

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TAMIR MONOROV :

Petitioner, :

-against- :

JONATHAN FLORENTINO, ACTING NEWARK FIELD :
OFFICE DIRECTOR, ENFORCEMENT AND REMOVAL :
OPERATIONS, U.S. IMMIGRATION AND CUSTOMS :
ENFORCEMENT (ICE); :

TODD LYONS, ACTING DIRECTOR, U.S. IMMIGRATION :
AND CUSTOMS ENFORCEMENT (ICE); :

KRISTI NOEM, IN HER OFFICIAL CAPACITY AS :
SECRETARY OF THE UNITED STATES DEPARTMENT OF :
HOMELAND SECURITY; :

Respondents. :

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**PETITION FOR
WRIT OF HABEAS CORPUS**

Case No.
2:25-cv-16732

PETITIONER’S REPLY BRIEF FOR RELIEF UNDER 28 U.S.C. § 2243

Petitioner, Tamir Monorov (“Mr. Monorov”), respectfully moves for immediate relief under 28 U.S.C. § 2243. The Court ordered Respondents to show cause by November 6, 2025, why the writ should not issue. Respondents failed to justify mandatory detention under 8 U.S.C. §1225(b)(2), and continued confinement violates due process and the habeas statute’s command for prompt adjudication.

Under 28 U.S.C. § 2243, the Court “shall summarily hear and determine the facts and dispose of the matter as law and justice require.” Given Respondents’ failure to timely respond, the Court should deem Petitioner’s well-pleaded factual allegations admitted and grant immediate relief. *See Rumsfeld v. Padilla*, 542 U.S. 426 (2004); *Ex parte Endo*, 323 U.S. 283 (1944); *Boumediene v. Bush*, 553 U.S. 723 (2008); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434 (3d Cir. 2021).

Mr. Monorov entered the United States on or about February 1, 2022. *See* ECF No. 1. That day, a Customs and Border Protection (“CBP”) officer, Saenz, issued an expedited-removal order and took a Record of Sworn Statement in Proceedings in which Mr. Monorov expressed a fear of return to Russia. *See* ECF 1-4. CBP then paroled Mr. Monorov into the United States and issued a Form I-94 authorizing his entry. *See* ECF 1-4.

Mr. Monorov timely filed his Form I-589. Rather than adjudicate his application for asylum, U.S. Citizenship and Immigration Services (USCIS) cancelled it after the Department of Homeland Security (“DHS”) issued a July 8, 2025, notice titled ‘Interim Guidance Regarding Detention Authority for Applicants for Admission’ to all ICE Employees.” *See* Tab A. Under this new interpretation and policy, the DHS set forth a new position regarding custody. As a result, Mr. Monorov was required to undergo a credible fear interview.

Since Mr. Monorov’s detention on October 17, 2025, he has lost ten pounds. *See* Tab B ¶15.

He is suffering from PTSD, anxiety, panic attacks, and nightmares. *Id.* at ¶6. He recently saw a psychologist but has not yet been prescribed medication. *Id.* at ¶14. Petitioner also states that prior to detention, he was taking amoxicillin for a dental infection and inflammation, and while he requested medication, he was not given amoxicillin as he was told it was “not available for detainees.” *Id.* at ¶6,7,11. Petitioner is also suffering from a rash that has worsened and spread to parts of his chest and arm. *Id.* at ¶12.

Mr. Monorov has lived in the United States for nearly four years and affirmatively filed an asylum application in 2023. He is therefore outside the temporal scope of interior expedited removal. 8 U.S.C. § 1225, and was not seeking to be admitted when ICE detained him in Bethpage, New York. The expedited-removal detention framework is inapplicable, and DHS lacked authority to cancel his pending asylum case, compel a Credible Fear Interview, or detain him under § 1225(b). *Vazquez v. Feeley*, No. 2:25-cv-01542, 2025 WL 2676082, at *13 (D. Nev. Sept. 17, 2025); *see also Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at *3 (D.N.J. Sept. 26, 2025) (noting that “up until July 8 the predominant form of detention authority for petitioner and other noncitizens arrested in the interior of the United States was § 1226(a).”)

For the foregoing reasons, Petitioner requests that this Court grant an expedited hearing, or alternatively order immediate release.

Dated: November 10, 2025

Respectfully Submitted,

/s/ Veronica Cardenas
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