It never issued written notice terminating his parole.
3. When DHS paroled Mr. Muliukov, it necessarily determined that he was neither

1 a danger nor a flight risk, and his years of compliant liberty gave rise to a
2 protected liberty interest in remaining free. The Government extinguished that
3 interest with no pre-deprivation process whatsoever, in violation of the Fifth
4 Amendment. As courts in this District have repeatedly held on materially
5 identical facts — including for a Russian national paroled at San Ysidro under
6 the same statute and detained at this same facility, *Dzhatdov v. Warden of*
7 *Golden State Annex Det. Facility*, No. 1:25-cv-01457-JLT-CDB, 2026 WL
8 395676 (E.D. Cal. Feb. 12, 2026) — the remedy is immediate release restoring
9 the status quo ante. Petitioner asks this Court to issue the writ, order his
10 immediate release, and enjoin his re-detention absent constitutionally adequate
11 process.
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16 JURISDICTION AND VENUE

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- 18 4. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The Court
19 has jurisdiction under 28 U.S.C. §§ 2241(c)(3) and 1331 and Article I, Section 9,
20 Clause 2 of the Constitution. A district court's habeas jurisdiction includes
21 challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687
22 (2001).
23
24
- 25 5. No statute bars review. The review-limiting provisions of the Immigration and
26 Nationality Act do not strip habeas jurisdiction over constitutional and legal
27 challenges to detention. *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Demore v.*
28

1 *Kim*, 538 U.S. 510 (2003). Section 1226(e) bars review of discretionary
2 judgments, not constitutional claims, 8 U.S.C. § 1226(e), and § 1252(g) is not
3 implicated because no removal order is at issue and the question is the
4 lawfulness of Petitioner's detention. *C.A.R.V. v. Wofford*, 2025 WL 3059549, at
5 *7 (E.D. Cal. Nov. 3, 2025).
6

- 7
8 6. Petitioner seeks individualized relief for himself alone and does not seek to
9 enjoin the operation of any statute on a classwide basis; 8 U.S.C. § 1252(f)(1) is
10 therefore not implicated. *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022).
11
12 7. Venue is proper in this District and Division. A core habeas petition challenging
13 present physical confinement must be filed in the district of confinement,
14 naming the immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–47
15 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197–99 (9th Cir. 2024). Petitioner is
16 confined at the Golden State Annex, 611 Frontage Road, McFarland, California
17 93250, in Kern County, within the Fresno Division. E.D. Cal. L.R. 120(d).
18
19 8. Petitioner names his immediate custodian, the Warden of the Golden State
20 Annex, together with the responsible supervisory officials. Naming additional
21 supervisory respondents is permissible so long as the immediate custodian is
22 named. *Doe v. Garland*, 109 F.4th at 1197.
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24

25
26 **PARTIES**

- 27 9. Petitioner AIUB MULIUKOV  is a native of the former USSR
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1 and a citizen of Russia, detained by ICE at the Golden State Annex.

2 10. Respondent JEFFREY LYNCH is sued in his official capacity as Warden of the
3 Golden State Annex and is Petitioner's immediate custodian.
4

5 11. Respondent SERGIO ALBARRAN is sued in his official capacity as Field
6 Office Director of the ICE Enforcement and Removal Operations San Francisco
7 Field Office, which oversees the Sacramento sub-office that arrested Petitioner.
8

9 12. Respondent TODD M. LYONS is sued in his official capacity as Acting
10 Director of ICE.
11

12 13. Respondent MARKWAYNE MULLIN is sued in his official capacity as
13 Secretary of the U.S. Department of Homeland Security.
14

15 14. Respondent TODD BLANCHE is sued in his official capacity as Attorney
16 General of the United States.

17 15. Each Respondent acts under color of federal law and has authority over
18 Petitioner's custody or release.
19

20 **EXHAUSTION IS EXCUSED**
21

22 16. Section 2241 imposes no statutory exhaustion requirement. Any exhaustion
23 requirement is prudential, not jurisdictional, and is waived where administrative
24 remedies are inadequate or not efficacious, where pursuit would be futile, where
25 irreparable injury would result, or where the administrative proceeding would be
26 void. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017); *Laing v.*
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1 *Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004). Several of these grounds are
2 present.
3

4 17. Resort to the immigration court is futile. Because Petitioner was paroled at a
5 port of entry as an “arriving alien,” an immigration judge bound by *Matter of*
6 *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), will disclaim jurisdiction to set
7 bond. That is not hypothetical in this District: in a case arising from this very
8 facility, the immigration judge denied a custody request “on the basis that the IJ
9 lacked jurisdiction to grant the bond request.” *Velasquez-Quevedo v. H.G.,*
10 *Warden, Golden State Annex*, 2026 WL 1541795, at *1 (E.D. Cal. June 1, 2026).
11 A custody motion is therefore not merely slow; it is legally unavailable.
12
13

14 18. The immigration court also cannot supply constitutionally adequate process. It
15 structurally applies the wrong burden, requiring the noncitizen to prove that he
16 is not a danger or flight risk, when due process requires DHS to bear that burden
17 by clear and convincing evidence. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th
18 Cir. 2011); *Martinez v. Clark*, 124 F.4th 775, 785–86 (9th Cir. 2024). And
19 immigration judges are employees of the Department of Justice within the
20 Executive Branch, not the neutral decisionmakers due process requires before
21 the deprivation of an established liberty interest.
22
23

24 19. The Board of Immigration Appeals cannot resolve Petitioner’s Fifth
25 Amendment claim or order his release. *Am.-Arab Anti-Discrimination Comm. v.*
26 *Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995). Requiring exhaustion would also
27
28

1 compound the irreparable injury of each additional day of unlawful
2 confinement.
3

4 **STATEMENT OF FACTS**

5
6 20. Petitioner is a native and citizen of Russia, [REDACTED] He fled
7 Russia and presented himself with his family (spouse and two minor children) at
8 the Progreso Port of Entry in Texas on January 13, 2024, seeking asylum. He
9 fled Russia following a series of violent acts of persecution directed against him
10 by the Russian law enforcement authorities on account of his religion and
11 political convictions.
12
13

14 21. Upon his arrival, Petitioner was detained by immigration officials, processed,
15 screened, and then — that same period — released into the United States on
16 parole pursuant to section 212(d)(5) of the Immigration and Nationality Act, 8
17 U.S.C. § 1182(d)(5). He was issued I-94 Record No. [REDACTED] reflecting
18 “DT” parole status. (*See* Tab A.) By releasing him rather than detaining him,
19 DHS necessarily determined that Petitioner was neither a danger to the
20 community nor a flight risk. 8 C.F.R. § 212.5(b).
21
22

23 22. Petitioner was never placed in expedited removal. No asylum officer conducted
24 a credible-fear interview, and no order under 8 U.S.C. § 1225(b)(1) was ever
25 entered. DHS issued Petitioner a Notice to Appear (Form I-862) charging
26 inadmissibility under INA § 212(a)(7)(A)(i)(I), 8 U.S.C. § 1182(a)(7)(A)(i)(I),
27
28

1 and placed him in ordinary removal proceedings under INA § 240. (See Tab A.)

2 23. Within one year of his entry, on July 12, 2024, Petitioner filed a timely Form I-
3 589 application for asylum, withholding of removal, and protection under the
4 Convention Against Torture, with his spouse and his child(ren) as riders. (See
5 Tab B.) That application remains pending before the Sacramento Immigration
6 Court. No immigration judge has adjudicated it, and no final order of removal
7 has issued. His removal proceedings remain ongoing awaiting the scheduling of
8 the Individual Hearing for the asylum application.
9
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12 24. DHS expanded Petitioner's liberty by authorizing him to work. It granted him
13 employment authorization in the (c)(8) pending-asylum-applicant category
14 (USCIS No. [REDACTED]), valid from February 14, 2025 through February 13,
15 2030. (See Tab C.) DHS thus formally recognized Petitioner as a lawfully
16 present asylum applicant authorized to work in this country — a five-year
17 authorization extending years beyond the date it seized him.
18
19

20 25. Petitioner built a stable life in reliance on his release. He obtained a California
21 driver's license (No. [REDACTED]) worked continuously performing deliveries
22 through [REDACTED] and taking construction jobs, and
23 served as the primary financial support for his family. He resided at a fixed
24 address in the Sacramento area that was known to ICE.
25
26

27 26. Petitioner complied with every obligation of his release. He appeared at every
28 immigration court hearing and complied with every order of the court. He was

1 enrolled in ICE's Intensive Supervision Appearance Program ("ISAP") /
2 Alternatives to Detention program, subject to location monitoring through a
3 mobile application, geographic restrictions on his travel, weekly photograph
4 check-ins, periodic in-person and virtual home visits, and office visits. He
5 completed that monitoring without a single violation. He never missed a check-
6 in and never failed to appear.
7

8
9 27. Petitioner has no criminal history. He has never been arrested and has never
10 been charged with any offense.
11

12 28. Approximately one week before his arrest, Petitioner attended a routine,
13 scheduled ISAP office appointment and checked in without incident. Before that
14 appointment he had completed his required mobile check-in and photograph;
15 that evening, the monitoring application notified him that the photograph had
16 not been accepted. When Petitioner reported the issue at his office visit, his
17 ISAP officer told him it was a technical malfunction of the application and that
18 there was no problem. Shortly afterward, ICE abruptly added a new appointment
19 to Petitioner's monitoring application, directing him to appear at the ISAP office
20 on Saturday, June 27, 2026, for a purported "information update."
21
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23
24 29. Petitioner appeared as directed on the morning of June 27, 2026. He entered the
25 office while his wife waited in the family car outside. Within roughly an hour,
26 officers arriving in multiple vehicles — approximately six cars and a van —
27 took Petitioner into custody at the office, along with *others* present, including
28

1 other Russian-speaking individuals. He was given no advance notice that his
2 liberty would be revoked, no hearing before any neutral decisionmaker, and no
3 individualized finding that he had violated any condition of release, become a
4 danger to the community, or become a flight risk. When Petitioner reached his
5 family, he reported that officers told him he had “five missed check-ins” — an
6 assertion that is false, that was never communicated to him in any prior notice of
7 violation, and that is contradicted by the check-in screenshots he retained and by
8 his ISAP officer’s acknowledgment that the single flagged photograph was a
9 technical malfunction. DHS never issued written notice terminating his parole.
10 The circumstances confirm that Petitioner is not a flight risk: ICE summoned
11 him to a specific place at a specific time, and he appeared exactly as instructed,
12 only to be arrested. (See Tab A.)

13 30. Petitioner’s parole was never formally revoked. His “admit until” date lapsed by
14 its own terms on January 11, 2025, yet ICE continued Petitioner on supervised
15 release under ISAP for approximately seventeen more months — an ongoing
16 decision not to detain him — before seizing him without process.

17 31. Petitioner was transferred to and is now confined at the Golden State Annex
18 within this District and Division. He is separated from his family, who remain in
19 the United States and depended on him for financial and emotional support.
20 Petitioner is indigent.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment — Deprivation of Liberty Without Pre-Deprivation Due Process

32. Petitioner realleges the foregoing paragraphs.

33. The Due Process Clause protects every person in the United States, including a noncitizen whose presence is unlawful or temporary, against the deprivation of liberty without due process. *Zadvydas*, 533 U.S. at 693. Freedom from physical restraint lies at the core of the liberty the Clause protects. *Id.* at 690; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

34. This case turns on a single, clearly established constitutional principle: the government may not deprive a person of a protected liberty interest without first providing notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (“the Due Process Clause requires some kind of a hearing *before* the State deprives a person of liberty”). ICE violated that principle in the starkest possible way. On June 27, 2026, it summoned Petitioner to a specific place at a specific time and detained him the moment he complied — no notice, no hearing, no individualized determination of any kind.

35. A protected liberty interest may arise from a conditional release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147–49 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

1 Courts determine whether a conditional release rises to that level by comparing
2 it to the parole liberty interest described in *Morrissey, Gonzalez-Fuentes v.*
3 *Molina*, 607 F.3d 864, 887 (1st Cir. 2010). Like a parolee, a noncitizen released
4 on parole may live, work, and “form the other enduring attachments of normal
5 life,” and relies on at least an implicit promise that his liberty will be revoked
6 only if he fails to live up to his conditions. *Morrissey*, 408 U.S. at 482.
7

9 36. When the government releases a noncitizen from custody, that release creates a
10 protected liberty interest. “The government’s decision to release an individual
11 from custody creates ‘an implicit promise,’ upon which that individual may rely,
12 that their liberty ‘will be revoked only if they fail to live up to the conditions of
13 release.’” *Garro Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025).
14 Petitioner’s release on parole under § 212(d)(5), and the nearly four years of
15 compliant liberty and reliance that followed, gave rise to a protected liberty
16 interest in remaining free. That extended period of compliance only
17 strengthened the interest. *Id.* at 1034.
18

21 37. Courts in this District have so held on materially identical facts, including for a
22 paroled arriving alien from Russia detained at this very facility. *Dzhatdov v.*
23 *Warden of Golden State Annex Det. Facility*, 2026 WL 395676, at *1 (E.D. Cal.
24 Feb. 12, 2026) (petitioner “obtained a liberty interest in his continued release ...
25 once he was released into this country on parole,” and “continued detention
26 without notice and a hearing is in violation of due process”); *Qambari v.*
27
28

1 *Albarran*, 2026 WL 1275270, at *1 (E.D. Cal. May 7, 2026) (same, for a §
2 212(d)(5) parolee); *Vilela v. Robbins*, 2025 WL 3101334 (E.D. Cal. Nov. 6,
3 2025) (same); *R.C.C. v. Noem*, No. 1:26-cv-00373-TLN-EFB, 2026 WL
4 369796, at *3 (E.D. Cal. Feb. 10, 2026) (parole granted by DHS created
5 protectable liberty interest).
6
7

8 38. The process due is measured by *Mathews v. Eldridge*, 424 U.S. at 335. All three
9 factors favor Petitioner. *First*, his private interest in physical liberty is
10 fundamental and is heightened by the length of his compliant release.
11 “[F]reedom from imprisonment ... lies at the heart of the liberty that [the Due
12 Process] Clause protects.” *Zadvydas*, 533 U.S. at 690. *Second*, the risk of
13 erroneous deprivation is extreme: Petitioner received no bond or custody hearing
14 of any kind, and since DHS’s original determination that he posed no danger and
15 no flight risk, no evidence of changed circumstances appears anywhere in the
16 record. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017). *Third*,
17 the Government’s interest in detaining him without a hearing is low; custody
18 hearings are routine and impose minimal cost, and the interest is lower still
19 where the Government already determined he was no danger and no flight risk
20 and he complied for years. *Rodriguez Diaz v. Kaiser*, No. 3:25-cv-05071, 2025
21 WL 1676854, at *7–8 (N.D. Cal. June 14, 2025).
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27 39. Due process required notice and a hearing before a neutral decisionmaker, at
28 which the Government bore the burden, before Petitioner was deprived of his

1 established liberty. He received none. The deprivation therefore violated the
 2 Fifth Amendment, and a later hearing would not cure a violation that was
 3 complete the moment he was detained without pre-deprivation process. *Zhunio*
 4 *Malla v. Warden of Golden State Annex*, No. 1:26-cv-2402 DAD CKD P, 2026
 5 WL 1102941, at *4 (E.D. Cal. Apr. 23, 2026). Petitioner is entitled to immediate
 6 release restoring the status quo ante.
 7

8
 9 40. The Government's reliance on the "entry fiction" and on *DHS v. Thuraissigiam*,
 10 591 U.S. 103 (2020), does not defeat Petitioner's claim. That Petitioner's Notice
 11 to Appear designates him an "arriving alien" is immaterial. "Once an alien
 12 enters the country, ... the Due Process Clause applies to all 'persons' within the
 13 United States, including aliens, whether their presence here is lawful, unlawful,
 14 temporary, or permanent." *Zadvydas*, 533 U.S. at 693. *Thuraissigiam* concerned
 15 a challenge to *admission* by a person stopped at the border; Petitioner challenges
 16 his *detention*, not any admissibility determination. *Vilela*, 2025 WL 3101334
 17 (distinguishing *Thuraissigiam* and *Landon* and holding a person inside the
 18 United States challenging detention is protected by due process); *Padilla v. ICE*,
 19 704 F. Supp. 3d 1163, 1170–72 (W.D. Wash. 2023).
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24 COUNT TWO

25 Unlawful Detention — 8 U.S.C. § 1226(a), Not § 1225(b), Governs, and 26 Arbitrary and Capricious Agency Action Under the APA

27 41. Petitioner realleges the foregoing paragraphs.
 28

1 42. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b). He
2 was paroled at a port of entry, released, and has lived in the interior of the
3 United States for nearly four years; his detention is governed by § 1226(a),
4 which is discretionary and carries the right to seek release on bond. This District
5 has rejected the Government's contrary reading on facts identical to Petitioner's.
6 In *Dzhatdov* — a Russian national who entered at San Ysidro, was charged
7 under § 212(a)(7)(A)(i)(I), and was released on § 212(d)(5) parole, then re-
8 detained at a check-in — the court held that § 1226(a), not § 1225(b)(2),
9 governs, and that the Government “cannot switch tracks” to mandatory
10 detention after releasing a noncitizen who has been processed and left in the
11 community. 2026 WL 395676, at *1 (adopting F&R in full).

12 43. *Qambari* is to the same effect. There, as here, the Government's sole argument
13 was that a § 212(d)(5) parolee is “an applicant for admission subject to
14 mandatory detention pursuant to § 1225(b),” and the court rejected it, ordering
15 immediate release and enjoining re-detention absent notice and a hearing. 2026
16 WL 1275270, at *1. This District has recently declined to follow the Fifth
17 Circuit decision on which any § 1225(b)(2) theory depends. In *Wasef v.*
18 *Chestnut*, No. 1:26-cv-01078-DAD-JDP, 2026 WL 392389, at *1–*3 (E.D. Cal.
19 Feb. 11, 2026), the court (Drozd, J.) rejected the Government's contention that §
20 1225(b)(2)(A) mandates the detention of every “applicant for admission,”
21 declining to follow *Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir.

1 2026). The court held that “applicant for admission” is a defined term of art
2 under § 1225(a)(1)(A)(i) that cannot be collapsed into the separate, undefined
3 phrase “seeking admission,” which must be given independent effect and
4 describes a noncitizen seeking entry at the border — not one arrested in the
5 interior after an entry. *Wasef*, 2026 WL 392389, at *2. Adopting the reasoning
6 of the *Buenrostro-Mendez* dissent and the Seventh Circuit’s decision in
7 *Castañon-Nava v. U.S. DHS*, 161 F.4th 1048, 1061–62 (7th Cir. 2025), the court
8 reaffirmed the long-settled distinction between a noncitizen stopped at the
9 border and one detained after an entry, and found the Government’s reading
10 foreclosed by the weight of authority in this Circuit. *Id.* at *3 (collecting cases).
11 Numerous courts, including four courts of appeals, have likewise held that §
12 1226(a) governs noncitizens released following their initial encounter with
13 immigration authorities.

14 44. The term “arriving” describes a process that occurs upon physical entry, not an
15 interminable status; a person paroled, released, and allowed to live in the United
16 States for years “cannot be classified as a noncitizen who is arriving in the
17 United States.” *Rafael R.M. v. Warden, Golden State Annex*, 2026 WL 730999,
18 at *2 (E.D. Cal. Mar. 13, 2026). And even if § 1225(b) could apply by its terms,
19 Petitioner retains a protected liberty interest arising from the Government’s prior
20 decision to parole and release him — an independent basis for relief that does
21 not depend on resolving the statutory question. *Vilela*, 2025 WL 3101334

1 (“Even if § 1225(b) did apply, petitioner has a protected liberty interest based on
2 the government’s prior release”).
3

4 45. Petitioner’s detention independently violates the Administrative Procedure Act.

5 Courts must “hold unlawful and set aside” agency action that is “arbitrary,
6 capricious, an abuse of discretion, or otherwise not in accordance with law.” 5
7 U.S.C. § 706(2)(A). Revocation of humanitarian parole must occur on a case-
8 by-case basis, must be supported by a reasoned, individualized determination,
9 and requires written notice of the reasons. *Y-Z-H-L v. Bostock*, 792 F. Supp. 3d
10 1123, 1133, 1144–47 (D. Or. 2025); 8 C.F.R. § 212.5(e)(2)(i). Here DHS never
11 issued any such notice or determination; Petitioner’s parole simply lapsed and
12 he was seized. “[O]nce a noncitizen has been released, the law prohibits federal
13 agents from rearresting him merely because he is subject to removal
14 proceedings” absent “evidence of materially changed circumstances.” *Saravia*,
15 280 F. Supp. 3d at 1197. Respondents have presented none. The re-arrest is
16 arbitrary and capricious and unlawful.
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22 REMEDY

23 Immediate Release Is the Only Adequate Remedy for the Completed Fifth 24 Amendment Violation

25 46. Petitioner realleges the foregoing paragraphs.

26 47. The Fifth Amendment violation is complete. It occurred on June 27, 2026, the
27 moment ICE re-arrested Petitioner without providing a pre-deprivation hearing.
28

1 No post-detention proceeding can undo that constitutional wrong; a later hearing
2 “would condone the violation of petitioner’s right to due process in the first
3 instance.” *Zhunio Malla*, 2026 WL 1102941, at *4.

4
5 48. The appropriate remedy is to restore the status quo ante litem — the last
6 uncontested status that existed before the violation. *GoTo.com, Inc. v. Walt*
7 *Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000). The last uncontested status
8 was Petitioner’s life under supervised release before June 27, 2026: residing
9 with his family in Sacramento, complying with all conditions, working under
10 DHS authorization, and pursuing his asylum application before the Sacramento
11 Immigration Court. Courts in this District have ordered immediate release on
12 identical facts. *Dzhatdov*, 2026 WL 395676, at *1; *Qambari*, 2026 WL
13 1275270, at *1; *Vilela*, 2025 WL 3101334; *Wasef*, 2026 WL 392389, at *4.
14
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16
17 49. A bond hearing before an immigration judge is not an adequate remedy, and this
18 Court should not order one. Because Petitioner was paroled as an arriving alien,
19 the immigration court will disclaim jurisdiction to hold a bond hearing under
20 *Matter of Yajure Hurtado*, so a remand would be a nullity; the exhaustion
21 doctrine does not require pursuit of unavailable or futile remedies. *Laing*, 370
22 F.3d at 1000. To the extent any hearing is warranted short of release, it should
23 be held before this Court, with the constitutional safeguards described in the
24 Prayer, and not remanded to the Executive Branch that violated Petitioner’s
25 rights.
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28

1 50. The Government's interest does not require a different result. Petitioner poses
2 neither a danger nor a flight risk: DHS itself so determined when it paroled him,
3 he complied fully for nearly four years, he appeared for the very check-in at
4 which he was arrested, and nothing in the record shows any change. The balance
5 overwhelmingly favors immediate release.
6
7

8 **PRAYER FOR RELIEF**
9

10 WHEREFORE, Petitioner respectfully requests that the Court:

- 11 a. Assume jurisdiction over this matter;
12
13 b. Issue an Order to Show Cause directing Respondents to show cause within
14 three days why this Petition should not be granted;
15
16 c. Declare that Petitioner's detention violates the Due Process Clause of the
17 Fifth Amendment, 8 U.S.C. § 1226(a), and the Administrative Procedure Act,
18 5 U.S.C. § 706(2)(A);
19
20 d. Issue a writ of habeas corpus ordering Respondents to release Petitioner
21 immediately, without requiring him to submit to a bond hearing before an
22 immigration judge as a condition of or substitute for release;
23
24 e. Order Respondents to return to Petitioner, at the time of release, any
25 documents in their custody, including his identification, employment
26 authorization, and travel documents;
27
28 f. In the alternative, if immediate release is not ordered, order that Petitioner

1 receive a hearing before this Court — not before an immigration judge —
2 with all constitutionally required safeguards, at which the Government bears
3 the burden of establishing by clear and convincing evidence that no condition
4 or combination of conditions will reasonably assure Petitioner's appearance
5 and the safety of the community, and at which the Court considers
6 Petitioner's financial circumstances and alternatives to detention;
7

8
9 g. Permanently enjoin Respondents from re-arresting or re-detaining Petitioner
10 absent full compliance with constitutional protections, including (i) no less
11 than seven (7) days' advance written notice to Petitioner and his counsel and
12 (ii) a pre-deprivation hearing before a neutral decisionmaker at which
13 Respondents bear the burden of demonstrating by clear and convincing
14 evidence that Petitioner poses a danger to the community or a flight risk, and
15 at which Petitioner has the right to counsel;
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19 h. Enjoin Respondents from transferring Petitioner outside this District during
20 the pendency of these proceedings;

21 i. Award Petitioner his costs and reasonable attorney's fees; and grant such
22 other relief as is just and proper.
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24 Dated: July 1, 2026
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1 Respectfully submitted,

2 /s/ Regina Jacobson

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4 Regina Jacobson (SBN 233127)
5 LAW OFFICE OF REGINA JACOBSON
6 Attorney for Petitioner AIUB MULIUKOV
7

8 **VERIFICATION**

9 I, Regina Jacobson, declare under penalty of perjury under the laws of the United
10 States that I am counsel for Petitioner; that I prepared this Petition and am familiar
11 with its contents; and that its factual allegations are true and correct to the best of
12 my knowledge, information, and belief. Petitioner is detained and unable to verify
13 the Petition himself; this verification is made on his behalf pursuant to 28 U.S.C. §
14 2242. Executed this 1st day of July, 2026, at San Francisco, California.

15 /s/ Regina Jacobson
16 Regina Jacobson
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