

**UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

ABDUMADZHITKHON ZIIADULLAEV,

Petitioner,

-against-

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE); MARCOS CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; ALEJANDRO N. MAYORKAS, Secretary, U.S. Department of Homeland Security; KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; and PAM BONDI, in her official capacity as Attorney General of the United States, and and MARCELLO VILLEGAS - the WARDEN, BLUEBONNET DETENTION FACILITY, in their official capacity as custodian of petitioner, Respondents.

Case No.: 1:25-cv-00292-H

**MEMORANDUM/AFFIRMATION IN REPLY TO FEDERAL RESPONDENTS'
OPPOSITION TO PETITION FOR HABEAS CORPUS**

As this Court is aware, on or about December 30, 2025, Petitioner ABDUMADZHITKHON ZIIADULLAEV ("Petitioner") filed this habeas corpus petition challenging the lawfulness of his detention and seeking release, a bond hearing, and other relief. On or about January 16, 2026 federal government ("Respondents") filed its opposition thereto.

In their opposition Respondents, in essence, argue that the Petitioner is an “arriving alien” because he presented himself at a port of entry, making him ineligible for bond from an immigration judge. Respondents emphasize that the termination of his parole results in Petitioner not being able to assert viable claims for the relief Petitioner is seeking in his Petition. The Respondents further contend that Petitioner’s re-detention after his release from detention does not change his status as an arriving alien.

It is respectfully submitted that, for the reasons set forth below and for the reasons set forth in the Petition, Respondents’ arguments are without merit, and the Court should therefore reject Respondents’ opposition, and grant the relief requested in the Petition.

A. District Courts of this State have consistently held that similarly situated individuals to Petitioner are entitled to release/bond hearing.

Initially, Respondents argue that Petitioner is not entitled to release or to a bond hearing because he was designated in the Notice to Appear as an arriving alien and therefore falls under the purview of 8 U.S.C. § 1225(b)(2).

The Court’s attention is directed to matter of Murzabaev v. Noem, No. EP-25-CV-00647-DB, 2025 U.S. Dist. LEXIS 259491, at *1-2 (W.D. Tex. Dec. 16, 2025), wherein petitioner, AZAMAT MURZABAEV, (“Mr. Murzabaev”) filed habeas corpus petition challenging his detention by immigration authorities. By way of background, Mr. Murzabaev is a Kyrgyzstan national who entered the United States on September 24, 2024, was designated as an “arriving aline” in his NTA, applied for asylum the same day, and was released. Over a year later, on September 27, 2025, he was re-detained at or near Chicago’s airport and was held at the El Paso Camp East ICE Detention Facility. Mr. Murzabaev has/had no criminal history. Mr. Murzabaev

argued that his detention violates the Fifth Amendment's Due Process Clause and sought either immediate release or a bond hearing. The government argued that mandatory detention under Section 1225(b) precludes any additional due process protections, citing, *inter alia*, Supreme Court precedent in *Thuraissigiam*. The Court in *Murzabaev* rejected government's substantive arguments, finding that Mr. Murzabaev's detention arose after he had been living in the United States for over a year following his initial release. The Court emphasized that the Fifth Amendment protects all persons within the United States, including noncitizens, and distinguishes between individuals at the threshold of initial entry and those who have established ties in the country. The Court further found that because Mr. Murzabaev had been living in the U.S. for more than a year with no criminal history, he possessed a strong liberty interest in his freedom from detention. The Court applied the *Mathews v. Eldridge* balancing test (i.e. the same test that the Petitioner applies in his Petition filed in this action), finding that all factors, Mr. Murzabaev's private liberty interest, the government's interest, and the risk of erroneous deprivation, favored Mr. Murzabaev. The Court further concluded that mandatory detention without a bond hearing created a substantial risk of erroneous deprivation of Mr. Murzabaev's liberty.

As a result, the Court granted Mr. Murzabaev's petition in part, ordering that Mr. Murzabaev be provided a bond hearing before an immigration judge. Notably, Mr. Murzabaev was detained on September 27, 2025; the Court issued its subject order on December 16, 2025, which means that Mr. Murzabaev had been detained **for less than three months** at the time the Court granted him, in part, the relief he requested.

In yet another matter, litigated before Texas Southern District Court, Santoyo v. Dickey, No. H-25-5555, 2025 U.S. Dist. LEXIS 265636, at *2 (S.D. Tex. Dec. 23, 2025), the court addressed a habeas petition filed by Eden Isaias Arenas-Santoyo, a Venezuelan national who entered the United States with inspection in 2022, applied for asylum in 2023, and lived in the country for several years before being arrested in the interior by ICE in November 2025. He had no criminal history, yet remained detained without a bond hearing while removal proceedings were pending. The government argued that Arenas-Santoyo was subject to mandatory detention under § 1225(b) and therefore not entitled to a bond hearing, relying on a recent DHS policy shift and the BIA's decision in *Matter of Yajure Hurtado*. The court rejected that position, holding that § 1225(b) applies to arriving aliens intercepted at or near the border, while § 1226(a) governs detention of noncitizens apprehended after entry in the interior of the United States. The court emphasized that Congress used distinct phrases, “applicant for admission” and “seeking admission”, and that treating them as interchangeable would render statutory language superfluous. Ultimately, the court held that Arenas-Santoyo was not an arriving alien, was not subject to § 1225(b), and instead fell under § 1226(a). As a result, he was entitled to an individualized bond hearing.

In yet another matter, Fadeev v. Lyons, No. SA-25-CA-01758-XR, 2026 U.S. Dist. LEXIS 2781, at *1-2 (W.D. Tex. Jan. 7, 2026), petitioner, a Russian national, who was designated in his NTA as an “arriving alien”, entered the United States without inspection in March 2023 and was initially detained but then released on his own recognizance. Over two years later, in March 2025, ICE re-detained him during a routine check-in. Mr. Fadeev challenged his detention through a habeas petition, arguing that his detention without a bond

hearing violates due process and that 8 U.S.C. § 1225(b)(2) does not authorize his detention. Respondents contended that his detention was authorized under §§ 1225(b)(1) and (b)(2), although Mr. Fadeev was not seeking admission at the time of re-detention. The Court held that § 1225(b)(1) did not apply because Mr. Fadeev was in full removal proceedings, not expedited removal, and entered the U.S. more than two years prior. Section 1225(b)(2) likewise did not apply because, at the time of re-detention, Petitioner was already present in the U.S. and not seeking admission, a requirement for mandatory detention under § 1225(b)(2). Applying *Jennings v. Rodriguez*, the Court noted that § 1225 governs aliens seeking admission, whereas § 1226 governs detention of aliens already in the U.S. The Court ordered that Mr. Fadeev be released from custody.

It is respectfully submitted that the facts alleged in the instant Petition are materially indistinguishable and/or substantively similar from/to those presented in *Murzabaev* and *Fadeev*, and compel the same result. Like the petitioners in those cases, Petitioner entered the US, sought asylum, was released by DHS, and lived openly inside the country for an extended period of time (more than two years) without any criminal history or violations of release conditions. As in *Murzabaev* and *Fadeev*, Petitioner was later re-detained inside the United States, long after initial entry, and without any individualized determination of flight risk or danger.

To recap, in both *Murzabaev* and *Fadeev* respective petitioners were designated as an “arriving alien,” entered the United States, sought asylum, were released by immigration authorities, and lived in the US for a substantial period without any criminal history or violations of release conditions, only to be later re-detained without an individualized custody determination. The court in *Murzabaev* and *Fadeev* rejected the government’s reliance on

mandatory detention under, inter alia, 8 U.S.C. § 1225(b) and held that due process requires individualized consideration of custody, ordering either release or a bond hearing. Here, as in those cases, Petitioner was re-detained after establishing significant ties to the US over the course of more than two years (as stated in the Petition, the Petitioner has entered the US on or about May 25, 2023 - see ¶¶ 1, 9 of the Petition, was released upon filing for asylum - see ¶ 10 of the Petition, and was re-apprehended on or about June 21, 2025 during a traffic stop - see ¶ 11 of the Petition), and has now been held for a prolonged period without meaningful review. Accordingly, this Court should grant the same relief afforded in the cases cited above and order Petitioner's immediate release or, at a minimum, an individualized bond hearing before an immigration judge, as the underlying material facts in those cases are essentially indistinguishable from, or substantially similar to, the facts presented in this case.

B. As of the date of the Petition/the instant Reply the Petitioner has been detained for an unreasonable period of time.

Next, as alleged in the Petition, Petitioner was re-detained on or about June 21, 2025. (See Petition ¶ 11.) The Petition was filed by the undersigned on or about December 30, 2025. Accordingly, Petitioner has remained in the government's custody for more than six months, a period that continues to accrue and had reached seven months at the time of this filing. It is respectfully submitted that this period represents an unreasonable period of detention under applicable precedents and militates in favor of Petitioner's release, and/or individualized bond hearing.

As a threshold matter, the Respondents argue that "*Zadvydas* does not apply to aliens held in detention prior to a final order of removal.", because, purportedly, "the government may

not detain aliens more than six months after they become subject to a final order of removal.”, and that “Petitioner has not yet been finally ordered removed”. That argument is misplaced, because time and again District Courts in this country have applied the core principle set forth in Zadvydas v. Davis, 533 U.S. 678 (2001), namely, that indefinite detention without meaningful review raises serious constitutional concerns, to aliens detained pre-final removal, including arriving aliens (see e.g., da Silva v. Nielsen, No. 5:18-MC-00932, 2019 U.S. Dist. LEXIS 227513, at *24 (S.D. Tex. Mar. 29, 2019), wherein the Court held that “the same concerns that underlay Zadvydas apply to detained asylum-seekers”, and that “arriving aliens detained pre-removal pursuant to § 1225(b) have a due process right to an individualized bond consideration once it is determined that the duration of their detention has become unreasonable”; see also N.Z.M. v. Wolf, No. 5:20-CV-24, 2020 U.S. Dist. LEXIS 93387, at *4-5 (S.D. Tex. May 28, 2020), where the court recognized that the core constitutional principle articulated in Zadvydas, that prolonged detention without meaningful review raises serious due process concerns, applies to arriving aliens detained pre-final order. The court emphasized that even though statutory provisions distinguish arriving aliens from removable aliens, the Fifth Amendment protects against unreasonable detention, and that aliens held for an extended period without individualized consideration of flight risk or danger are entitled to relief, including release or a bond hearing. Put differently, arriving aliens without a final order of removal are still protected under Due Process clause against unreasonably prolonged period of detention.

In Pan v. Sessions, 290 F. Supp. 3d 250, 253 (S.D.N.Y. 2018), the Court held that an arriving alien detained under 8 U.S.C. § 1225(b) without a final removal order may not be held indefinitely without an individualized bond hearing, and that prolonged detention beyond six

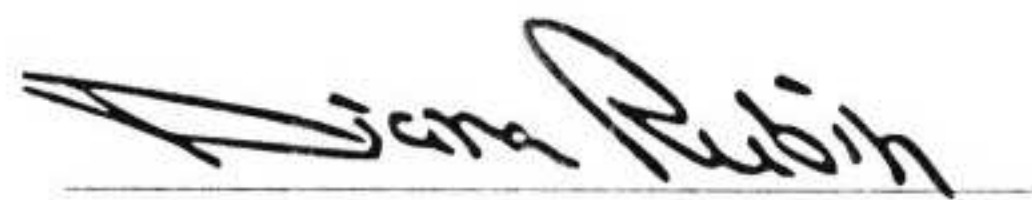
months triggers Fifth Amendment due process protections. In *Pan*, the petitioner, a Chinese national apprehended in the United States, had been detained for over eight months without a bond hearing, and the court held that he was entitled to an individualized bond hearing.

Accordingly, in the present case, Petitioner's detention has already exceeded six months and continues to accrue, without any individualized assessment of flight risk or danger to the community. Under the principles set forth above, such prolonged detention without meaningful review constitutes a violation of the Fifth Amendment's due process protections, especially in light of the fact that Petitioner is not a flight risk, does not pose a danger to the community, and has no criminal record. As such, it is respectfully submitted that Petitioner is entitled to an immediate release or to an immediate individualized bond hearing.

WHEREFORE, for the foregoing reasons, the undersigned/Petitioner respectfully requests that this Court deny Respondents' opposition and grant the relief requested in the Petition.

Dated: January 20, 2026
Port Washington, New York

Respectfully submitted,



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