

FILED  
HARRISBURG, PA

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the  
Middle District of Pennsylvania

DEC 23 2025

PER IBr  
DEPUTY CLERK

Muminov, Iunusali

Petitioner

v.

Superintendent of the Moshannon Valley Processing  
Center, US ICE

Respondent


(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Muminov, Iunusali  
(b) Other names you have used:
2. Place of confinement:  
(a) Name of institution: Moshannon Valley Processing Center  
(b) Address: 555 GEO Drive  
Philipsburg, PA 16866  
(c) Your identification number: 
3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:
4. Are you currently:  
 A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you:  
  
(b) Docket number of criminal case:  
(c) Date of sentencing:  
 Being held on an immigration charge  
 Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:  
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)


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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Elizabeth Immigration Court  
625 Evans Street, Room 148A, Elizabeth, NJ 07201

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Respondent's detention by ICE officers

(d) Date of the decision or action: 01/16/2025

#### Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: ICE

(2) Date of filing: 03/21/2025

(3) Docket number, case number, or opinion number:

(4) Result: No response

(5) Date of result:

(6) Issues raised: My attorney sent a parole request to ICE Field Office, asking the officers to release me based on humanitarian reasons, significant public benefit and urgent medical attention. However, we did not receive any response from the officers.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal: My attorney explained to me that because I am an "Arriving alien", the Immigration Judge does not have jurisdiction to grant my release on bond

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

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If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:


- (a) Date you were taken into immigration custody: 01/16/2025
- (b) Date of the removal or reinstatement order: 06/18/2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

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If "Yes," provide:

(1) Date of filing: 07/18/2025

(2) Case number: 

(3) Result: Pending

(4) Date of result:

(5) Issues raised: Respondent argued that the IJ's adverse credibility finding was erroneous; that the IJ misapplied the CLP bar despite applicable medical-emergency and family-unity exceptions; that the IJ wrongly found no past persecution in Tajikistan; and that the IJ erred in rejecting his well-founded fear of future persecution in both Tajikistan and Russia.

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?


Yes  No

If "Yes," provide:

(a) Kind of petition, motion, or application: Motion to remand


(b) Name of the authority, agency, or court: Elizabeth Immigration Court


(c) Date of filing: 10/21/2025

(d) Docket number, case number, or opinion number: 

(e) Result: Pending

(f) Date of result:

(g) Issues raised: Respondent moves to remand under 8 C.F.R. § 1003.2(c)(1) based on previously unavailable, material evidence showing a heightened and individualized risk of persecution and torture. Newly obtained documents, including a 2025 Tajik criminal case order, 

 directly corroborate Respondent's testimony the IJ discounted. This evidence fundamentally alters the record and demonstrates a clear probability of harm upon return. Remand is therefore required for full consideration of Respondent's protection claims.

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your 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. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** My detention has become unreasonably prolonged, and I have never received a hearing before a neutral decisionmaker to determine whether my continued detention is justified.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I have been detained since January 16, 2025, with no bond hearing to determine whether I am a danger or flight risk. My immigration case is still pending, and the process has taken many months. I have a wife and five children in the United States, including a U.S. citizen toddler. I have no criminal history. My family is suffering financially and emotionally due to my detention, and I cannot support them while detained. ICE continues to detain me without any individualized review of whether detention is necessary.

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO:** My detention is unnecessary because there are less restrictive alternatives that would ensure my appearance in immigration proceedings.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I have strong family ties in the United States and no history of missing immigration hearings. I am willing to comply with supervision, check-ins, or any monitoring conditions. ICE has programs that allow release under supervision, and I could safely be managed in the community. Despite this, I remain detained for many months without any evaluation of whether alternatives to detention would be sufficient.

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE:** My continued detention imposes severe hardship and is indistinguishable from punitive imprisonment even though I am in civil immigration custody.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I am held in a secure facility with restricted movement, limited access to my family, and conditions similar to a prison. My prolonged confinement has caused emotional, physical, and financial strain on me and my family. I have no criminal record, yet I am kept in jail-like conditions for many months without a hearing. These conditions harm my mental and physical well-being and prevent me from caring for my family.

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

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**GROUND FOUR:**

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

Yes  No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: I respectfully ask the court to order my immediate release or, alternatively, require a bond hearing before a neutral decisionmaker to determine whether my continued detention is justified. I also request compensatory and punitive damages, such amount as the court deems just and proper, for the emotional, financial, and other hardships that I have endured due to my prolonged and unjust detention.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12.08.2025



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*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*