

1 ERIC GRANT
United States Attorney
2 ANTHONY ANDREWS
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, California 93721
4 Telephone: (559) 497-4000

5 Attorneys for Respondents

6 UNITED STATES DISTRICT COURT
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8 EASTERN DISTRICT OF CALIFORNIA

9 AIUB MULIUKOV,

10 Petitioner,

11 v.

12 JEFFREY LYNCH et al

13 Respondents.
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CASE NO. 1:26-cv-05104-DJC-JDP

AMENDED ANSWER AND OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS;
OPPOSITION TO MOTION FOR TEMPORARY
RESTRAINING ORDER AND ALL RELIEF;
RESPONSE TO ORDER TO SHOW CAUSE

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16 Petitioner is detained under 1225(b)(2)(A). Petitioner, an arriving alien, applied for admission,
17 was previously paroled and enrolled in Alternatives to Detention (ATD), and then re-detained.

18 Petitioner was re-detained on June 27, 2026 by ICE ERO officers due to ATD violations. *See* Exhibit 1.

19 Respondents do not request a hearing and do not intend to file additional affirmative briefing.
20 Respondents do not oppose the Court ruling on the habeas petition without further briefing. This case
21 differs from the cases cited by the court in its minute order (ECF 4) in that Petitioner was re-detained
22 due to ATD violations. Petitioner violated the ATD program requirements.

23 Petitioner entered the United States illegally. Petitioner is thus an "applicant for admission" who
24 is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2). *Joaquin Herrera Avila v. Bondi*,
25 No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330,
26 at *1 (5th Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*, 1:25-cv-01519-WBS-SCR at Dkt. 14
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1 (E.D. Cal. Nov. 17, 2025).

2 An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been
3 admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
4 (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory
5 detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from
6 immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United*
7 *States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139
8 (2020). The Court should deny the petition for writ of habeas corpus, motion for temporary restraining
9 order, and all requested relief because there is no such liberty interest, and petitioner’s detention is
10 mandated by statute.

11 Dated: July 7, 2026

Respectfully submitted,

12 ERIC GRANT
13 United States Attorney

14 By: /s/ Anthony Andrews
15 ANTHONY ANDREWS
16 Assistant United States Attorney
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