UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ALBERT NORMATOV, Petitioner(s) v. LADEON FRANCIS, Acting Field Office Director of New York, Immigration Customs and Enforcement; TODD LYONS, Acting Director, U.S. Immigrations and Customs Enforcement; PAMELA BONDI, U.S. Attorney General; and KRISTI NOEM, U.S. Secretary of Homeland Security Respondents(s).	)	Case No. 1:26-cv-00095-NJC

PETITIONER'S REPLY TO THE GOVERNMENT'S RESPONSE

Petitioner writes this in reply to the Response to the Order to Show Cause ("Response") filed by Pamela Bondi, LaDeon Francis, Kristi Noem, Todd Lyons ("the Government') filed on January 15, 2016 at 10:36 PM EST. Petitioner's reply is organized into three sections: I) Correcting Factual Inaccuracies of the Government's Response; II) Clarifying Petitioner's Procedural Due Process Argument; and III) Submission of Letters in Support and Photos of Petitioner.

In conclusion, Petitioner states his detention by ICE constitutes a violation of both Procedural and Substantive Due Process, warranting his immediate release from detention.

I. CORRECTING FACTUAL INACCURACIES OF THE GOVERNMENT'S RESPONSE

There are four major factual inaccuracies in the Government's Response. Petitioner finds it necessary to address these factual inaccuracies because they are highly material to his claim

that he has been deprived Due Process. The subheadings of this section are the facts, *not* the factual inaccuracies, stated by the Government in their Response.

1. Petitioner is not a citizen of Tajikistan or any other country.

The Government characterizes Petitioner as a "citizen of Tajikistan." *See* Dkt. 25, pg. 1. This is an incorrect statement of fact. Petitioner is not a citizen of Tajikistan or any other country. Petitioner was admitted to the United States in 1993 as a refugee from the former Union of Soviet Socialist Republics. *See* Dkt. 25-1, Declaration of Supervisory Detention and Deportation Officer Mincheol ("ICE Declaration"), dated January 15, 2026, ¶ 3.

When Petitioner was ordered removed in 2007, ICE was unable to obtain a travel document at that time to remove Petitioner to Tajikistan. *See id.* at ¶ 7. This is because the Embassy of the Republic of Tajikistan declined to issue a travel document for Petitioner because: "According to the 'Law of the Republic of Tajikistan on Citizenship of Republic of Tajikistan' MR. NORMATOV ALBERT cannot be considered as a citizen of the Republic of Tajikistan." *See* Dkt. 1-1, Exhibit A.

The Embassy of Tajikistan has stated that Petitioner cannot be considered a citizen of Tajikistan. The Government's statement that Petitioner is a citizen of Tajikistan is factually incorrect.

2. Petitioner has not been requested to report to Immigrations and Customs Enforcement pursuant to his Order of Supervision in over five years.

Both the Government's Response, Dkt. 25, pg. 2, and the ICE Declaration, Dkt. 25-1, ¶ 7-8, indicate that Petitioner was released on an Order of Supervised Parole pursuant to 8 C.F.R. 241.4.

The Government omits the fact that, pursuant to that Order of Supervised Parole, Petitioner reported to ICE over thirty-five times from 2007 to 2019. *See* Dkt. 1-4, Exhibit D. On

December 17, 2019, Petitioner last reported to ICE and was requested to next report to ICE on June 17, 2020 at 9:00 AM. *Id.* Petitioner's June 17, 2020 ICE reporting appointment was cancelled due to the COVID-19 pandemic. *See* Dkt. 1, ¶ 19. Since 2020, Petitioner has received no notice or request from ICE to report pursuant to his Order of Supervised Parole. *See* Dkt. 1, ¶ 20.

The Government's omission of the facts that Petitioner reported to ICE over thirty-five times from 2007 and 2019 and that Petitioner had not been requested to report pursuant to his Order of Supervised Parole since 2020 is highly material to Petitioner's case. The Government's omission of these facts obscures the facts and constitutes a factual inaccuracy.

3. Petitioner was detained after being called to attend an impromptu appointment pursuant to his criminal probation.

The Government stated: "On January 6, 2026, after review of Petitioner's case, he was served with a Notice of Revocation of Release pursuant to 8 C.F.R. 241.4(l)(1) and arrested pursuant to an Arrest Warrant (I-200) and a Warrant of Removal/Deportation (I-205)." *See* Dkt. 25, pg. 2; *see also* Dkt. 25-1, ICE Declaration, ¶ 10 (stating same).

The Government omits the fact that Petitioner was arrested by ICE because he was called to an impromptu reporting appointment pursuant to his criminal probation. *See* Dkt. 1, ¶ 22. On May 3, 2023, Petitioner was convicted of Health Care Fraud in the Second Degree under New York Penal Law and sentenced to 5 years' probation. *See* Dkt. 1-5, Exhibit E. Petitioner was scheduled to intermittently report pursuant to that probation order. When Petitioner reported to his probation officer on January 6, 2026, this meeting was impromptu, scheduled a short time before, which was outside of the pattern of every probation appointment Petitioner had attended before. *See* Dkt. 1, ¶ 22.

Believing that he was attending a meeting with his criminal probation officer, Petitioner was completely blindsided by ICE's presence at his January 6, 2026 appointment pursuant to his criminal probation meeting. Petitioner received no notice prior that ICE would be at that meeting. This fact is highly material to Petitioner's case. The Government's omission of this fact obscures the facts and constitutes a factual inaccuracy.

4. **Petitioner contends that he never received a Notice of Revocation or an informal interview after being detained.**

Petitioner still claims, despite the Government's submission of the Notice of Revocation, Dkt. 25-2, and the Informal Interview notice, Dkt. 25-3, that he did not receive either the Notice or an informal interview after detention on January 6, 2026.

II. CLARIFYING PETITIONER'S PROCEDURAL DUE PROCESS ARGUMENT

In their Response, the Government states:

> Petitioner predicates this action solely on his contention that he was not afforded the process to which he is entitled under 241.4(l)(1). Specifically, Petitioner alleges that ICE revoked his OSUP (1) "without [giving him] specified reasons' for revocation and (2) without giving him an "opportunity to be heard." Both allegations are factually incorrect. Dkt. 25, pg. 3 *citing* Dkt. 1, ¶ 9.

The Government's characterization of Petitioner's position in this manner obfuscates Petitioner's Due Process argument. Petitioner finds it necessary to clarify his stance on this matter.

Petitioner still claims, despite the Government's submission of the Notice of Revocation, Dkt. 25-2, and the Informal Interview notice, Dkt. 25-3, that he did not receive either the Notice or an informal interview after detention. Nevertheless, Petitioner's claim for relief under Procedural Due Process is not predicated solely on the Government's cited proposition in the Petition, Dkt. 1, ¶ 9—"Revocation of supervision without specified reasons or notice and opportunity to be heard constitutes a deprivation of Due Process warranting release." This

proposition is part of the introductory legal framework of the Petition, but this action is not predicated solely on that contention, as the Government states.

On the contrary, as stated in both claims for relief, all allegations from paragraph 1 through 36 are re-alleged and incorporated herein. *See* Dkt. 1, pg. 7. In regards to Petitioner's Procedural Due Process claim for relief, Petitioner does not argue alone that because his Order of Supervised Parole was revoked without notice and opportunity to respond he is thereby entitled to release. He argues that, based on all of the circumstances considered, Petitioner has been deprived of Due Process under the *Matthews v. Eldridge* factors. *See id. citing Matthews v. Eldridge*, 424 U.S. 319, 335 (1976).

Matthews v. Eldridge established a balancing test between the private interest and Government interest to aid courts in determining whether Government action constitutes a violation of Due Process. *See id.* Petitioner does not argue that if, *and only if*, he didn't receive a Notice of Revocation or an Informal Interview pursuant to 8 C.F.R 241.4(l)(4) that his detention constitutes a deprivation of his right to Due Process—Petitioner argues that his detention, considered in light of all of the circumstances considered, is a deprivation of his right to Due Process.

Three of the four most important arguments to that effect are the first three factual statements considered in the previous section: (1) Petitioner is not a citizen of Tajikistan or any other country, *see* Dkt. 1, ¶ 13; (2) Petitioner has not been requested to report to Immigration and Customs Enforcement pursuant to his Order of Supervision in over five years, *see* Dkt. 1, ¶ 18-20; and (3) Petitioner was detained after being called to attend an impromptu appointment pursuant to his criminal probation, *see* Dkt. 1, ¶ 22-23. *See supra.*

All three of these arguments provide substantial support for the claim that Petitioner's detention by ICE on January 6, 2026 constitutes a deprivation of his right to Procedural Due Process:

(1) If Petitioner is not a citizen of Tajikistan or any other country, and ICE has only a speculative plan of how his removal will be effectuated, his detention for the purposes of effectuating his removal is based on a mere supposition. In considering the private interest, this fact supports the proposition that Petitioner's detention was a denial of Procedural Due Process under the *Matthews* factors.

(2) Since Petitioner had not reported to ICE pursuant to his Order of Supervision in over five years, Petitioner was not on notice that he could be detained by ICE pursuant to his 2023 conviction. It was unclear to Petitioner if the conditions of release of Petitioner's order of supervision even still applied when Petitioner had not been ordered or requested to appear before ICE in over five years. Considering the possibility of additional safeguards for Petitioners similarly situated, this fact supports the proposition that Petitioner's detention was a denial of Procedural Due Process under the *Matthews* factors.

(3) ICE blindsided Petitioner by detaining him at an impromptu appointment for his criminal probation. ICE resorted to deception to detain Petitioner. Again, considering the *Matthews v. Eldridge* factors, this fact supports the proposition that Petitioner's detention was a denial of Procedural Due Process under the *Matthews* factors.

Therefore, based on all of the allegations presented in Petitioner's Petition for Writ of Habeas Corpus, Dkt. 1, Plaintiff concludes that his detention pursuant to his Order of Supervised Release constitutes a deprivation of Due Process.

Petitioner's counsel was working on a limited record when the immediate Petition for Writ of Habeas Corpus was submitted. Because of the strictures of the *Rumsfeld v. Padilla* "district of confinement" rule, Petitioner's counsel submitted a Petition with several general allegations indicating a potential denial of Due Process. Counsel specifically indicated that "to Petitioner's counsel's knowledge," Petitioner had not been given notice or opportunity to be heard pursuant to 8 C.F.R. 241.4(l)(1). *See* Dkt. 1, ¶ 8. Petitioner still submits that is true.

Whether Petitioner was given a Notice of Revocation and an Informal Interview on January 6, 2026, *see* Dkt. 25, pg. 4, or not does not, on balance, negate the fact that Petitioner's detention constitutes a denial of Procedural Due Process under the *Matthews v. Eldridge* factors. This is a comprehensible statement of Petitioner's Procedural Due Process argument.

III. SUBMISSION OF LETTERS IN SUPPORT AND PHOTOS OF PETITIONER

Petitioner has abundant connections to the United States as evidenced by the attached letters of support from family and friends. *See* Exhibit G. Petitioner's wife, Madlena Mihaylova, lives in the United States. *Id.* Additionally, Petitioner has three U.S. Citizen children in the United States: [redacted], [redacted], and [redacted]. *Id.* Petitioner is a practicing member of the Jewish faith and regularly attends services multiple times per week.

Petitioner's entire extended family lives in the United States and will be attending the hearing on January 20, 2026. Petitioner has resided in the United States for over three decades. Petitioner has spent more time in the United States than any other country in the world and has built a life and family for himself here. In this light, the manner in which Petitioner was detained constitutes a denial of Due Process.

Petitioner respectfully requests that the Court includes the attached letters in consideration of this Petition, particularly under the "private interest" prong of the *Matthews v.*

Eldridge balancing test. The fact that Petitioner has extended family in the United States will be apparent to Judge Nusrat Choudhury from the family's presence at the hearing on January 20, 2026.

CONCLUSION

Based on the foregoing, Petitioner's detention on January 6, 2025 by ICE constitutes a violation of both Procedural and Substantive Due Process, warranting his immediate release from detention.

Dated this 16th day of January, 2026.

/s/ Edward J. Cuccia
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