

RUSTAM SADYKOV A# [REDACTED]  
Name and Prisoner Number/Alien Registration Number

Florence Staging Facility  
Place of Confinement

3250 N. Pinal Parkway  
Mailing Address

Florence, AZ 85132  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

RUSTAM SADYKOV A# [REDACTED],  
(Full Name of Petitioner)

Petitioner,

V. Warden, Florence Staging Facility;  
ICE Phoenix Field Office Director;  
Director, U.S. Immigration and Customs Enforcement;  
Secretary, U.S. Department of Homeland Security;  
United States Attorney General

(Name of Warden, Jailor or authorized person  
having custody of Petitioner)

Respondent.

CASE NO. \_\_\_\_\_  
(To be supplied by the Clerk)

PETITION UNDER 28 U.S.C. § 2241  
FOR A WRIT OF HABEAS CORPUS  
BY A PERSON IN FEDERAL CUSTODY

PETITION

1. What are you challenging in this petition?

- Immigration detention
- Bureau of Prisons sentence calculation or loss of good-time credits
- Probation, parole or supervised release
- Other (explain):

Reconsider  
U.S. Immigration and Customs Enforcement (ICE), Phoenix Field Office, Arizona — execution of removal despite pending Motion to Board of Immigration Appeals (BIA), EOIR Headquarters, Falls Church, Virginia — specifically, the decision dismissing Petitioner's appeal as "untimely" and denying the stay of removal, which is now pending reconsideration.

2. (a) Name and location of the agency or court that made the decision you are challenging: \_\_\_\_\_  
U.S. Immigration and Customs Enforcement (ICE), Phoenix Field Office, Arizona and Board of Immigration Appeals (BIA)

(b) Case or opinion number: BIA case number corresponding to A# [REDACTED]

(c) Decision made by the agency or court: ICE's denial of a stay of removal (Form I-246) and continued efforts to remove Petitioner before the agency completes review.  
CE Enforcement and Removal Operations, Phoenix Field Office, Arizona, which is attempting to execute removal despite a pending Motion to Reconsider before the Board of Immigration Appeals, EOIR Headquarters, Falls Church, Virginia

(d) Date of the decision: December 7, 2025 (scheduled removal date)

3. Did you appeal the decision to a higher agency or court? Yes  No

If yes, answer the following:

(a) First appeal:

(1) Name of the agency or court: BIA

(2) Date you filed: 10/15/2025, 12/03/2025, 09/06/2025, 11/27/2025, 10/16/2025

(3) Opinion or case number: RUSTAM SADYKOV A [REDACTED]

(4) Result: The Motion to Reconsider remains pending, and the BIA has not yet issued a decision correcting the procedural/technical error

(5) Date of result: Pending

(6) Issues raised: Petitioner raised that the BIA's dismissal of his appeal as 'untimely' was factually and procedurally incorrect; that the appeal had been timely filed with documentary proof of delivery; that the BIA relied on a technical error to deny his stay request; that ICE's attempts to execute removal before the BIA adjudicates the pending Motion to Reconsider violate due process; and that premature removal would unlawfully extinguish the BIA's jurisdiction, deprive Petitioner of meaningful administrative review, and result in irreparable harm.

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

(b) Second appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

(c) Third appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

4. If you did not appeal the decision to a higher agency or court, explain why you did not: \_\_\_\_\_  
Not applicable. No second appeal was available or permitted. Petitioner instead filed a Motion to Reconsider with the BIA, which is still pending

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes  No

If yes, answer the following:

(a) Name of the agency or court: ICE DHS

(b) Date you filed: 10/21/2025

(c) Opinion or case number: Rustam Sadykov A 

(d) Result: DENIED

(e) Date of result: 11/27/2025

(f) Issues raised: BIA technical error; stay denial; pending reconsideration; unlawful imminent removal.

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

6. For this petition, **state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States.** Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (use up) your available administrative remedies on each ground on which you request action by the federal court.





**GROUND THREE: Administrative Procedure Act Violation (Arbitrary Action)**

ICE's denial of the I-948 Stay of Removal and decision to execute removal despite a known procedural error are arbitrary and capricious under 5 U.S.C. § 706

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

On October 21, 2025, ICE denied Petitioner's request for a stay without meaningful explanation. ICE continued removal efforts even after being notified of the BIA's error and the evidence supporting timely filing. ICE's actions lack rational basis and disregard required procedures.

(b) Did you exhaust all available administrative remedies relating to Ground Three? Yes  No

(c) If yes, did you present the issue to:

- The Board of Immigration Appeals
- The Office of General Counsel
- The Parole Commission
- Other: DHS ICE OFFICE HARLINGEN

(d) If you did not exhaust all available administrative remedies relating to Ground Three, explain why:

**GROUND FOUR:** Unlawful Detention Under 28 U.S.C. § 2241

*Petitioner's detention and imminent removal lack lawful authority because the BIA has ongoing jurisdiction over the Motion to Reconsider and administrative review is incomplete.*

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner is detained at the Florence Staging Facility and scheduled for immediate removal. Because his BIA Motion to Reconsider remains pending, removal cannot lawfully occur. Detention for the purpose of unlawful removal is itself unlawful under habeas principles.

(b) Did you exhaust all available administrative remedies relating to Ground Four? Yes  No

- (c) If yes, did you present the issue to:
- The Board of Immigration Appeals
  - The Office of General Counsel
  - The Parole Commission
  - Other: DHS ICE OFFCIE HARLINGEN

(d) If you did not exhaust all available administrative remedies relating to Ground Four, explain why:

**Please answer these additional questions about this petition:**

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes  No   
(Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes  No

If yes, answer the following:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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(b) Explain why the remedy under § 2255 is inadequate or ineffective: \_\_\_\_\_  
Section 2255 is unavailable because Petitioner is not challenging a federal criminal conviction. He is an  
immigration detainee challenging ICE's unlawful removal actions and due-process violations. Therefore,  
§ 2241 is the only appropriate remedy.  
\_\_\_\_\_  
\_\_\_\_\_

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: 01/08/2925

(b) Date of removal or reinstatement order: 10/14/2025

(c) Did you file an appeal with the Board of Immigration Appeals? Yes  No

(1) Date you filed: 10/15/2925

(2) Case number: Sadykov Rustam A [REDACTED]

(3) Result: Pending

(4) Date of result: Pending

(5) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

(d) Did you file an appeal with the federal court of appeals? Yes  No

(1) Name of the court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: MOTION TO RECONSIDER PENDING WITH BIA  
\_\_\_\_\_  
\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**


9. Petitioner asks that the Court grant the following relief: \_\_\_\_\_  
\_\_\_\_\_

Stay of removal and no-transfer order until the pending BIA motion is resolved  
\_\_\_\_\_  
\_\_\_\_\_

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on WAS NOT ALLOWED (month, day, year).

DETAINED  
**Signature of Petitioner**

  
Signature of attorney, if any

12/05/2025  
Date