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INTRODUCTION

On September 24, 2025, Petitioner attended a scheduled appointment at the Immigration and Customs Enforcement (“ICE”) field office in Philadelphia. Nearly two years prior, Petitioner and his family had come to the United States in order to seek asylum from their native Russia due to a fear of persecution on account of their Kalmyk ethnicity and political opposition to the Putin regime and the war in Ukraine.

Without warning ICE agents detained Petitioner in front of his family, which includes his wife and their two small children. ICE officials offered no explanation for their decision to arrest Petitioner.

Petitioner filed a Petition for a Writ of Habeas Corpus on September 26, 2025. The Petition challenges both Petitioner’s detention by ICE officials without due process of law, as well as Respondents’ denial of Petitioner’s statutory right to a bond hearing. On October 20, 2025, an Immigration Judge denied Petitioner’s request for a bond hearing.

Because Petitioner is likely to succeed on these claims, and his family faces irreparable harm due to his ongoing detention, Petitioner now moves the Court for a Temporary Restraining Order and Preliminary Injunction. The Court should grant Petitioner’s immediate release from his unlawful detention and enjoin Respondents from re-detaining Petitioner with a hearing that complies with due process.

NOTICE TO RESPONDENTS

Counsel for Petitioner has served Respondents with a copy of the Petition for a Writ of Habeas Corpus. Doc. 4. Counsel for Respondents, Assistant U.S. Attorney Anthony St. Joseph is now receiving all filings in this matter through the electronic court filing (ECF) system. On October 27, 2025, Counsel for the Petitioner informed Mr. St. Joseph and his colleague Sarah Hansel during a phone conversation that Petitioner would be filing this Motion for a Temporary Restraining Order and Preliminary Injunction. On October 28, 2025, Counsel for Petitioner emailed a copy of this Motion, Memorandum of Law, and Proposed Order to Mr. St. Joseph and Ms. Hansel.

FACTUAL BACKGROUND

Petitioner and his family flee persecution in Russia.

Petitioner, Alexey Kashranov (“Mr. Kashranov”), is a Russian national, born in the Republic of Kalmykia. Exh. at ¶ 2. He is Kalmyk, a minority ethnic group in Russia that practices the Buddhist faith. *Id.* Mr. Kashranov disapproves of Russian President Vladimir Putin. *Id.* at ¶ 9. In hopes of bringing about political change in his country, Mr. Kashranov supported the political movement led by Alexi Navalny. *See id.* Both Mr. Kashranov and his wife, Nogan Kashranova (“Ms. Kashranova”), were members of Navalny’s political organization, the Anti-Corruption Foundation. *Id.* In 2021, the membership lists of the Anti-Corruption Foundation were leaked.

Id. Many members of the Anti-Corruption Foundation were arrested by Russian security forces. *Id.* In 2024, Alexei Navalny was murdered by the Russian government while detained as a political prisoner. *Id.*

Consistent with the tenets of Buddhism, Mr. Kashranov is a pacifist, and opposes Russia's ongoing war in Ukraine. *Id.* at ¶ 7. During the war the Russian government has forcibly conscripted Russian citizens. *Id.* at ¶ 3. In particular, government officials have disproportionately targeted minority ethnic groups, including Kalmyks, for conscription. *Id.* The Russian government arrests individuals who refuse to join the military, and those in prison face torture and other forms of abuse. *Id.* at ¶ 8.

Fearing that he would be targeted by the Putin regime as a political dissident, or imprisoned after refusing a summons to join the military, Mr. Kashranov and his family fled Russia in October of 2022. Doc. 1-4. The family first traveled to Spain where they resided for approximately one year. Exh. A , ¶ 11. It became too difficult for them to remain in Spain due to the Spanish government's unwillingness to process their request for asylum. *Id.* at ¶ 10. The family then traveled through Cuba and Mexico with the intent of seeking asylum in the United States. *Id.* at ¶ 11-12.

Petitioner and his family are briefly detained after entering the United States and then released "in accordance with section 236" of the INA.

On December 3, 2023, Mr. Kashranov, his wife, and their daughter  entered the United States by crossing between fencing along the U.S.-Mexico

border. *Id.* at ¶ 13. They walked for a period of time before they came upon a group of Border Patrol officers. *Id.* Border Patrol officers took the family into custody. *Id.* By then Ms. Kashranova and Alina were seriously ill. *Id.* at ¶ 14. Both had severe fevers and were diagnosed with Influenza A. *Id.* Immigration officials placed them in medical isolation at a detention center. *Id.* Two days later, on December 5, 2023, Mr. Kashranov and his family were released pursuant to an Order of Release on Recognizance. Exh. B; *see* Exh. A, ¶ 15. The Order states that Mr. Kashranov was being released “in accordance with section 236” of the INA. Exh. B.

That same day, immigration officials served Mr. Kashranov with a Notice to Appear in Immigration Court. Doc 1-3. The Notice to Appear ordered Mr. Kashranov and his family to appear for an Immigration Court hearing on May 21, 2025 in Philadelphia, PA. *Id.*

Petitioner and his family settle in Philadelphia and apply for asylum.

Mr. Kashranov traveled with his family to Philadelphia where they began renting an apartment. Exh. A, ¶ 16. Mr. Kashranov obtained full-time employment working as an AutoCAD Designer for construction the firm Mark Residential. Exh. A, ¶ 18; Exh. C. His position entails using computer software to design buildings. *See id.* Mr. Kashranov trained as an engineer in Russia, Exh. A. at ¶ 18, and here in the United States he is enrolled in the Retraining Program for Immigrant Engineers at Cooper Union University. *Id.*; Exh. D.

On May 8, 2024, Mr. Kashranov and his family submitted their asylum applications to the Immigration Court. Doc 1-4. They obtained legal counsel for their asylum case from the non-profit organization HIAS Pennsylvania. Exh. A, ¶ 19.

In early 2024 Ms. Kashranova became pregnant with the family's second child. See Exh. A, ¶ 17; Exh. E, ¶ 8. Ms. Kashranova had a high-risk pregnancy requiring surgery because doctors concluded that Ms. Kashranova was at risk of a uterine prolapse due to the size of her cervix. Exh. E, ¶ 8. Ms. Kashrova underwent a procedure in which doctors sutured her cervix to support the weight of the fetus in her body. *Id.* In December, 2024 Ms. Kashranova gave birth to the couple's son, A [REDACTED] in Philadelphia, PA. Exh. A, ¶ 17.

Now with two small children, Mr. Kashranov worked to support the family financially while Ms. Kashranova stayed home to care for the children. *Id.* at ¶ 20; Exh. E, ¶ 8.

Without warning, Petitioner is arrested at an ICE appointment and denied a bond hearing by an Immigration Judge.

On September 24, 2025, the family attended a routine check-in appointment at the Immigration and Customs Enforcement ("ICE") field office in Philadelphia with their attorney. Exh. A, ¶ 20. Without prior notice or warning ICE agents detained Mr. Kashranov. *Id.*; Exh. E, ¶ 7. The officer who informed Mr. Kashranov that he was being taken into custody gave no rationale for why he was arresting Mr.

Kashranov. Exh. A, ¶ 20. Documents showed that Respondents relied on an administrative warrant “pursuant to sections 236 and 287” of the INA. Exh. F. When Mr. Kashranov asked why he was being detained, the officer responded that “it was not their decision.” *Id.* at ¶ 20. ICE officials transported Mr. Kashranov transported Mr. Kashranov to the Federal Detention Center in Philadelphia. Doc 1-2; Exh. E, ¶ 7.

Mr. Kashranov filed this Petition for Writ of Habeas Corpus on September 26, 2025. Doc 1. Mr. Kashranov was transferred by Respondents to Pike County Correctional Facility in Lords Valley, PA on September 28, 2025 where he remains detained. Service of the petition was completed on October 14, 2025. Doc 4. Respondents were granted an extension of time by the Court to respond to the petition. Respondents’ answer is now due on or before November 10, 2025. Doc 5.

On October 20, 2025 an Immigration Judge denied Mr. Kashranov’s request for a custody redetermination hearing. Exh. G. The Immigration Judge’s order states that the request for a bond hearing was denied on the basis that under *Matter of Yagure*, 29 I&N Dec. 216 (BIA 2025), “Immigration Judges lack authority to hear bond requests or to grant bond to [non-citizens] who are present in the United States without admission.” *Id.*

Mr. Kashranov now moves for a Temporary Restraining Order and Preliminary Injunction due to the irreparable harm that he and his family will face if his unlawful detention continues.

LEGAL STANDARD

On motion for a temporary restraining order, the movant “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Cerro Fabricated Prod. LLC v. Solanick*, 300 F. Supp. 3d 632, 647 n.5 (M.D. Pa. 2018) (“The standard for granting a preliminary injunction under Rule 65 is the same as that for issuing a TRO.”)

ARGUMENT

I. Petitioner has Standing and Habeas Relief is Appropriate.

Petitioner’s 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus is the proper vehicle for his claims. Non-citizens subject to immigration detention can bring as-applied challenges to their confinement through the filing of a Petition for a Writ of Habeas Corpus under Section 2241. *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 208 (3rd Cir. 2020).

II. Petitioner Meets their Burden for a Temporary Restraining Order.

A. Petitioner is Likely to Succeed on the Merits

1. Petitioner is likely to succeed on the merits of his due process claim because Respondents re-detained him without making any individualized determination.

As set forth in Mr. Kashranov's Petition for Writ of Habeas Corpus, Respondents re-detained him at the September 24, 2025 ICE check-in without giving him due process of law. Doc 1 at 11. Specifically, Respondents did not make any individualized determination as to whether he is either danger to the community or a flight risk. *Id.*

The Fifth Amendment's Due Process Clause prevents the Government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V. The Due Process Clause extends to noncitizens residing in the United States, whether they have lawful status or not. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "Freedom from imprisonment—from government custody, detention or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas*, 533 U.S. at 690 (citations omitted). The Supreme Court has stated that these due process protections extend to non-citizens, including those in removal proceedings like Mr. Kashranov. *Id.* at 693 ("[T]he Due Process clause applies to all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent."); *Reno v. Flores*, 507

U.S. 292, 306 (1993). Our nation’s highest court has recently reiterated this principle. *See Trump v. J.G.G.*, 45 S. Ct. 1003, 1006 (2025) (“It is well established that the Fifth Amendment entitles [non-citizens] to due process of law’ in the context of removal proceedings.”) (citations omitted).

The Third Circuit has held that the *Mathews v. Eldridge* three-factor balancing tests applies when determining the adequacy of legal process necessary to justify civil immigration confinement. *See German Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203, 213 (3d Cir. 2020) (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). The determination of what procedures are required under the Fifth Amendment requires consideration of: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest through the procedures used; and (3) the Government’s interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail. *Mathews*, 424 U.S. at 335.

In evaluating the first prong of the *Mathews* test, Mr. Kashranov faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). An individual’s liberty cannot be curtailed without “adequate, procedural protections.” *Zadvydas*, 533 U.S. at 690. Mr. Kashranov was arrested by ICE on September 24, 2025, and has been held

without the possibility of bail for over one month. See Exh. A, ¶ 20. Mr. Kashranov's liberty interest is clearly established.

With respect to the second prong of the *Mathews* test, it is evident that Respondents have deprived Mr. Kashranov of his liberty without any individualized assessment of his circumstances. “[P]ending a decision on whether [an non-citizen] is to be removed from the United States,” the Attorney General “may...detain” the non-citizen or “may release” the non-citizen on “bond” or “conditional parole”. 8 U.S.C. § 1226(a). But before Respondents may exercise their discretion to detain non-citizens, “§ 1226(a) and its implementing regulations require ICE officials to make an individualized custody determination.” *Benitez v. Francis*, 2025 WL 2371588, at *10 (S.D.N.Y. Aug. 13, 2025) (quoting *Velesaca v. Decker*, 458 F. Supp. 3d 224, 241 (S.D.N.Y. 2020)).

Critically, “the regulations implementing § 1226(a) delegate to DHS officers the authority to grant bond or condition parole, and pursuant to such authority, a DHS officer must make an individualized determination as to the appropriateness of detention based on two factors—whether the non-citizen is a ‘danger to property or persons’ and is ‘likely to appear for any future proceeding.’” *Benitez*, WL 2371588, at *10 (citing 8 C.F.R. §§ 236.1(c)(8); 1236.1(c)(8)). If DHS takes the non-citizen into custody, this “initial custody determination” made by the DHS officer may be appealed to an immigration judge. 8 C.F.R. §§ 236.1(d)(1); 1236.1(d)(1).

It is evident that Respondents did not provide Mr. Kashranov with the type of pre-custody process set forth in the regulations. Mr. Kashranov was arrested without notice that he would be detained. Exh. A, ¶ 20. He was not given any explanation for why he was being detained. *Id.* Moreover, there was no change in Mr. Kashranov's circumstances between the time of his December 5, 2023 release from detention to the September 24, 2025 arrest at his ICE check-in that might have served as a rationale for Respondents' actions. It is evident that the absence of procedures led to the erroneous deprivation of Mr. Kashranov's liberty here.

Turning to the third and final prong of the *Mathews* analysis, "the Attorney General's discretion to detain individuals under 8 [] U.S.C. [§] 1226(a) is valid where it advances a legitimate government purpose," such as "ensuring the appearance of [non-citizens] at future immigration proceedings and preventing danger to the community." *Valdez*, 2025 WL 1707737, at 84 (quoting *Velasco Lopez*, 978 F.3d at 854; *Zadvydas*, 533 U.S. at 690). Here, there is nothing to suggest that Mr. Kashranov is a flight risk or danger to the community. Rather, the evidence before the Court demonstrates that Mr. Kashranov is a responsible member of our society with deep ties to the community. He is employed full-time in a field requiring technical expertise, he is attending university classes, he resides with his wife and two small children—one of whom is a U.S. citizen. Exhs. A, C, D, E, F. The record includes several letters of support attesting to both his involvement in the

local Kalmyk Buddhist community and generous spirit. Exh. H. Accordingly, Respondents cannot demonstrate that there is a significant interest in Mr. Kashranov's continued detention.

Respondents' ongoing detention of Mr. Kashranov "with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond violates his due process rights." *J.U. v. Maldonado*, 2025 WL 2772765, at * 10 (E.D.N.Y. Sept. 29, 2025). The Court should order Mr. Kashranov's release and enjoin Respondents from detaining him again without a pre-deprivation hearing. *See Castellanos v. Kaiser*, 2025 WL 2689853, at *4 (N.D. Cal. Sept. 18, 2025) ("[T]he Court finds that the three factors relevant under the *Mathews v. Eldrige* test...weigh in favor of Petitioners being immediately released from custody, and that they be given notice and a pre-detention hearing before a neutral decisionmaker prior to being taken back into custody.")

2. Petitioner is likely to demonstrate that Respondents violated the Immigration and Nationality Act and its regulations in subjecting Petitioner to mandatory detention under 8 U.S.C. § 1225(b)(2) because Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a).

For nearly three decades prior, Mr. Kashranov would have likely been home with his family after an Immigration Judge granted him bail pursuant to the Attorney General's discretionary detention authority at 8 U.S.C. § 1226(a). That provision reads in pertinent part:

§ 1226. Apprehension and detention of aliens

(a) Arrest, detention, and release

On a warrant issued by the Attorney General, an alien may be arrested and detained

pending a decision on whether the alien is to be removed from the United States.

Except as provided in subsection (c) and pending such decision, the Attorney General—

(1) may continue to detain the arrested alien; and

(2) may release the alien on—

(A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or

(B) conditional parole; but

(3) may not provide the alien with work authorization (including an “employment authorized” endorsement or other appropriate work permit),

unless the alien is lawfully admitted for permanent residence or otherwise

would (without regard to removal proceedings) be provided such authorization.

8 U.S.C. § 1226(a).

Instead, Respondents have adopted a position, enshrined in the BIA’s decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), that for the first time deems all non-citizens who are present in the United States without admission subject to the mandatory detention authority at 8 U.S.C. § 1225(b). On October 20, 2025, an Immigration Judge, relying on *Matter of Yajure Hurtado*, concluded that they did not have the authority to consider Mr. Kashranov’s request for a bond hearing.

The inspection, admission, and detention of “applicants for admission is governed by 8 U.S.C. § 1225. The statute defines applicants for admission to mean:

“[a non-citizen] present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this chapter an applicant for admission.”

8 U.S.C. § 1225(a)(1). “All [non-citizens] who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers.” 8 U.S.C. § 1225(a)(3).

The authority to subject some applicants for admission to mandatory detention is found in § 1225(b). The treatment of an applicant for admission under this statute depends on what reasons the Government asserts for denying admission to a non-citizen. First, the provision at subsection (b)(1) provides:

(b) Inspection of applicants for admission

(1) Inspection of aliens arriving in the United States and certain other aliens who have not been admitted or paroled

(A) Screening

(i) In general

If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States or is described in clause (iii) is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title, the officer shall order the alien removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum under section 1158 of this title or a fear of persecution.

(ii) Claims for asylum

If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States or is described in clause (iii) is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title and the alien indicates either an intention to apply for asylum under section 1158 of this title or a fear of persecution,

the officer shall refer the alien for an interview by an asylum officer under subparagraph (B).

8 U.S.C. § 1225(b)(1). If an asylum officer determines “at the time of the interview that [a non-citizen] has a credible fear of persecution...the [non-citizen shall be detained for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii). “[I]f the officer determines that [a non-citizen] does not have a credible fear of persecution, the officer shall order the [non-citizen] removed from the United States without further hearing or review.” Thus, § 1225(b)(1) requires that the Government either immediately remove an applicant for admission from the United States who is inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or 1182(a)(7) or continue to detain them for further asylum proceedings if the non-citizen satisfies an asylum officer that they have a credible fear of persecution.

Assuming *arguendo* that Mr. Kashranov were subject to detention under 8 U.S.C. § 1225(b), he cannot be subject subsection (b)(1) of § 1225 because when “arriving in the United States”, Mr. Kashranov was not determined to be inadmissible under section 1182(a)(6)(C) or 1182(a)(7). Rather, the Notice to Appear that Mr. Kashranov was served with two days after entering the United States alleged that he was inadmissible under INA § 212(a)(6)(A)(i); 8 U.S.C. § 1182(a)(6)(A)(i) as a “[non-citizen] present in the United States without being admitted or paroled”. Doc 1-3. Moreover, Respondents placed Mr. Kashranov family immediately into removal proceedings through the service of a Notice to

Appear, and did not require them to first undergo a credible fear interview as required by § 1225(b)(1). As such, Mr. Kashranov could only possibly be subject to mandatory detention under § 1225(b) if he is currently detained under § 1225(b)(2). That provision provides:

(b) Inspection of applicants for admission . . .

(2) Inspection of other aliens

(A) In general

Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that [a non-citizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

(B) Exception

Subparagraph (A) shall not apply to an alien—

- (i)** who is a crewman,
- (ii)** to whom paragraph (1) applies, or
- (iii)** who is a stowaway.

8 U.S.C. § 1225(b)(2).

By its plain text for § 1225(b)(2) to apply and thus subject a non-citizen like Mr. Kashranov to mandatory detention: (1) there must be an “examining immigration officer” who determines; (2) that an “applicant for admission”; (3) is “seeking admission”; and (4) “is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A); *Zumba v. Bondi*, 2025 WL 2753496, at *8 (D.N.J. Sept. 26, 2025); *Benitez v. Francis*, 2025 WL 2371588, at *5 (S.D.N.Y. Aug. 13, 2025); *Martinez v. Hyde*, 2025 WL 2084238, at *2 (D. Mass. July 24, 2025).

The BIA's rationale in *Matter of Yagure Hurtado*, relied upon by Respondents is that § 1225(b)(2) "is a 'catchall provision that applies to all applicants for admission not covered by [§ 1225(b)(1)].'" 29 I&N Dec. at 218 (citing *Jennings*, 583 at 287).

Yet this interpretation "violates the rule against surplusage and negates the plain meaning of the text." *E.g. Martinez*, 2025 WL 2084238, at *6 (citation omitted); *see also Zumba*, 2025 WL 2753496, at *8; *Benitez*, 2025 WL 2371588, at *6. The phrase "seeking admission" in § 1225(b)(2)(A) necessarily describes some affirmative, present-tense action. The phrase evidently indicates some action currently under way, and not yet completed—not a static condition. As Judge Ho explained in *Benitez*, "someone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as 'seeking admission' to the theater. Rather that person would be described as already present there." *Benitez*, 2025 WL 2371588, at *7. Further, "[e]ven if that person, after being detected, offered to pay for a ticket, one would not ordinarily described them as 'seeking admission'...at that point—one would say that they had entered unlawfully but now seek a lawful means of remaining there." *Id.*

The BIA and Respondents' interpretation also "violates the rule against surplusage." *Id.* (quoting *Martinez*, 2025 WL 2084238 at *6). The Supreme Court

has explained that, “every clause and word of a statute should have meaning,” and no clause, sentence, or word shall be superfluous, void or insignificant.” *United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023) (quotation marks omitted); *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001). If § 1225(b)(2)(A) applied to all “applicant[s] for admission,” it would render the phrase “seeking admission” unnecessary and a mere surplusage. *E.g., Benitez*, 2025 WL 2371588, at *6; *see also Zumba*, 2025 WL 2753496, at *8.

As one other court has demonstrated by example, “removing the words ‘seeking admission’ from § 1225(b)(2)(A) would not alter its meaning under Respondents’ theory: ‘[I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien ~~seeking admission~~ is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained[.]’” *Bethancourt Soto v. Soto*, 1:25-cv-16200, Doc 10 at 12-13 (D.N.J. Oct. 22, 2025). That result is inconsistent with the Supreme Court’s instruction that courts must interpret a statute to give meaning to “every clause and word” of the statute that Congress wrote. *See Polansky*, 599 U.S. at 432 (quotation marks omitted).

The Court should conclude that § 1225(b)(2) applies only when a non-citizen is “seeking admission” to the United States at the border. This is the interpretation that comports with the plain meaning of the statute. This reading not only gives meaning to the words “seeking admission”, but it also aligns with the Supreme

Court's guidance from *Jennings* where the Court stated that § 1225(b) "applies primarily to [non-citizens] seeking entry into the United States," those who are "seeking admission into the country." *Jennings*, 583 U.S. at 285, 289, 297. Which the *Jennings* Court held in contrast to § 1226, which "generally governs the process of arresting and detaining...[non-citizens] *already in the country* pending the outcome of removal proceedings." *Id.* at 288-89.

Reinforcing this interpretation is the INA's definition of the word "admission". The INA specifically defines the word to mean "the lawful entry of the [non-citizen] into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13). Thus, one must be seeking a "lawful entry...into the United States" in order to be seeking admission within the meaning of § 1225(b)(2)(A). It strains credulity to find that one could be seeking entry when already present in the United States, as Mr. Kashranov was when he was detained by ICE officials on September 24, 2025.

Moreover, the titles, headings, and other provisions of § 1225 repeatedly refer to "inspection," and "inadmissible arriving aliens," and examin[at]ions", which typically "occur at ports of entry, their functional equivalent, or near the border." *Zumba*, 2025 WL 2753496, * at 8.

Finally, and perhaps most importantly, prior to denying him a bond hearing on October 20, 2025, Respondents have repeatedly treated Mr. Kashranov as a non-

citizen subject to § 1226(a)'s discretionary detention authority. After Mr. Kashranov's initial detention in December, 2023, Customs and Border Patrol officials released him on an Order of Release on Recognizance. Exh. B. The Order of Release on Recognizance that was served on Mr. Kashranov states: "[y]ou have been arrest and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act....you are being released on your own recognizance provided you comply with the following conditions." *Id.* Had Respondents initially detained Mr. Kashranov in December of 2023 pursuant to § 1225(b)(2), he would not have been released on his own recognizance because release on parole pursuant to 8 U.S.C. § 1182(d)(5) is the only "express exception" to mandatory detention under § 1225(b) and "there are no *other* circumstances under which [non-citizens] detained under § 1225(b) may be released." *Jennings*, 583 at 300. Because Mr. Kashranov's Order of Release on Recognizance is not a parole within the meaning of 8 U.S.C. § 1182(d)(5), and his paperwork explicitly states that his release from detention in December of 2023 is governed by INA § 236, 8 U.S.C. § 1226, Respondents' own documentation further confirms that Mr. Kashranov's detention is under the discretionary § 1226(a) authority.

Similarly, when Mr. Kashranov was detained at his ICE appointment on September 24, 2025, ICE officials relied on a "Warrant for Arrest of Alien". Exh. F. This type of administrative warrant is a hallmark of § 1226(a)'s detention

authority, not § 1225(b). Under § 1226(a), a non-citizen may be arrested by immigration officials “[o]n a warrant issued by the Attorney General.” 8 U.S.C. § 1226(a). Conversely, the text of § 1225(b) contains no mention of warrants as a condition necessary to take non-citizens into custody. *See generally* 8 U.S.C. § 1225; *see also Jennings*, 583 U.S. at 588 (discussing how the requirement of a warrant is a distinguishing feature between Sections 1225 and 1226). Respondents put an even finger point on it, as the September 24, 2025 warrant issued by ICE officials explicitly states that Mr. Kashranov was being taken into custody “pursuant to sections 236 and 287 of the Immigration and the Nationality Act”. Exh. F.

In short, until his October 20, 2025 bond hearing, Respondents have consistently acted as if and repeatedly told Mr. Kashranov that he is detained under § 1226(a).

This Court owes no special deference to the BIA’s reasoning in *Yagure Hurtado*, which the Immigration Judge relied upon to deny Mr. Kashranov a bond hearing. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369,400–01 (2024) (observing that while “agencies have no special competence in resolving statutory ambiguities,” “[c]ourts do”); *Zumba*, 2025 WL 2753496, at *9 (“[T]his Court need not defer to . . . *Hurtado*, and its newly-minted interpretation of § 1225(b)(2)(A).”) (citation omitted); *see also Chang Barrios v. Shepley*, 2025 WL 2772579, at *9 (D.

Me. Sept. 29, 2025); *Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *9 (N.D. Cal. Sept. 12, 2025).

Accordingly, the Court should find that Mr. Kashranov is likely to succeed on his claim that his mandatory detention without the possibility of bail conflicts with the Immigration and Nationality Act and its regulations because § 1225(b)(2) applies only to non-citizens who are actively, *i.e.* affirmatively, “seeking admission” to the United States.

This Court would then join the vast majority of district courts that have arrived at the same conclusion. *See, e.g., Belsai D.S. v. Bondi*, No. 25-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Quispe v. Crawford*, No. 25-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Savane v. Francis*, No. 25-6666, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Zumba*, 2025 WL 2753496; *Salazar v. Dedos*, No. 25-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Lepe v. Andrews*, No. 25 01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Roman v. Noem*, No. 25-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. 25 4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Singh v. Lewis*, No. 45–96, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Barrera v. Tindall*, No. 25-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Hasan v. Crawford*, No. 25-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Vazquez*, 2025 WL 2676082; *Garcia Cortes v. Noem*, No. 25-2677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Lopez Santos*

v. Noem, No. 25-1193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Perez v. Kramer*, No. 25-3179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025); *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Hinestroza v. Kaiser*, No. 25-7559, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *JOE v. Bondi*, No. 25-3051, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 25-2428, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez-Campos v. Raycraft*, No. 25-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Benitez*, 2025 WL 2371588.

B. Petitioner will suffer irreparable harm in the absence of preliminary relief.

Absent the granting of this request for injunctive relief, Mr. Kashranov and his family face financial ruin, homelessness, and substantial harm to Mr. Kashranov's minor children. To establish irreparable harm, a movant must demonstrate that potential harm cannot be redressed by a legal or equitable remedy alone. *Campbell Soup Co. v. ConAgra, Inc.*, 977 F.2d 86, 91 (3d Cir. 1992).

Since arriving in the United States Mr. Kashranov has been the sole source of financial support for his young family, which consists of his wife, Ms. Kashranova, their 7-year old daughter Alina, and their 10-month old infant son Alan. *See generally* Exhs. A, E. Respondent's detention of Mr. Kashranov disrupted the family's only source of income, as it was Mr. Kashranov who worked while his wife

stayed at home to care for their young children. *Id.* In turn, Ms. Kashranova and her children are now at immediate risk of eviction from their apartment. Exh. A, ¶ 22. Exh. E, ¶ 9. Moreover, if Ms. Kashranova were to begin working, her wages would not offset the costs of childcare for two young children, so as to meaningfully alleviate the family's financial problems. Exh. E, ¶ 11.

The toll of sudden and now prolonged family separation has also caused considerable turmoil for Mr. Kashranov and his loved ones. Ms. Kashranova describes in an attached declaration how her daughter cried every day for the week after her father was taken by ICE officials. Exh. E at ¶ 12. Ms. Kashranova describes her constant state of exhaustion as Respondents have forced her into a position of acting as the sole parent for two young children. *Id.* at ¶ 11.

Other courts that have recently considered similar claims in which non-citizens have been denied bond hearings have found that the suffering resulting from unjustified family separation constitutes irreparable harm sufficient to grant injunctive relief. *See E.C v. Noem*, WL 2916264, at *2 (D. Nev. Oct. 14, 2025) (“Because the Court further finds that Petitioner's prolonged detention without a bond hearing is causing immediate irreparable harm to Petitioner and his family, and the balance of the equities and public interest tip sharply in his favor, the Court grants Petitioner's Motion and enjoins Respondents from continuing to deprive him of the opportunity for release on bond on the basis that he is subject to mandatory detention

under § 1225(b)(2) or § 1226(c).”); *Guerrero Orellana v. Moniz*, 2025 WL 2809996, at *9 (D. Mass. Oct. 3, 2025) (“During this time, he would be separated from his wife and child, whom he supports financially. The toll of this detention and family separation was evident at the preliminary injunction hearing, where Guerrero Orellana became emotional. This loss of liberty in the absence of preliminary injunctive relief would constitute irreparable harm.”); *S.D.B.B. v. Johnson*, 2025 WL 2845170, at *10 (M.D.N.C. Oct. 7, 2025) (“He faces a period of mandatory detention without a bond hearing, likely in violation of the statutory scheme. During his time detained, Petitioner is separated from his wife and family, whom he supports financially, and he confronts ongoing risks to his safety and health. This loss of liberty in the absence of a TRO would constitute irreparable harm.”); *Garcia Domingo v. Castro*, , 2025 WL 2941217, at *4 (D.N.M. Oct. 15, 2025) (“Indeed, Petitioner has shown that his children suffer greatly from his sudden absence in their lives. Moreover, it is well-established that “the infringement of a constitutional right” is enough to show irreparable harm. As such, ‘no further showing of irreparable injury’ is necessary.”).

And because Mr. Kashranov would be a strong candidate for bail due to his community ties, present employment, history of prior appearances at immigration appointments, and lack of a criminal record, he faces irreparable harm absent relief. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1262 (W.D. Wash. 2025) (“Because

Defendants are denying Rodriguez a hearing that would likely result in his release, he has established irreparable harm absent injunctive relief.”).

C. The Public Interest and the Balance of the Equities Weigh in Favor of Granting Injunctive Relief.

Finally, the third and fourth preliminary injunction factors – the balance of the equities and the public interest – “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). “It is always in the public interest to prevent the violation of a party’s constitutional rights.” *Buck v. Stankovic*, 485 F. Supp. 2d 576, 586-587 (M.D. Pa. 2007) (internal quotation marks and citations omitted).

Here, the harm to Respondents is minimal because there cannot be a significant public interest in upholding an unlawful policy that arbitrarily restrict the liberty of a large class of individuals. *Rico-Tapia v. Smith*, , 2025 WL 2950089, at *9 (D. Haw. Oct. 10, 2025) (“Public interest also weighs in Rico-Tapia's favor, as an injunction ensures that Respondents’ actions comply with the Constitution.”). While Respondents undoubtedly have some interest in exercising their immigration enforcement powers, that prerogative cannot be at the expense of the constitutional and statutory rights of non-citizens like Mr. Kashranov. *See Alvarez Chavez v. Kaiser*, 2025 WL 2909526, at *6 (N.D. Cal. Oct. 9, 2025) (“The public interest favors due process and family unity over unchecked detention.”)

Mr. Kashranov also presents significant equities in his favor, particularly the emotional turmoil and financial hardship that Respondents have imposed on Mr. Kashranov and his family.

For these reasons, both the public interest and the balancing of the equities favor granting Mr. Kashranov's request for injunctive relief.

D. The Court Should Not Require Petitioner to Provide Security Prior to Issuing a Temporary Restraining Order.

Federal Rule of Civil Procedure 65(c) provides that “[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” However, Rule 65(c) invests the district court with discretion as to the amount of security required and whether to waive the requirement altogether. *Temple Univ. v. White*, 941 F.2d 201, 219 (3d Cir. 1991).

In deciding whether to waive the security requirement in noncommercial cases, the Third Circuit considers the possible loss to the enjoined party, the hardship that a bond requirement would impose on the applicant, and the special nature of suits to enforce important federal rights or public interests. *Id.* District courts routinely exercise this discretion to require no security in cases brought by indigent and/or incarcerated people. *See, e.g., S. Camden Citizens in Action v. N.J. Dep’t of*

Envtl. Prot., 145 F. Supp. 446, 504 (D.N.J. 2001) (indigent and non-profit plaintiffs enforcing civil rights); *Simcox v. Delaware County*, No. 91-6874, 1992 WL 97896, at *6 (E.D. Pa. May 5, 1992). This Court should do the same here.

CONCLUSION

For the reasons stated, the Court should grant Petitioner's Motion for a Temporary Restraining Order and Preliminary Injunction and order that Respondents immediately release Petitioner and enjoin Respondents from re-detaining Petitioner without a pre-deprivation hearing. In the alternative, the Court should order that a bond hearing be held.

Dated: October 28, 2025

Respectfully submitted,

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