

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

FARANGIZ KHAFIZOVA,
as Next Friend of
JAVOKHIR SHODIEV (A# [REDACTED])

Case No:

Petitioner,

v.

PAM BONDI,
United States Attorney General
KRISTI NOEM
United States Secretary of Homeland Security

**FILED
WILLIAMSPORT**

DEC 01 2025

PER NR
[REDACTED]

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

**TO COMPEL THE IMMIGRATION COURT TO EXERCISE
JURISDICTION OVER A CUSTODY DETERMINATION**

INTRODUCTION

1. Petitioner, Farangiz Khafizova, brings this petition as next friend on behalf of her son, Javokhir Shodiev, an 18-year-old citizen of Uzbekistan, who is currently detained in the custody of U.S. Immigration & Customs Enforcement (“ICE”) at the Moshannon Valley ICE Processing Center, located in the Middle District of Pennsylvania.
2. This habeas petition challenges the Immigration Court’s unlawful refusal to exercise jurisdiction over Mr. Shodiev’s custody redetermination (bond) request, despite the fact that he is not an “arriving alien” and is therefore eligible for bond jurisdiction under INA § 236(a).

3. ICE detained Javokhir after an enforcement operation on October 25, 2025, even though he and his family had previously been lawfully released pending their asylum proceedings.
4. Javokhir entered the United States on November 20, 2023, near Tecate, California, together with his mother (Petitioner), father, and two siblings, and the family immediately requested asylum.
5. Because the Immigration Court refuses to hear his bond request, Javokhir has been subjected to unlawful, prolonged civil detention without any opportunity for a custody determination in violation of the Due Process Clause and INA § 236(a).
6. Petitioner seeks an order compelling the Immigration Judge to exercise jurisdiction and requiring the government to provide an immediate custody redetermination hearing or to release Javokhir forthwith.

JURISDICTION AND VENUE

7. Jurisdiction lies under 28 U.S.C. § 2241 because Petitioner challenges the legality of federal detention.
8. Venue is proper in the Middle District of Pennsylvania because the Petitioner is detained at Moshannon Valley ICE Processing Center, which is located within this District. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).
9. The proper respondent is George Mendoza, Warden of Moshannon Valley ICE Processing Center.

PARTIES

10. Petitioner, *Farangiz Khafizova*, is the mother of the detained minor/young adult, Javokhir Shodiev, and files this petition as next friend due to Javokhir's limited ability to advocate for himself while detained.
11. Javokhir Shodiev, A# [REDACTED] is an 18-year-old citizen of Uzbekistan detained by ICE.
12. Respondent Warden Mendoza is Javokhir's immediate custodian.
13. Additional respondents are federal officials responsible for his detention.

FACTUAL BACKGROUND

14. Javokhir and his family fled Uzbekistan and entered the United States on November 20, 2023, near Tecate, California.
15. At entry, the family requested asylum, was placed in Section 240 proceedings, and was released pending their hearings.
16. On October 25, 2025, ICE detained Javokhir during an enforcement operation, even though his removal case was still pending and he had complied with all requirements.
17. He was transferred to and remains detained at Moshannon Valley ICE Processing Center.
18. Javokhir requested a bond hearing, asserting jurisdiction under INA § 236(a) because he is not an arriving alien and was encountered far from a port of entry.
19. However, the Immigration Judge ("IJ") refused to exercise jurisdiction, asserting that Javokhir is considered an "arriving alien" and therefore ineligible for custody redetermination under 8 C.F.R. § 1003.19(h)(2)(i)(B).
20. This classification is incorrect and unlawful: Javokhir entered without inspection but was released into the interior and placed in regular § 240 proceedings, not expedited removal.

21. The refusal to hold a bond hearing has resulted in prolonged detention without any individualized custody review.

LEGAL ARGUMENT

I. The Immigration Court's Refusal to Exercise Jurisdiction Is Unlawful Because Petitioner Is Not an "Arriving Alien."

22. Under INA § 236(a), all noncitizens in § 240 removal proceedings—except those specifically barred—are eligible for bond review.

23. The category "arriving alien" applies only to people seeking admission at a port of entry, not to those apprehended inside the United States after release.

24. Courts, including those within the Third Circuit, have consistently held that DHS cannot classify interior arrests as "arriving aliens" to strip jurisdiction from Immigration Courts.

25. Javokhir entered without inspection but thereafter was released into the interior and placed in regular removal proceedings, confirming § 236(a) jurisdiction.

II. Prolonged Detention Without a Bond Hearing Violates the Fifth Amendment Due Process Clause

26. Civil detention is constitutional only when accompanied by adequate procedural safeguards, including the right to an individualized custody hearing.

27. Detaining an 18-year-old asylum seeker without a bond hearing violates procedural and substantive due process.

III. Habeas Corpus Is the Proper Vehicle

29. Habeas corpus is the traditional means to challenge unlawful immigration detention.
30. Federal courts routinely order immigration judges to conduct bond hearings when DHS improperly denies jurisdiction.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus directing Respondents to present Javokhir Shodiev before an Immigration Judge for a custody redetermination hearing under INA § 236(a);
2. Order the Immigration Judge to exercise jurisdiction over Petitioner's custody request;
3. Require that the hearing occur within 7 days with the government bearing the burden of proving danger or flight risk by clear and convincing evidence;
4. Alternatively, order Javokhir's immediate release from ICE custody under reasonable conditions of supervision;
5. Grant any additional relief this Court deems just and proper.

VERIFICATION

I, Farangiz Khafizova, declare under penalty of perjury under the laws of the United States that I am the mother of Javokhir Shodiev, that I file this petition as his next friend, and that the facts contained in this petition are true and correct to the best of my knowledge.

Date: 11/21/2025

Respectfully submitted,



Farangiz Khafizova

