

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALAN GAGIEV	:	
	:	
<i>Petitioner,</i>	:	
	:	
v.	:	Civil Action No. 26-169-JFM
	:	
MICHAEL ROSE ET AL.,	:	
	:	
<i>Respondents.</i>	:	

**SUPPLEMENTAL BRIEFING IN RESPONSE TO THE COURT’S
FEBRUARY 17, 2026 ORDER (ECF NO. 9)**

Respondents submit this briefing in response to the Court’s February 17, 2026 Order (ECF No. 9) requesting “supplemental briefing and contextual evidence” where available on several topics regarding the parole and detention of Petitioner Alan Gagiev. Respondents previously filed supplemental information regarding the authority for the detention of Petitioner and regarding the documentation supporting his detention. ECF No. 8. Based on the information available to the government, Respondents provide the following responses to the seven sets of questions directed to the government in paragraph two of the Court’s Order. For ease of review, the government incorporates those questions into this supplemental briefing in separately lettered paragraphs below.

- a. **What were the “conditions” upon which Mr. Gagiev was paroled into the United States on January 2, 2025, as understood in 8 U.S.C. § 1182(d)(5)(A)? What reasons did the Secretary of Homeland Security provide for granting Mr. Gagiev parole (i.e., what “urgent humanitarian reasons” or “significant public benefit” were cited respecting Mr. Gagiev’s parole)? What were the “purposes” of Mr. Gagiev’s parole, as understood in 8 U.S.C. § 1182(d)(5)(A)?**

Gagiev applied for admission to the United States with his wife and minor children at a port of entry. *See* Exhibit A, I-213 - Record of Deportable/Inadmissible Alien, Initial Encounter. Per the Form I-213¹ documenting Gagiev’s initial encounter with immigration authorities, the facility that processed Gagiev’s family did not have the capabilities to house family units. *Id.* at 4. Gagiev accordingly was referred to the ADT, Alternatives to Detention, program. *Id.* The I-213 does not further specify the “urgent humanitarian reasons” or “significant public benefit” for granting Gagiev parole beyond the inability to keep the family together.

The purpose of Gagiev’s parole was to place him immediately into removal proceedings, while ensuring proper adjudication of any eligibility for relief, such as asylum, adjustment of status, or other forms of protection. Gagiev was served with a Notice to Appear during his initial encounter, initiating standard removal proceedings. *See* Exhibit A at 4 and ECF No. 1-3, Exhibit A, Notice to Appear.

¹ The Form I-213, Record of Deportable/Inadmissible Alien is a presumptively reliable government document that memorializes, among other information, the facts and circumstances surrounding an alien’s encounter with DHS or other law enforcement agencies. *See e.g., Matter of Barcenas*, 19 I&N Dec. 609, 611 (BIA 1988) (finding that a Form I-213 is an inherently trustworthy document and admissible as evidence to prove alienage and deportability in removal proceedings); *Matter of J-C-H-F-*, 27 I&N Dec. 211, 212 (BIA 2018) (“Generally, there is a presumption of reliability of Government documents.”).

b. Has the Secretary of Homeland Security provided an opinion stating that the purposes of Mr. Gagiev’s parole have been served? If so, what does that opinion state, and has that opinion been provided to Mr. Gagiev?

The Secretary of Homeland Security has not issued an opinion addressing Gagiev’s parole. An Executive Order issued on January 20, 2025 states: “Efficient Removals of Recent Entrants and Other Aliens. . . . the Secretary of Homeland Security shall promptly take appropriate action to use all [] provisions of the immigration laws or any other Federal law, including, but not limited to sections 238 and 240(d) of the INA (8 U.S.C. 1228 and 1229a(d)), to ensure the efficient and expedited removal of aliens from the United States.” Executive Order 14159, 90 FR 8443, 8445 (Jan. 20, 2025).² Accordingly, the Secretary is taking appropriate action to proceed efficiently with Petitioner’s removal proceedings.

c. Was Mr. Gagiev’s humanitarian parole renewed or extended after April 18, 2025? What was Mr. Gagiev’s status between April 18, 2025, and the date of his detention in January 2026?

Gagiev’s parole was not renewed or otherwise extended after April 18, 2025. Pursuant to his I-94, he was granted parole on January 2, 2025, with an “Admit until date” of April 18, 2025, *see* ECF No. 1-3, Exhibit B, at which time his parole expired. Gagiev did not have parole or any legal immigration status between April 18, 2025, and the date of his detention in January 2026. However, the Notice to Appear issued to Gagiev on December 31, 2024 during his initial encounter precludes his removal until his removal proceedings, including the proper

² Available at <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02006.pdf>.

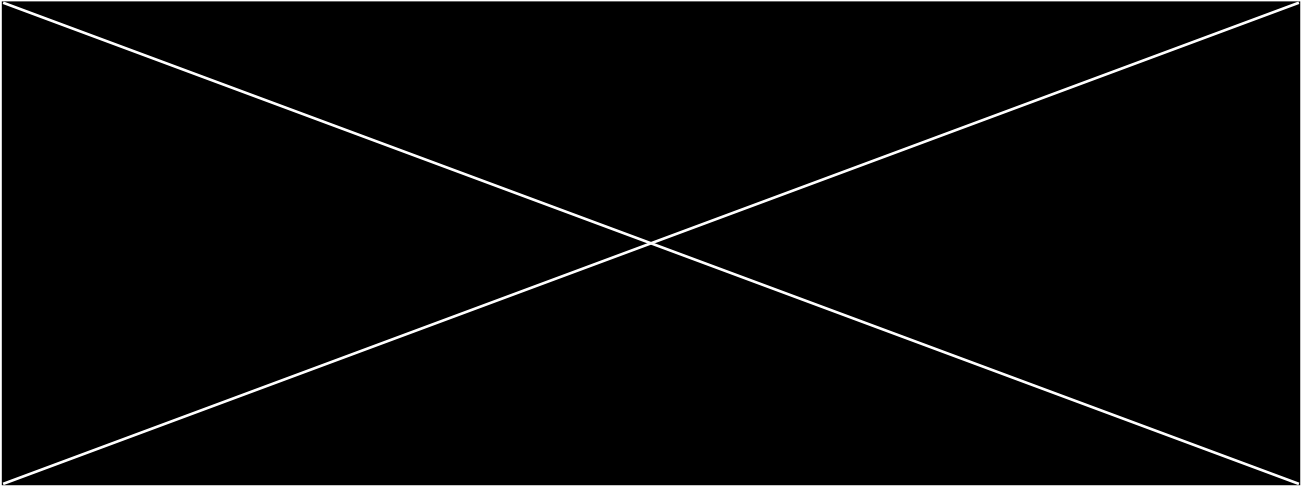
adjudication of any eligibility for relief, such as asylum, adjustment of status, or other forms of protection, are completed. *See* ECF No. 1-3, Exhibit A.


d. Was Mr. Gagiev's parole revoked at any point? If so, when was his parole revoked; and who revoked his parole?

Gagiev's parole was not revoked at any point. Rather, his parole automatically terminated upon its expiration. *See* 8 CFR 212.5(e)(1) (providing for automatic termination of parole upon expiration without written notice).

e. Please explain the process ICE undertook in detaining Mr. Gagiev in January 2026.

As described on the Form I-213 from the day of Gagiev's detention, Gagiev reported to the U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Philadelphia Field Office on January 9, 2026, for a scheduled check-in appointment. *See* Exhibit B, Form I-213 dated January 9, 2026. The Form I-213 indicates that at his check-in appointment, officers confirmed Gagiev's identity, identified themselves as ICE officers, and advised him he was being taken into custody pursuant to a custody redetermination. *Id.* at 2. The I-213 states Gagiev is subject to Executive Order 14159, discussed above. *See id.*; *see also* Executive Order 14159, 90 FR 8443 (Jan. 20, 2025). The I-213 further reiterates his charges of inadmissibility under section 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA). *See* Exhibit B at 2. Gagiev was taken into custody that day without issue. *Id.*



Gagiev's proceedings were conducted on the non-detained docket, and his next hearing had been scheduled for May 9, 2028. *See* Exhibit C, Notice and Order for 2028 Hearing. The non-detained docket runs more slowly than the detained docket. The hearing scheduled for May 9, 2028 was set as an individual hearing at which an Immigration Judge would  *See id.* at 1.

Now that Gagiev has been detained, the venue of his immigration case will be transferred to the Executive Office for Immigration Review (EOIR) location that covers the area in which he is detained; here, that will be Elizabeth, New Jersey EOIR, based on his detention at the Moshannon Valley Processing Center since January 30, 2026. *See generally* Exhibit D, I 830, Notice to EOIR (notifying EOIR of Gagiev's detention location). Once that transfer, currently ongoing, is complete, Gagiev will be scheduled for a master calendar hearing—still in front of an Immigration Judge, conducted remotely from Moshannon. *See* U.S. Immigration and Customs Enforcement, ICE Portal, Immigration Court (last accessed February 24, 2026), <https://portal.ice.gov/immigration-guide/court> (providing guide to steps in removal proceedings). After the master calendar hearing, Gagiev will be scheduled

for a final hearing on his application, which is now likely to occur much sooner than the May 9, 2028 hearing date originally scheduled on the non-detained docket.

g. What is the present status of Mr. Gagiev's removal proceedings?

The government refers the Court to its response to question f. above. The administrative transfer of Gagiev's proceedings to the Elizabeth EOIR is in process, and the government anticipates that he will be scheduled shortly for a master calendar hearing.

Respectfully submitted,

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United States Attorney

/s/ Anthony St. Joseph for GBD
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

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Dated: February 24, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Supplemental Briefing in Response to the Court's February 17, 2026 Order (ECF NO. 9) via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 24, 2026

/s/ Alanna N. Pawlowski
ALANNA N. PAWLOWSKI
Assistant United States Attorney

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INDEX OF EXHIBITS

Exhibit A – I-213 Initial Encounter

Exhibit B – I-213 January 2026 Detention

Exhibit C – Notice and Order for 2028 Hearing

Exhibit D – I-830 Notice to EOIR

EXHIBIT C

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PHILADELPHIA IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: May 28, 2025

TO: Tenberg Law Offices, LLC
Tenberg, Larisa
12000 Bustleton Ave
Philadelphia, PA 19116

RE: [REDACTED]

GAGIEV, ALAN

Notice of Internet-Based Hearing

Your case has been scheduled for a **INDIVIDUAL** hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.
URL: <https://eoir.webex.com/meet/IJ.Carle>

Date: May 9, 2028
Time: 09:00 A.M. ET
Court Address: 900 MARKET STREET, SUITE 504
5TH FLOOR, PHILADELPHIA, PA 19107

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact

information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by [completing the enclosed paper form](#) and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call **1-800-898-7180** (toll-free) or **304-625-2050**.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: 5/28/25 BY: COURT STAFF DAP
Attachments:[] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਅਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੇਜ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নাটিশ পড়ার জন্য এই পজেরে কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PHILADELPHIA IMMIGRATION COURT**

Respondent Name:

[REDACTED]

To:

[REDACTED]

12000 Bustleton Ave
Philadelphia, PA 19116

A-Number:

[REDACTED]

Riders:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] GAGIEV, ALAN

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:


05/26/2025

ORDER OF THE IMMIGRATION JUDGE

The 6-4-25 MCH is vacated and reset for court to have appropriate interpreter and to supplement I-589 and be ready for trial.

Order:

ICH is set to 5-9-28 @ 9 am



Immigration Judge: Carle, John 05/26/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due:

Certificate of Service

This document was served:

Via: M Mail | P Personal Service | E Electronic Service | U Address Unavailable

To: Noncitizen | Noncitizen c/o custodial officer | E Noncitizen's atty/rep. | E DHS

Respondent Name : [REDACTED] | A-Number : [REDACTED]

Riders:

[REDACTED] [REDACTED]

GAGIEV, ALAN

Date: 05/28/2025 By: PRESCOTT, DEBORAH, Court Staff

EXHIBIT D

Department of Homeland Security
Immigration & Customs Enforcement

Notice to EOIR: Alien Address

Date:	2/12/2026		
To:	EOIR / Philadelphia 900 Market St Philadelphia, PA 19107		
From:	DHS/ICE - MOSHANNON PHILIPSBURG, PA 16866		
Respondent:	Gagiev, Alan	Alien File No:	[REDACTED]

This is to notify you that this respondent is:

Currently incarcerated by Federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

His/her anticipated release date is:

Detained by ICE on: **01/30/2026** at: **MOSHANNON VALLEY PROCESSING CENTER
555 GEO DRIVE
PHILIPSBURG, PA 16866**

Detained by ICE on _____ and transferred on _____ to:

Released from ICE custody on the following condition(s):

- Order of Supervision or Own Recognizance (Form I-220A)
- Bond in the amount of _____
- Removed, Deported, or Excluded
- Other: _____

Upon release from ICE custody, the respondent reported his/her address and telephone number will be:

I hereby certify that the respondent was provided an EOIR-33 and notified that they must inform the Immigration Court of any further change of address.

ICE Official: [REDACTED] [REDACTED]

MVPC/SWF
Form I-830 (Rev 4/26/99)N