

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Aziz Zamirov,

Petitioner,

v.

Sam Olson, IMMIGRATION CUSTOMS  
ENFORCEMENT AND REMOVAL  
OPERATIONS CHICAGO FIELD OFFICE  
DIRECTOR; Sandra Salazar,  
IMMIGRATION CUSTOMS  
ENFORCEMENT AND REMOVAL  
OPERATIONS CHICAGO FIELD OFFICE  
DIRECTOR; Marcos Charles, ACTING  
EXECUTIVE ASSOCIATE DIRECTOR,  
ENFORCEMENT AND REMOVAL  
OPERATIONS; Todd M. Lyons, ACTING  
DIRECTOR, IMMIGRATION CUSTOMS  
ENFORCEMENT, Madison Sheahan,  
DEPUTY DIRECTOR, IMMIGRATION  
CUSTOMS ENFORCEMENT; Kristi Noem,  
SECRETARY OF THE DEPARTMENT OF  
HOMELAND SECURITY; Pam Bondi,  
ATTORNEY GENERAL OF THE UNITED  
STATES; Donald J. Trump, PRESIDENT OF  
THE UNITED STATES

Respondents

Case No. 1:25-cv-06540

Honorable Judge Elaine E. Bucklo

Civil Action

**AMENDED PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

NOW COMES the Petitioner, Aziz Zamirov (Petitioner Aziz), by and through his attorneys Harun Taskin, of the Kent Law Partners LLC, and William G. McLean III, of the Law Office of William G. McLean III, P.C., and hereby submits his Amended Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to this Court. Petitioner Aziz is a citizen of Kyrgyzstan who arrived at the United States border on April 28, 2023, pursuant to an appointment scheduled

through the CBP One application prior to his entry. He was subsequently paroled into the United States under INA § 212(d)(5) as part of the CBP One parole process. On the same date, the Department of Homeland Security (DHS) issued a Notice to Appear, initiating removal proceedings under 8 U.S.C. § 1229a. Subsequently, DHS officers detained Petitioner Aziz and issued him an expedited removal order in the Chicago Immigration Court on June 12, 2025.

### **CUSTODY**

1. Petitioner Aziz is in the physical and constructive custody of Sam Olson, and/or Sandra Salazar, Immigration Customs Enforcement and Removal Operations Chicago Field Office Directors.
2. After being detained, Petitioner Aziz was initially taken to the Broadview Detention Center.
3. He was later transferred to the Clark County Jail, located at 501 East Court, Jeffersonville, IN 47130.
4. On information and belief, DHS currently is asserting authority and unlawfully detaining Petitioner Aziz under color of 8 U.S.C. § 1225(b), the expedited removal statute.

### **JURISDICTION**

5. 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 Constitution (Suspension Clause) and 28 U.S.C. § 1331, as DHS is presently detaining Petitioner under color of 8 U.S.C. § 1225(b) and such custody is in violation of the 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.

6. This Court's jurisdiction derives from 8 U.S.C. § 1252(a)(2)(A), which states that judicial review of an expedited removal order is limited to certain inquiries.

7. Specifically, 8 U.S.C. § 1252(e)(2) only permits the Court's review in a habeas action of whether the Petitioner was ordered removed under the expedited removal statute, among other very narrow options for review, such as whether or not the Petitioner is a United States citizen, and 8 U.S.C. § 1252(e)(5) governs the scope of inquiry on habeas to whether DHS, in fact, issued an expedited removal order to the Petitioner.

8. Petitioner Aziz asks this Court to review the following narrow issues: whether he was ordered removed under the expedited removal statute, and whether DHS lawfully issued him a valid expedited removal order.

9. This Court may not review Petitioner Aziz's inadmissibility or entitlement to relief from removal (such as asylum) as part of any habeas action challenging an expedited removal order, but this Court can conclusively place Petitioner Aziz into normal removal proceedings.

10. The remedy for this petition is provided at 8 U.S.C. § 1252(e)(4), which states that the Court must place a Petitioner with a successful habeas action challenging an expedited removal order into normal removal proceedings, which offers the Petitioner more due process protections, including opportunities to apply for immigration bond and for an IJ review of any application for immigration benefits (including asylum), under 8 U.S.C. § 1229a.

### VENUE

11. The proper venue lies in the United States District Court for the Northern District of Illinois, the judicial district in which DHS originally arrested and is currently detaining Petitioner Aziz, where Petitioner lives, and where Respondents Sam Olson and Sandra Salazar act as the Immigration Customs Enforcement and Removal Operations Chicago Field Office Directors.

## **PARTIES**

12. Petitioner Aziz is a citizen of Kyrgyzstan who arrived at the United States border pursuant to an appointment scheduled through the CBP One application prior to his entry on April 28, 2023. He was subsequently paroled into the United States under INA § 212(d)(5) as part of the CBP One parole process. Pet. Ex. A. On that same date, DHS issued a Notice to Appear, initiating removal proceedings under 8 U.S.C. § 1229a. Petitioner resides at 216 N Gibbons Ave, Arlington Heights, IL 60004. Petitioner and was arrested by DHS on June 12, 2025, for expedited removal proceedings following a hearing in normal removal proceedings in the Chicago Immigration Court.

13. Respondents Sam Olson and Sandra Salazar are the Immigration Customs Enforcement and Removal Operations Chicago Field Office Directors, and are custodial officials acting within the boundaries of the judicial district of the United States Court for the Northern District of Illinois, acting with authority designated to them by Respondents Marcos Charles, Acting Executive Associate Director, Enforcement and Removal Operations, Todd M. Lyons, Acting Director, Immigration Customs Enforcement, Madison Sheahan, Deputy Director, Immigration Customs Enforcement. Kristi Noem, Secretary of DHS, Pam Bondi, Attorney General of the United States, and Donald J. Trump, President of the United States.

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

14. Petitioner Aziz filed an EOIR-26, Notice of Appeal from a Decision of an Immigration Judge, appealing the Immigration Judge's (IJ) decision to terminate normal removal proceedings, with the Board of Immigration Appeals (BIA), on June 19, 2025.

15. The EOIR-26 is still pending with the BIA.

16. Petitioner Aziz also requested a credible fear interview while he was detained, which could provide a path out of expedited removal proceedings and into normal removal proceedings, but DHS has not conducted or scheduled the credible fear interview yet.

17. None of these applications for relief automatically stay Petitioner Aziz's expedited removal order.

### STATEMENT OF FACTS

18. Petitioner Aziz is a citizen of Kyrgyzstan who arrived at the United States border on April 28, 2023, pursuant to an appointment scheduled through the CBP One application prior to his entry. Pet. Ex. A. He was subsequently paroled into the United States under INA § 212(d)(5) as part of the CBP One parole process. Pet. Ex. B.

19. On that date, Petitioner Aziz presented himself to DHS Customs and Border Protection (CBP) officers, who issued him an I-862, Notice to Appear, in normal removal proceedings, and released him into the United States. Pet. Ex. C.

20. The Notice to Appear assigned Petitioner Aziz an initial hearing in regular removal proceedings before the Chicago Immigration Court on July 13, 2023.

21. Petitioner personally appeared at that hearing, and the Court scheduled a second Master Calendar Hearing for July 12, 2025. Pet. Ex. D.

22. Petitioner Aziz filed an I-589, Application for Asylum and for Withholding of Removal (asylum application), with the Chicago Immigration Court on April 23, 2024. Pet. Ex. E.

23. On April 8, 2025, Petitioner Aziz, through his attorney, submitted a written plea to the immigration court, admitting to the allegations contained in the Notice to Appear. In the same submission, he clearly stated his intent to remain in the United States by seeking protection under asylum, withholding of removal, and protection under the Convention Against Torture (CAT), based on past persecution he suffered in his home country of Kyrgyzstan. Pet. Ex. F.

24. On June 10, 2025, Petitioner submitted a detailed pre-hearing statement to the immigration court, outlining the specific grounds for his asylum claim. In this submission, he

clearly stated that if returned to his country of origin, Kyrgyzstan, he would face serious harm and persecution. Pet. Ex. G.

25. The Chicago Immigration Court eventually moved Petitioner Aziz's second master hearing in normal removal proceedings to June 12, 2025.

26. Petitioner Aziz and his attorney, Harun Taskin, were physically present at his second Master Hearing in normal removal proceedings in the Chicago Immigration Court on June 12, 2025.

27. At that hearing, DHS, through counsel, made an oral motion to terminate Petitioner Aziz's removal proceedings.

28. Attorney Harun Taskin requested at least ten days to submit an opposition motion in response to the DHS's motion, but the IJ denied this request. Nevertheless, the Judge granted Attorney Taskin's subsequent request for a one-hour recess to allow submission of a written opposition motion to the extent possible. Following this one-hour recess, both the Petitioner and his attorney appeared for the continued hearing and submitted the opposition motion. The submission included arguments and supporting BIA case law, asserting that the DHS's motion should be denied. Pet. Ex. H.

29. The IJ granted DHS's motion, immediately signed an order terminating removal proceedings, and concluded the hearing. Pet. Ex. I.

30. Upon exiting the courtroom, plainclothes DHS officers arrested Petitioner Aziz by seizing his arms and sequestering him.

31. Petitioner's counsel filed the original emergency petition for a writ of habeas corpus under 28 U.S.C. § 2241, in the late evening hours of June 12, 2025. *See* Petitioner's Emergency Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, dated June 12, 2025.

32. Pursuant to the Court's authority to preserve the status quo pending resolution of contested jurisdictional issues, and in accordance with the Emergency Order Concerning Stay of Transfer or Removal issued by the United States District Court for the Northern District of Illinois, dated June 12, 2025, Respondents were expressly prohibited from removing Petitioner from the United States or transferring Petitioner outside the State of Illinois prior to 5:00 PM CST on June 13, 2025. See *United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) ('[T]he District Court had the power to preserve existing conditions while it was determining its own authority to grant injunctive relief.'). See Emergency Order Concerning Stay of Transfer or Removal, dated June 12, 2025.

33. In the same Order dated June 12, 2025, the United States District Court for the Northern District of Illinois further set this matter for an in-person status hearing on Friday, June 13, 2025, at 2PM in Courtroom 1941.

34. At the in-person status hearing held on Friday, June 13, 2025, at 2PM in Courtroom 1941, the Court heard oral arguments and submissions from both parties. Following the hearing, the Court issued a Modified Emergency Order Concerning Stay of Transfer or Removal, modifying its prior June 12, 2025 order. The Modified Order states that, unless otherwise directed by the Court, Respondents shall not remove Petitioner from the jurisdiction of the United States, nor transfer Petitioner to any judicial district outside the states of Illinois, Indiana, or Wisconsin prior to 5PM on June 25, 2025. See Modify Emergency Order Concerning Stay of Transfer or Removal, dated June 13, 2025.

35. Following the Court's order, Petitioner was transferred to the Clark County Jail located in Indiana, where he remains in custody to date. Pet. Ex. J.

36. Although the IJ granted DHS's motion to terminate normal removal proceedings, that

order is not final for 30 days, and Petitioner remains in normal removal proceedings until that order is final.

37. In addition, through counsel, Petitioner filed an appeal with the BIA on June 19, 2025, challenging the Immigration Court's dismissal order. This appeal remains pending, and Petitioner is still in normal removal proceedings while the appeal is pending. Pet. Ex. K.

38. Petitioner Aziz's wife, who is five months pregnant, also has a pending affirmative asylum application and is currently awaiting an interview date. Pet. Ex. L., M.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

##### **UNLAWFUL DETENTION UNDER 8 U.S.C. 1225(b)**

39. Petitioner alleges and incorporates by reference paragraphs 1 through 38 above.

40. Petitioner Aziz alleges that DHS is unlawfully detaining him under the expedited removal statute at 8 U.S.C. § 1225(b).

41. Petitioner Aziz alleges that the expedited removal statute states that any noncitizen "shall be detained" during expedited removal proceedings. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

42. Petitioner Aziz alleges that DHS cannot detain him pursuant to the expedited removal statute because he is still in normal removal proceedings under 8 U.S.C. § 1229a.

43. Petitioner Aziz alleges that the order terminating his normal removal proceedings is not final for 30 days from the date that the IJ signed it. 8 U.S.C. § 1241.1(c).

44. Petitioner Aziz alleges that the order terminating his normal removal proceedings is not final because he properly filed a timely appeal. 8 C.F.R. 1003.3. 8 C.F.R. § 1240.53. Pet. Ex. K.

45. Petitioner Aziz alleges that DHS cannot detain him pursuant to the expedited removal

statute, which applies to noncitizens who “lack valid entry documents” that DHS encounters within “100 air miles” of the United States land border and within “the 14-day period prior to the date of apprehension” – in other words – immigrants who just entered the United States. 8 U.S.C. 1225(b)(1), 8 U.S.C. 1182(a)(7).

46. Petitioner Aziz alleges that DHS is unlawfully determining that any noncitizen, like him, who DHS has ever encountered on or near the United States border right after having entered the United States without proper immigration documentation (i.e. a visa or some other travel document), is always subject to mandatory detention under the expedited removal statute. 90 FR 8139 (January 24, 2025).

47. Petitioner Aziz alleges that DHS is unlawfully subjecting him to mandatory detention pursuant to expedited removal proceedings despite his continuous physical presence in the United States since April 28, 2023. By the time of his June 12, 2025 hearing, Petitioner Aziz had surpassed the two-year statutory threshold under INA § 235(b)(1)(A)(iii)(II), rendering him ineligible for expedited removal. Courts have held that DHS cannot retroactively initiate expedited removal in violation of this provision. See *Doe v. Noem*, 2025 U.S. Dist. LEXIS 70398; *Guerrier v. Garland*, 18 F.4th 304 (2021).

## **COUNT TWO**

### **UNLAWFUL REMOVAL UNDER 8 U.S.C. 1225(b)**

48. Petitioners allege and incorporate by reference paragraphs 1 through 47 above.

49. Petitioner Aziz alleges that DHS is unlawfully removing him under the expedited removal statute at 8 U.S.C. 1225(b).

50. Petitioner Aziz alleges that DHS unlawfully issued him an expedited removal order pursuant to the expedited removal statute on June 12, 2025.

51. Petitioner Aziz alleges that DHS intends to execute the expedited removal order and to physically remove him to Kyrgyzstan.

52. Petitioner Aziz alleges the expedited removal order is not a valid order of removal because he is still in normal removal proceedings under 8 U.S.C. § 1229a.

53. Petitioner Aziz alleges that normal removal proceedings are the “sole and exclusive” procedure for DHS to remove him from the United States. 8 U.S.C. § 1229a(a)(3).

54. Petitioner Aziz alleges that the order terminating his normal removal proceedings is not final for 30 days from the date that the IJ signed it. 8 U.S.C. § 1241.1(c).

55. Petitioner Aziz alleges that the order terminating his normal removal proceedings is not final because he properly filed an appeal to the BIA. 8 C.F.R. 1003.3. 8 C.F.R. § 1240.53.

56. Petitioner Aziz alleges that, even if the order terminating his normal removal proceedings was not on appeal and was final, he would not be subject to removal under the expedited removal statute because DHS is unlawfully determining that any noncitizen, like him, who DHS has ever encountered on or near the United States border right after having entered the United States without proper immigration documentation (i.e. a visa or some other travel document), is always subject to mandatory detention under the expedited removal statute. 90 FR 8139 (January 24, 2025).

### **COUNT THREE**

#### **DUE PROCESS VIOLATIONS**

57. Petitioners allege and incorporate by reference paragraphs 1 through 56 above.

58. Petitioner Aziz alleges that DHS using the expedited removal statute to detain and remove him is a serious violation of due process.

59. Petitioner Aziz alleges that DHS is putting him in a closed loop of removal under the greatly expanded interpretation and use of the expedited removal statute.

60. Petitioner Aziz alleges that, aside from this habeas action, his only relief in expedited removal proceedings is a credible fear interview (a feathery wisp of due process not reviewable by this Court), which, if successful, would make DHS place him in normal removal proceedings for a hearing on the merits of his asylum application with the IJ. 8 C.F.R. § 208.30.

61. Petitioner Aziz alleges that he has requested a credible fear interview, despite maintaining that he is not subject to detention or removal under the expedited removal statute, but, as of the date of filing this Amended Petition, DHS has neither scheduled nor conducted a credible fear interview.

62. Petitioner Aziz alleges that even if he establishes a credible fear, DHS may again move to terminate normal removal proceedings before the IJ and resume expedited removal proceedings, thereby placing him into an inescapable cycle of detention and removal.

63. Petitioner Aziz alleges that his original asylum application and his contribution to the asylum application of his spouse, also a Kyrgyzstan citizen, sufficiently show that he has already established at least a credible fear of return to Kyrgyzstan. Pet. Ex. L & M.

64. Petitioner Aziz alleges that this scenario illustrates why a person like him cannot be processed for expedited removal in the same way as a person who DHS encounters near the border after having just entered the United States.

65. Petitioner Aziz alleges, and acknowledges, that the Supreme Court has held that noncitizens “seeking *initial* admission to the United States” have limited access to constitutional protections. *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

66. Petitioner Aziz alleges, though, that DHS is extending the Supreme Court’s conclusion

in *Landon* beyond its breaking point in this situation, where DHS permits his entry into the United States, affords him an opportunity in normal removal proceedings to seek asylum, and then suddenly arrests and removes him in the middle of that process.

#### **COUNT FOUR**

##### **EQUAL ACCESS TO JUSTICE ACT UNDER 28 U.S.C. 2412**

67. If Petitioner prevails, he requests attorneys' fees and costs under the Equal Access to Justice Act, as amended, 28 U.S.C. 2412.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order declaring that Respondents' detention of Petitioner under the expedited removal statute is unlawful;
3. Issue an order declaring that Respondents' removal of Petitioner under the expedited removal statute is unlawful;
4. Issue an order declaring that DHS has not issued Petitioner Aziz a lawfully valid expedited removal order;
5. Issue a writ of habeas corpus ordering Respondents to release Petitioner Aziz from electronic monitoring under the expedited removal statute;
6. Issue a writ of habeas corpus declaring that Petitioner Aziz is conclusively in normal removal proceedings.
7. Award Petitioners reasonable costs and attorney's fees; and,
8. Grant any other relief which this Court deems just and proper.

Respectfully Submitted,

/s/ Harun Taskin

**Harun Taskin**

Kent Law Partners LLC.

1701 E Woodfield Rd, Ste 820

Schaumburg, IL 60173

Ph: (312) 724-5555

Fax: (312) 724-5555

Email: htaskin@kentlawpartners.com

**ATTORNEY FOR PETITIONER**

By: \_\_\_\_\_

Harun Taskin

Illinois State Bar #: 6342748

/s/ William McLean

**William G. McLean III**

Law Office of William G McLean III, P.C.

4225 Gage Ave

Lyons, IL 60534

Ph: (312) 714-5603

Fax: (312) 268-7427

Email: mcleanlaw.chicago@gmail.com

**ATTORNEY FOR PETITIONER**

By:  \_\_\_\_\_

William McLean

Illinois State Bar #: 6306574

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, William Gaston McLean III, certify that I electronically filed the Plaintiff's Amended Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 with the Clerk of the Court using the CM/ECF system on July 1, 2025. Pursuant to FED. R. CIV. P. 5(b)(3) and the Northern District of Illinois L.R. 5.9, I have thereby electronically served all Filing Users with a copy of Plaintiff's Amended Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241.

I, the undersigned attorney, William Gaston McLean III, certify that I have also served a copy of the Plaintiff's Amended Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 by email on Craig Oswald, Catherine Manahan, and Joshua Press, the attorneys for the Assistant United States Attorney's Office, at the following email addresses on July 1, 2025:

Craig.Oswald@usdoj.gov  
Catherine.Manahan@usdoj.gov  
Joshua.Press@usdoj.gov

Signed,

/s/William Gaston McLean III