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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. \_\_\_\_\_

Alkhaz Khubiev

A 

Place of Confinement  
Denver Contract Detention Facility (Aurora)  
Petitioner,

Petitioner

v.

JUAN BALTAZAZR, Warden, Auroroa Contract Detention Facility;  
ROBERT HAGAN, Field Office Director, Denver Colorado Field Office, United States  
Immigration and Customs Enforcement;  
TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement;  
KRISTI NOEM, Secretary of Homeland Security;  
PAMELA JO BONDI, Attorney General of the United States, in their official capacities,  
  
Respondents.

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**PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

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**I. INTRODUCTION**

1. Petitioner Alkhaz Khubiev (“Mr. Khubiev”) brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his detention as a violation of the Immigration and Nationality Act (“INA”), the Due Process Clause of the Fourth Amendment, and the Due Process Clause of the Fifth Amendment.
2. Mr. Khubiev is a native of the former Soviet Union and a citizen of Russia. He was paroled into the United States on July 28, 2021, in order to pursue his claim for asylum in the United

1 States. Mr. Khubiev filed his affirmative application for asylum with United States  
2 Citizenship and Immigration Services (“USCIS”) on July 22, 2022.

- 3 3. On November 20, 2025, over four (4) years after his entry into the United States, Mr.  
4 Khubiev was abruptly and inexplicably detained by the Department of Homeland Security  
5 (“DHS”).
- 6
- 7 4. During the more than four years that he lived in the United States, Mr. Khubiev was never  
8 arrested, charged with any crimes or violations. Mr. Khubiev has significant and meaningful  
9 ties in the United States.
- 10
- 11 5. Immediately prior to his detention, Mr. Khubiev suffered a significant eye injury and was  
12 pending medical treatment and was being evaluated for possible surgery prior to his  
13 detention. Unless he is immediately released from custody in order to pursue necessary  
14 medical treatment, Mr. Khubiev risks losing vision in his right eye.
- 15
- 16 6. Mr. Khubiev respectfully requests that this Court to find that his detention is unlawful and to  
17 order his immediate release from custody under appropriate conditions.

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19 **II. CUSTODY**

- 20 7. Mr. Khubiev is in the physical custody of Respondents. Mr. Khubiev is currently imprisoned  
21 at the Aurora Contract Detention Facility, an immigration detention facility, in Aurora,  
22 Colorado. Mr. Khubiev is under the direct control of Respondents and their agents.

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25 **III. JURISDICTION**

- 26 8. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general  
27 federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the Administrative Procedure Act  
28

1 (APA); habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United  
2 States Constitution (the Suspension Clause); and the common law. This action arises under  
3 the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA. This  
4 Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the  
5 Declaratory Judgment Act, 28 U.S.C. § 2001 et seq., and the All-Writs Act, 28 U.S.C. § 1651.  
6

7 9. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the  
8 lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction  
9 under 8 U.S.C. § 1252. See e.g., *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).  
10

11 10. Mr. Khubiev is challenging how DHS detained him in the interior of the United States, after  
12 he was lawfully admitted and paroled. “Federal courts are not precluded from reviewing ‘how’  
13 Respondents exercise their discretion and determining whether such exercise is violative of  
14 the Constitution or federal law.” *E.V. v. Raycraft*, No. 4:25-CV-2069, 2025 WL 3122837, at \*6  
15 (N.D. Ohio Nov. 7, 2025).  
16

#### 17 **A. Subject Matter Jurisdiction**

18 11. This Court has subject matter jurisdiction over claims related to detention and constitutional  
19 violations. A federal court has subject matter jurisdiction under § 2241(c)(3) if two  
20 requirements are met: (1) the applicant is “in custody,” and (2) the custody is “in violation of  
21 the Constitution or laws or treaties of the United States.” *Martinez v. Ceja*, 760 F. Supp. 3d  
22 1188, 1191–92 (D. Colo. 2024), citing 28 U.S.C. § 2241(c)(3); *Maleng v. Cook*, 490 U.S.  
23 488, 490, 109 S.Ct. 1923, 104 L.Ed.2d 540 (1989).  
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25  
26 12. Because Mr. Khubiev challenges the legality of his re-detention rather than a final order of  
27 removal 8 USC § 1252(b)(9) does not strip this Court of jurisdiction. *Perez v. LaRose*, No.  
28 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at \*3 (S.D. Cal. Nov. 13, 2025).

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13. Furthermore, Mr. Khubiev challenges the legality of DHS’s re-detention under the Immigration and Nationality Act. “The question of whether section 1225(b)(2) or section 1226(a) governs Petitioner’s detention is a question of statutory interpretation squarely within the Court’s jurisdiction.” *EDUARDO DUVALLO BOFFILL, Petitioner, v. FIELD OFFICE DIRECTOR, Miami Field Off., U.S. Immigr. & Customs Enft., et al., Respondents.*, No. 25-CV-25179-JB, 2025 WL 3246868, at \*6 (S.D. Fla. Nov. 20, 2025).

**IV. VENUE**

14. Venue is proper in this District under 28 U.S.C. 1391 and 28 U.S.C. 2242 because at least one Respondent is in this District, Mr. Khubiev is detained in this District, Mr. Khubiev’s immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. See generally *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) (“the proper respondent to a habeas petition is ‘the person who has custody over the petitioner’”) (citing 28 U.S.C. §2242) (cleaned up). In addition, no real property is involved in this matter.

**V. PARTIES**

15. Petitioner Alkhaz Khubiev is currently detained by Respondents at the Aurora Contract Detention Facility, an immigration detention facility in Aurora, Colorado. He has been in ICE custody since on or about November 20, 2025.

16. Respondent Juan Baltazar is the Warden of the Aurora Contract Detention Facility, where Mr. Khubiev is currently detained. He is a physical custodian of Mr. Khubiev and is named in his official capacity.

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17. Respondent Robert Hagan is the Field Office Director responsible for the Denver Colorado Field Office of ICE with administrative jurisdiction over 's immigration case. He is a legal custodian of Mr. Khubiev and is named in his official capacity.

18. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Mr. Khubiev and is named in his official capacity.

19. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security. She is a legal custodian of Mr. Khubiev and is named in her official capacity.

20. Respondent Pamela Jo Bondi is the Attorney General of the United States and leads the U.S. Department of Justice. She is a legal custodian of Mr. Khubiev and is named in her official capacity.

**VI. STATEMENT OF FACTS**

21. Mr. Khubiev is 37-years-old. He arrived to the United States on July 28, 2021, fleeing persecution in his country of citizenship, the Russian Federation.

22. Mr. Khubeiv was paroled into the United States. (See Exhibit B). He timely filed his affirmative application for asylum with United States Citizenship and Immigration Services on July 22, 2022. (See Exhibit C).

23. The Department of Homeland Security initiated removal proceedings against Mr. Khubiev on July 13, 2025. (See Exhibit D). Mr. Khubiev diligently hired an attorney and dutifully participated in his removal proceedings. (See Exhibit D). Accordingly, he fulfilled all of his requirements to pursue his request for asylum in the United States.

24. During over four years of residing in the United States, Mr. Khubiev did not have any derogatory encounters with any law enforcement agency in the United States - he was never

1 arrested or charged with any crimes or violations. He worked in accordance with his work  
2 authorization and filed taxes in 2023 and 2024.

3 25. Mr. Khubiev has meaningful community ties in the United States: his cousin, whom he worked  
4 with and with whom he is very close, is a lawful permanent resident in the United States.

5 26. On October 3, 2025, Mr. Khubiev was injured at work when a bungee cord snapped. Mr.  
6 Khubiev was working as a truck driver. He was hit in the eye with the metal part of the bungee  
7 cord and had to seek urgent medical attention. He was seen at the Moran Eye Center in Salt  
8 Lake City, Utah.

9 27. On October 29, 2025, Mr. Khubiev was evaluated by an optometrist who diagnosed him with a  
10 significant injury to his right eye. (See Exhibit E) He had conjunctival hemorrhage, a contusion  
11 and low vision. He needed urgent medical attention in order to preserve vision in his right eye.  
12

13 28. Mr. Khubiev intended to get the necessary medical attention after he completed one additional  
14 work assignment. But then he was detained by DHS.

15 29. While in DHS custody, Mr. Khubiev has continuously told DHS that he needs to be seen by an  
16 ocular specialist.  
17

18 30. On Friday, November 21, 2025, Mr. Khubiev was taken to a hospital and evaluated by a  
19 doctor. But since November 21, 2025, until the date of the filing of this Petition, Mr. Khubiev  
20 has not been seen by a specialist.  
21

22 31. Every day that passes without the proper medical attention could mean that Mr. Khubiev  
23 permanently loses vision in his eye.  
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26 **VII. LEGAL FRAMEWORK**

27 **A. Requirements of 28 U.S.C. §§ 2241, 2243**  
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32. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless Mr. Khubiev is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

33. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

34. Petitioner is “in custody” for the purpose of § 2241 because he was detained and taken into custody by Respondents on November 20, 2025 and is held in custody in Denver, Colorado at Respondents’ detention center in Denver.

35. Habeas relief is the proper vehicle by which Mr. Khubiev can challenge his civil immigration detention. *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

**B. Mr. Khubiev’s re-detention violated his inherent Due Process Rights**

36. Mr. Khubiev’s re-detention, by DHS, over four years after he was inspected and paroled by DHS at the southern United States border, is a due process violation and violates the Immigration and Nationality Act. He was arrested and re-detained despite the fact that there were no changes in his circumstances that would cause him to pose a danger to the community or a flight risk; despite the fact that there was no subsequent consideration of his individualized circumstances after DHS determined he was eligible to be paroled on July 18,

1 2021; and despite the fact that there was no warrant for his arrest, as required by INA  
2 §1226(a).

3 37. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens,  
4 whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v.*  
5 *Davis*, 533 U.S. 678, 693, 121 S. Ct. 2491, 2500, 150 L. Ed. 2d 653 (2001).

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7 38. “Due process . . . is a flexible concept that varies with the particular situation. *Zinerman v.*  
8 *Burch*, 494 U.S. 113, 127, 110 S. Ct. 975, 984, 108 L. Ed. 2d 100 (1990).

9 39. Many Federal District Courts all over the United States, including U.S. district courts located  
10 in the 10th Circuit, have used the three part test from *Mathews v. Eldridge* to evaluate due  
11 process claims for habeas petitioners in the same position such as Mr. Khubiev’s: “Courts  
12 consider: (1) the private interest that will be affected by the official action; (2) the risk of an  
13 erroneous deprivation of such interest through the procedures used, and probable value, if any,  
14 of additional procedural safeguards; and (3) the Government’s interest, including the fiscal and  
15 administrative burdens that the additional or substitute procedures would entail.” *ANTONIO*  
16 *ANGEL CASTILLO & JUAN JOSE LEON LOZA v. MARY DE ANDRA-YBARRA, et al.*,  
17 No. CV 25-1074 JB/JFR, 2025 WL 3251223, at \*7 (D.N.M. Nov. 21, 2025), quoting *Mathews*  
18 *v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 903, 47 L. Ed. 2d 18 (1976).

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21 40. Mr. Khubiev has an inherent private liberty interest granted to him by the Fifth Amendment  
22 Due Process Clause at the moment that DHS released and paroled into the United States  
23 pursuant to 8 USC §1182(d)(5)(A). *Pruitt v. Heimgartner*, 620 F. App’x 653, 657 (10th Cir.  
24 2015) (quoting *Boutwell v. Keating*, 399 F.3d 1203, 1212 (10th Cir. 2005)). “[T]he interest in  
25 being free from physical detention” is “the most elemental of liberty interests.” *Hamdi v.*  
26 *Rumsfeld*, 542 U.S. 507, 529 (2004).  
27  
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1 41. “Freedom from imprisonment—from government custody, detention, or other forms of  
2 physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”  
3 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4 42. Furthermore, that inherent private liberty interest is ongoing and does not expire. *Young v.*  
5 *Harper*, 520 U.S. 143, 147–149, 152-153 (1997). See also *Rodriguez v. Kaiser*, No. 1:25-  
6 CV-01111-KES-SAB (HC), 2025 WL 2855193, at \*6 (E.D. Cal. Oct. 8, 2025). “That the  
7 express terms of the parole notice allowed for discretionary termination or expiration does  
8 not somehow obviate the need for the Government to provide a individualized hearing prior  
9 to re-detaining the parolee. . . .Once established, [Mr. Khubiev’s] interest in liberty is a  
10 constitutional right which may only be revoked through methods that comport with due  
11 process, such as a hearing in front of a neutral party to determine whether [Mr. Khubiev]’s  
12 re-detainment is warranted.” *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF,  
13 2025 WL 2637663, at \*3 (W.D. Wash. Sept. 12, 2025)

14 43. Mr. Khubiev’s more than four years non-confined residence in the United States  
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17 “crystallize[d]” into a protected liberty interest because Mr. Khubiev “‘reasonably thought  
18 the release was deliberate and lawful.’” *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d 1021,  
19 1030 (N.D. Cal. 2025), quoting *Hurd v. D.C., Gov’t*, 864 F.3d 671, 683–84 (D.C. Cir. 2017).  
20 The four years is enough time to “afforded [Mr. Khubiev] the Fifth Amendment’s guaranteed  
21 due process before removal.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL  
22 3171742, at \*4 (S.D. Cal. Nov. 13, 2025) citing *Noori v. Larose*, No. 25-CV-1824-GPC-  
23 MSB, 2025 WL 2800149, at \*10 (S.D. Cal. Oct. 1, 2025).

24 44. Mr. Khubiev’s protected liberty interest entitles to him to protections against arbitrary and  
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27 baseless re-detention by DHS pursuant to 8 USC §1225. *Rodriguez v. Kaiser*, No. 1:25-  
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1 CV-01111-KES-SAB (HC), 2025 WL 2855193, at \*5 (E.D. Cal. Oct. 8, 2025). His re-detention  
2 after parole, without any hearing on individualized determination regarding whether such re-  
3 detention is warranted, violated his due process rights. “[T]he Due Process Clause requires  
4 procedural protections before [Mr. Khubiev] can be deprived of that interest.” *Ortiz Reyes v.*  
5 *LaRose*, No. 25-CV-2938 JLS (VET), 2025 WL 3171743, at \*5 (S.D. Cal. Nov. 13, 2025).  
6

7 45. Mr. Khubiev’s current detention is an erroneous deprivation of his due process liberty interest.

8 46. Civil immigration detention is typically justified only when a noncitizen presents a risk of  
9 flight or danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).  
10

11 47. Mr. Khubiev’s initial inspection, release and parole by DHS in July of 2021 “reflects a  
12 determination by the government that [he] is not a danger to the community or a flight risk.”  
13 *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for*  
14 *A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).  
15

16 48. There is no evidence that anything has changed since DHS’s initial determination that Mr.  
17 Khubiev posed no danger to the community and was not a flight risk. Without any procedural  
18 safeguards that would require DHS to demonstrate evidence of any changes in DHS’s initial  
19 determination, Mr. Khubiev’s current detention is erroneous. “[T]he risk of an erroneous  
20 deprivation of [Mr. Khubiev’s liberty] interest is high as [he] was re-detained without providing  
21 him a reason or an opportunity to be heard.” *Ortiz Reyes v. LaRose*, No. 25-CV-2938 JLS  
22 (VET), 2025 WL 3171743, at \*5 (S.D. Cal. Nov. 13, 2025) (“Since DHS’s initial determination  
23 that Petitioner should be paroled because he posed no danger to the community and was not a  
24 flight risk, there is no evidence that these findings have changed.”)  
25

26 49. One Federal District Court found that “even the two-day curtailment of liberty” of a habeas  
27 petitioner “upon her re-detention by ICE was not justified by any valid interest. Providing  
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1 her with the procedural safeguard of a pre-detention hearing will have significant value in  
2 helping ensure that any future detention has a lawful basis.” Ramirez Tesara v. Wamsley, No.  
3 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at \*4 (W.D. Wash. Sept. 12, 2025)

4 50. In the more than four years since Mr. Khubiev was released, there has been no indication that  
5 he has become a flight risk or danger to the community. He has not had any derogatory contact  
6 with any law enforcement agency; he has complied with all the requirements of the  
7 Immigration and Nationality Act. Therefore, his re-detention by DHS in November of 2025,  
8 without justification or individualized assessment as to whether his detention furthers any  
9 regulatory purposes, is baseless and a violation of his due process.

10 51. Due process prohibits arbitrary detention and requires that civil immigration custody serve  
11 legitimate regulatory purposes, ensuring appearance at proceedings and protecting the  
12 community, not punishment. Where those justifications do not apply, detention becomes  
13 unconstitutional. “[T]he Constitution requires some kind of a hearing before the State deprives  
14 a person of liberty or property.” Zinermon v. Burch, 494 U.S. 113, 127 (1990) (emphasis in  
15 original).

16 52. “Absent a pre-detention hearing in front of a neutral arbiter, the risk of erroneous deprivation is  
17 high given the possibility that [Mr. Khubiev’s] re-detention will not be pursuant to a valid state  
18 interest.” Valencia Zapata v. Kaiser, No. 25-CV-07492-RFL, 2025 WL 2741654, at \*10 (N.D.  
19 Cal. Sept. 26, 2025). “[A] pre-deprivation hearing [is] required to satisfy due process.”  
20 Rodriguez v. Kaiser, No. 1:25-CV-01111-KES-SAB (HC), 2025 WL 2855193, at \*7 (E.D. Cal.  
21 Oct. 8, 2025), citing Guillermo M. R. v. Kaiser, 791 F. Supp. 3d 1021, 1030 (N.D. Cal. 2025).

22 53. Concerning the Matthews third factor, DHS has “no legitimate interest that would support  
23 [detaining Mr. Khubiev] without a pre-detention hearing.” Ramirez Tesara v. Wamsley, No.  
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1 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at \*4 (W.D. Wash. Sept. 12, 2025). Before other  
2 U.S. district courts, DHS has not been able to prove “that providing a pre-detention hearing  
3 would be an administrative or financial burden.” *Ramirez Tesara v. Wamsley*, No. 2:25-  
4 CV-01723-MJP-TLF, 2025 WL 2637663, at \*4 (W.D. Wash. Sept. 12, 2025).

5  
6 54. Overall, “there is no countervailing government interest . . . that supports conducting a bond  
7 hearing only after [Mr. Khubiev] has been detained, rather than in advance thereof.” *Pinchi v.*  
8 *Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025).

9 55. DHS has a low interest in detaining Mr. Khubiev without basic due process protections, such as  
10 a pre-detention hearing. *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

11  
12 **C. Mr. Khubiev’s re-detention violated the Immigration and Nationality Act and Applicable**  
13 **regulations**

14 56. DHS violated the Immigration and Nationality Act, and applicable regulations, by detaining  
15 him without the possibility of a bond hearing.

16  
17 57. Mr. Khubiev had been admitted to the United States pursuant to a grant of humanitarian parole  
18 and issued an I-94 document. Therefore, his re-detention is governed by 8 USC §1226. He is  
19 not subject to mandatory detention under 8 USC §1225.

20 58. “Whether Petitioner is detained under section 1225(b)(2) or section 1226(a) is an issue of  
21 statutory interpretation that hinges on the meaning of ‘seeking admission.’” *Puga v. Assistant*  
22 *Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369, at \*4  
23 (S.D. Fla. Oct. 15, 2025).

24  
25 59. Mr. Khubiev is no longer an “applicant for admission” under 8 U.S.C. § 1225, because he is not  
26 “arriving” or “recently entered in the United States.” *Garcia Domingo v. Castro*, No. 1:25-  
27 CV-00979-DHU-GJF, 2025 WL 2941217, at \*4 (D.N.M. Oct. 15, 2025). Mr. Khubiev was  
28

1 granted humanitarian parole and issued an I-94 document. He resided in the United States for  
2 four years prior to his re-detention within the territory of the United States.

3 60. Furthermore, Mr. Khubiev was detained in the interior of the United States, not at the border  
4 seeking admission. *Id.* (“He was in Homestead, Florida, on his way to work. Doc. 2-4 at 2.  
5 Petitioner had also not just arrived, or even recently arrived, to the United States.”).

6  
7 61. When interpreting the meaning of “*seeking admission*” used in 8 USC §1225(b)(2)(A), “[s]ome  
8 courts have noted that the phrase ‘implies action — something that is currently occurring,  
9 and...would most logically occur at the border upon inspection.’” *Puga v. Assistant Field Off.*  
10 *Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369, at \*4 (S.D. Fla.  
11 Oct. 15, 2025), quoting *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379, at  
12 \*6 (E.D. Mich. Aug. 29, 2025).

13  
14 62. Mr. Khubiev is detained pursuant to 8 USC § 1226, because he is no longer the category of  
15 persons who can be detained under 8 USC § 1225. He falls into the “catchall” provisions  
16 dedicated for persons “already present in the United States” whose detention is governed by 8  
17 USC §1226. *Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-  
18 CIV, 2025 WL 2938369, at \*4 (S.D. Fla. Oct. 15, 2025) quoting *Jennings v. Rodriguez*, 583  
19 U.S. 281, 303 (2018).

20  
21 63. Mr. Khubiev “is not merely an ‘applicant for admission’ at the border with minimal due process  
22 rights” *Ortiz Reyes v. LaRose*, No. 25-CV-2938 JLS (VET), 2025 WL 3171743, at \*4–5 (S.D.  
23 Cal. Nov. 13, 2025).

24  
25 64. Federal district courts - and other Federal agencies - which have been presented with re-  
26 detention under circumstances similar to those of Mr. Khubiev - persons who were paroled into  
27 the United States and then re-detained in the interior of the United States after having resided in  
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1 the United States for some period of time - “have found that an alien who is not presently  
2 seeking admission and has been in the United States for an extended time . . . is appropriately  
3 classified under § 1226(a) and not § 1225(b)(2)(A). These courts have also either ordered the  
4 alien's release or required a bond hearing. . . .” *Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM,  
5 2025 WL 2732717, at \*2 (M.D. Fla. Sept. 25, 2025).  
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7  
8 **VII. CLAIMS FOR RELIEF**

9 **COUNT ONE**

10 **Petitioner’s Detention Violates Due Process Under the Fifth Amended of the U.S. Constitution**

11 65. Petitioner restates and realleges all paragraphs as if fully set forth here.

12 66. The Due Process Clause of the Fifth Amendment forbids the government from depriving any  
13 person of liberty without due process of law. U.S. Const. amend. V. See generally *Reno v.*  
14 *Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538  
15 U.S. 510 (2003).  
16

17 67. Petitioner is currently being detained by DHS/ICE authorities without cause and in violation of  
18 his constitutional rights to due process of law.

19 68. Petitioner’s continued detention serves no legitimate governmental purpose. He has a pending  
20 application for asylum, no criminal history, strong family and community ties, and has  
21 demonstrated compliance with immigration laws.  
22

23 69. For these reasons, Petitioner’s detention violates the Due Process Clause of the Fifth  
24 Amendment to the United States Constitution.  
25

26 70. Petitioner has no adequate or complete remedy at law to address the wrongs described herein.  
27 The injunctive and declaratory relief sought by Petitioner is necessary to prevent continued and  
28 future irreparable injury.

**COUNT TWO**

**Petitioner’s Detention Violates the Immigration and Nationality Act and Applicable Regulations**

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3 71. Petitioner restates and realleges all paragraphs as if fully set forth here.

4  
5 72. Respondents’ re-detention of Petitioner after he was paroled, without affording him a hearing to  
6 determine whether his re-detention serves statutory or regulatory purposes violated  
7 Respondents’ authority under the Immigration and Nationality Act. 8 U.S.C. § 1357(a)(2);  
8 BACHITAR SINGH, v. KRISTI NOEM, et al., No. CV 25-1110 JB/KK, 2025 WL 3254727  
9 (D.N.M. Nov. 21, 2025); Loa Caballero v. Baltazar, No. 25-CV-03120-NYW, 2025 WL  
10 2977650 (D. Colo. Oct. 22, 2025).

11  
12 73. Respondents’ unlawful actions have caused and continue to cause Petitioner significant  
13 prejudice by depriving him of his liberty and exercise of his statutory and constitutional due  
14 process rights.

15  
16 74. As a proximate result of Respondents’ statutory violations, Petitioner is suffering and will  
17 continue to suffer a significant deprivation of his liberty without due process of law.

18  
19 75. Petitioner has no adequate or complete remedy at law to address the wrongs described herein.  
20 The injunctive and declaratory relief sought by Petitioner is necessary to prevent continued and  
21 future irreparable injury.

22  
23 **COUNT THREE**

24 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**  
25 **Abuse of Discretion Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

26 76. Petitioner restates and realleges all paragraphs as if fully set forth here.  
27  
28

1 77. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of  
2 discretion. 5 U.S.C. § 706(2)(A).

3 78. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect  
4 of the problem, offered an explanation for its decision that runs counter to the evidence before  
5 the agency, or is so implausible that it could not be ascribed to a difference in view or the  
6 product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644,  
7 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*,  
8 463 U.S. 29, 43 (1983)).

9  
10 79. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its  
11 action, “including a rational connection between the facts found and the choice made.” *Dep’t of*  
12 *Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

13  
14 80. By deciding to revoke Petitioner’s release without consideration of his individualized facts and  
15 circumstances, Respondents have violated the APA.

16  
17 81. By choosing to categorically detain the Petitioner, Respondents have further abused their  
18 discretion because there have been no changes to his facts or circumstances since the agency  
19 made its initial custody determinations that support the revocation of his release from custody.

20 82. Respondents have previously considered Petitioner’s facts and circumstances and determined  
21 that he was not a flight risk or danger to the community. There have been no changes to the  
22 facts that justify this revocation.

23  
24 **PRAYER FOR RELIEF**

25  
26 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 27 1. Assume jurisdiction over this matter;  
28 2. Issue an Order to Show Cause requiring Respondents to show why the writ should not be

1 granted within three (3) days, and set a hearing on this Petition within five (5) days of the  
2 return, as required by 28 U.S.C. 2243;

3 3. Declare that his detention violates the Due Process Clause of the Fifth Amendment; 8  
4 U.S.C. § 1226(a), and 8 C.F.R. § 1236.1(d);

5 4. Issue a Writ of Habeas Corpus ordering Respondents to release him immediately under  
6 reasonable conditions of supervision, or in the alternative, to provide him with a bond  
7 hearing before an Immigration Judge at which the Government bears the burden of  
8 justifying continued detention;

9 5. Enjoin Respondents from further detaining him;

10 6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5  
11 U.S.C. § 504 and 28 U.S.C. § 2412; and

12 7. Grant such further relief as this Court deems just and proper.  
13  
14

15  
16 Respectfully Submitted

DATED: December 8, 2025

17 /s/Inna Parizher

18 InnaParizher

19 California SBN 270581

20 Law Office of Inna Parizher

21 PO Box 43097

22 Los Angeles CA 90043

23 Tel: (310) 630-9499

InnaParizher@ParizherImmigration.com

24 Attorney for Petitioner  
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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I, Inna Parizher, do depose and state:

I represent Petitioner Alkhaz Khubiev in these habeas corpus proceedings. Mr. Khubiev is currently being held in detention at the Aurora Contract Detention Facility and cannot appear in my office to sign this Verification. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge and belief.

Dated: December 8, 2025  
Los Angeles, California

RESPECTFULLY SUBMITTED,

/s/Inna Parizher  
Inna Parizher