

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ILDAR NIYAZOV

Petitioner,

v.

J.L. JAMISON, in his official capacity as

Warden of Federal Detention Center -

Philadelphia, et al.,

Respondents.

Case No.: 25-cv-6404

**REPLY TO RESPONDENTS’ RESPONSE TO PETITIONER’S PETITION
FOR WRIT OF HABEAS CORPUS**

Petitioner, Ildar Niyazov (“Mr. Niyazov”) has been detained since November 7, 2023 – now over 25 months. Mr. Niyazov is entitled to due process rights beyond those provided by statute. A straightforward application of the factors set forth in *German Santos* demonstrate that Mr. Niyazov’s petition for a writ of habeas corpus should be granted. Respondents’ answer to the petition does not offer any justification for reaching a different conclusion. Accordingly, the petition should be granted.

I. Mr. Niyazov is clearly entitled to due process beyond that envisioned in *Thuraissigiam*

Respondent argues that under *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020) individuals detained under 8 U.S.C. § 1225(b)(1) have no rights to due

process beyond what is provided by statute. Doc 6, at 3-6. Accordingly, Respondent argues, because Mr. Niyazov was detained under 8 U.S.C. § 1225(b)(1), his detention is mandatory and must continue until his removal proceedings have continued. *Id.* at 5-6. However, as Respondents note, the Petitioner in *Thuraissigam* was detained shortly after arriving in the United States, approximately 25 yards from the border. 591 U.S. at 114. Mr. Niyazov, on the other hand, was detained over a year after his entry into the United States, and has now lived in the United States for over three years. *See* Doc 6, note 3.

Furthermore, the Supreme Court did not suggest in *Thuraissigam* that arriving individuals being held under § 1225(b) may be held indefinitely and unreasonably with no due process implications, nor that such individuals have no due process rights whatsoever. *See A.L. v. Oddo*, No. 3:24-CV-302, 2025 WL 352471, at *2 (W.D. Pa. Jan. 6, 2025). The Supreme Court has held that the Due Process Clause applies to all persons in the United States, including noncitizens, regardless of the legal nature of their presence. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). While the Third Circuit Court of Appeals has not directly addressed whether an arriving individual detained under § 1225(b) has the same due process right to a bond hearing as individuals detained under 8 U.S.C. § 1226(c), District Courts have held that arriving individuals detained under § 1225(b) have a constitutional right to a bond hearing once detention becomes unreasonable to the same extent as an

individual detained under § 1226(c). See *C.B. v. Oddo*, No. 3:25-CV-00263, 2025 WL 2977870, at *5 (W.D. Pa. Oct. 22, 2025); *A.L.*, 2025 WL 352471, at *3; *Pierre v. Doll*, 350 F.Supp.3d 327, 332 (M.D. Pa. 2018). These District Courts have applied *German Santos* to such habeas petitions.

Moreover, unlike the petitioner in *Thuraissigam*, Mr. Niyazov seeks release—the remedy at the “core” of habeas. 591 U.S. at 119. The petitioner in *Thuraissigam* sought in his habeas petition additional procedural protections in a credible fear screening. 591 U.S. at 114-15. Justice Alito, writing for the Court, concluded that *Thuraissigam* did not want “simple release”, “but an order requiring them to be brought into the country.” *Id.* at 120. “Claims so far outside the ‘core’ of habeas may not be pursued through habeas”, Justice Alito wrote in *Thuraissigam*. *Id.* (citing *Skinner v. Switzer*, 562 U.S. 521, 535, n. 13 (2011)). Conversely, Mr. Niyazov seeks his release from unlawful detention, the claim at the core of habeas. Doc 1 (requesting that the Court “[i]ssue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody”).

Accordingly, this Court should afford Mr. Niyazov due process beyond that envisioned in *Thuraissigam*, and apply the *German Santos* factors, as described below.

II. Application of the *German Santos* factors demonstrates that due process requires a bond hearing.

In *German Santos*, the Third Circuit detailed four factors that a district court should consider when determining whether a noncitizen subject to mandatory civil immigration detention, under 8 U.S.C. § 1226(c), should be afforded a bond hearing in order to comply with due process. Those factors are: 1) “the duration of detention”; 2) “whether the detention is likely to continue”; 3) “the reasons for the delay, such as a detainee’s request for continuances”; and 4) “whether the alien’s conditions of confinement are meaningfully different from criminal punishment.” *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 211 (3rd Cir. 2020) (internal citations and quotations omitted). Other district courts within the Third Circuit have found that the *German Santos* four factor analysis is applicable to non-citizens subjected to mandatory detention under 8 U.S.C. § 1225(b)(1). *A.L.*, 2025 WL 352471, at *2; *C.B.*, 2025 WL 2977870, at *5.

First, the length of Mr. Niyazov’s detention is unreasonable. The duration of the detention is the “most important factor”. *German Santos*, 965 F.3d at 211. Mr. Niyazov has been detained for over 25 months, since November 7, 2023. Respondents argue that Mr. Niyazov’s detention is reasonable by citing to three cases in which Courts held that *lesser* lengths of detention were reasonable, but fail to cite to identify a single case in which a district court concluded that detaining a non-citizen for 25 months without a bond hearing was deemed reasonable.

Rather, courts applying the *German Santos* factors have often found unreasonable detention for periods of time *far shorter* than the 25 months that Mr. Niyazov has been confined by the Department of Homeland Security. *C.B.*, 2025 WL 2977870, at * 6 (“He has been detained continuously since December 9, 2024 – more than 10 months as of this writing. This delay falls within the range where district courts with the Third Circuit have held that delays start to become unreasonable.”); *A.L.*, 2025 WL 352471, at *4 (“Petitioner has been held in custody without a bond hearing for nearly ten months since March 18, 2024. This delay falls within the range where courts have held that delays start to become unreasonable.”); *Kleinauskaite v. Doll*, No. 4:17-CV-02176, 2019 WL 3302236, at *6 (M.D. Pa. July 23, 2019) (finding that “Ms. Kleinauskaite's detention escaped the realm of reason” after twelve months); *Wahi v. Pittman*, No. CV 25-2207, 2025 WL 2918948, at *2 (D.N.J. Oct. 15, 2025) (Granting the habeas petition when “Petitioner has been detained in a private immigration detention facility for approximately one year.”); *Abioye v. Oddo*, No. 3:23-CV-0251, 2024 WL 4304738, at *6 (W.D. Pa. Sept. 26, 2024) (stating that “detention for approximately a year or more without an individualized bond hearing is constitutionally unreasonable.”).

These decisions conform with the Third Circuit’s guidance that, “beginning sometime after the six-month timeframe considered by *Demore*, and certainly by the time [a noncitizen] had been detained for one year, the burdens to [the noncitizen’s]

liberties outweighed any justification for using presumptions to detain him without bond to further the goals of the statute.” *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015) (citing *Demore v. Kim*, 538 U.S. 510 (2003)). Thus, Mr. Niyazov’s 25 months of detention is well beyond the timeframe that courts have found to be unreasonable.

Second, Mr. Niyazov’s detention is likely to continue indefinitely. Respondents argue that this factor is neutral. Doc 6, at 10. However, there remains no timeline for when the Third Circuit will dispose of Mr. Niyazov’s petition for review, and as such, he remains subjected to *de facto* mandatory detention, indefinitely. If he prevails on his petition, it is likely that his petition will be remanded back to the agency, prolonging his detention even further absent intervention from the Court. Accordingly, this factor too favors granting the petition.

Third, the reason for any delay is likely neutral or favors Petitioner, as neither Mr. Niyazov or counsel for the Department of Homeland Security (“DHS”) have sought any continuances that caused significant delay. *See* Doc 6, at 11 (Respondents indicating in their response that this factor could be neutral); *see also German Santos*, 965 F.3d at 212.

Finally, Respondents contend that the last *German Santos* factor – whether the conditions of Mr. Niyazov’s immigration detention are meaningfully different from criminal punishment – favors Respondents. Doc. 6, at 11; *see also German*

Santos, 965 F.3d at 212-13. Respondents point to the fact that immigration detainees at FDC-Philadelphia are segregated from criminal detainees. Doc 6, at 11. The proper inquiry, however, is whether a detainee's conditions are "meaningfully different" from those faced by criminal detainees, not whether immigration detainees have contact with criminal detainees. *See Grigoryan v. Jamison*, No. CV 25-1389, 2025 WL 1257693, at *5 (E.D. Pa. Apr. 30, 2025). Respondents note that immigration detainees have access to common areas, outdoor spaces, and phones, and are free to move about the unit for most of the day. Doc 6, at 12. Respondents further state without explanation, that these conditions are "more accommodating than in criminal detention facilities". *Id.* However, this Court has found repeatedly that the conditions of confinement at FDC Philadelphia are not materially different from criminal punishment. *See, e.g., Centeno-Martinez v. Jamison*, No. CV 25-3593, 2025 WL 3157711, at *2 (E.D. Pa. Nov. 12, 2025) (noting that FDC criminal detainees also have access to "an outside area, basketball court, computer terminals, televisions and an exercise facility"); *Grigoryan*, 2025 WL 1257693, at *5. Finally, providing immigration detainees with Crocs to wear throughout the facility cannot overcome the overwhelmingly penal atmosphere of FDC. *See* Doc 6-1.

As such, the Court should find that the conditions at FDC Philadelphia are not meaningfully different than criminal punishment and that application of the *German Santos* factors demonstrate that a bond hearing should be ordered.

CONCLUSION

For the reasons stated above, this Court should grant the petition.

Dated: December 19, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2025, a copy of this *Reply to Respondents' Response to Petitioner's Petition for Writ of Habeas Corpus* was served through the ECF system to the registered participants as identified on the Notice of Electronic Filing.

/s/ Christopher P. Setz-Kelly
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