

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Case No. 26-cv-00126-RMR

SHOKHRUKH KHASANOV,

Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary, Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of ICE; PAMELA BONDI, in her official capacity as U.S. Attorney General; George Valdez in his official capacity as Acting Denver Field Office Director of Enforcement and Removal Operations, ICE,

Respondents.

PETITIONER'S REPLY BRIEF IN SUPPORT OF HABEAS PETITION

RESPECTFULLY SUBMITTED,

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INTRODUCTION

Petitioner, Shokhrukh Khasanov, is a native and citizen of Uzbekistan who entered the U.S. more than four years ago. The government determined at that time that he was neither a danger or flight risk. Thereafter, he was paroled into the U.S. and given a document that, among other things, stated: "Parole is conditioned on you complying with the terms and conditions of your release."¹ Mr. Khasanov complied with every term, condition, and DHS request. He was given work authorization after timely applying for asylum, and built a life here. That life now includes a U.S. citizen partner who is the mother of their three month old U.S. citizen child. Despite full compliance, Mr. Khasanov and his family had the proverbial rug ripped out from underneath them when he was suddenly arrested and re-detained by ICE. For the reasons set forth in prior filings and below, Mr. Khasanov respectfully requests the Court grant this petition and order the government to release him immediately.

CIRCUMSTANCES LEADING TO MR. KHASANOV'S LIBERTY & SUDDEN DETENTION

Far from evading immigration authorities, Mr. Khasanov was encountered by them in October 2021. Those immigration officers—acting on behalf of the United States government—determined he was neither a flight risk nor a danger to the community, and released him on his own recognizance to pursue his asylum claim before USCIS. In so doing, one of the documents he was provided explicitly stated, "Parole is conditioned on

¹ Reply Ex. 1.

you complying with the terms and conditions of your release."² The government then invited him to do exactly that and he did when he timely filed a Form I-589 application for asylum. Thereafter, DHS granted him work authorization. For over four years, Mr. Khasanov complied with every law, every regulation, and every instruction from DHS. He has no criminal history of any kind.

Having been granted formal work authorization—and having been given every reason to believe that so long as he abided by the law he would remain at liberty—Mr. Khasanov built a life. He established a stable residence in Pennsylvania. He maintained steady employment, paid his taxes, and held a valid driver's license. Most significantly, he built a family: he has a United States citizen partner whom he intends to marry, and together they have a three-month-old United States citizen daughter for whom Mr. Khasanov has been the primary financial provider.

On December 28, 2025, Mr. Khasanov's truck developed mechanical problems and he pulled over on the side of the highway in Wyoming. For many motorists, the sight of approaching law enforcement is a welcome one. For Mr. Khasanov—who had done nothing wrong—it was not. Despite presenting valid work authorization and a valid driver's license, Mr. Khasanov was arrested and transferred to ICE custody. He remains detained to this day.

This arrest—despite full compliance with all laws and with the directions of DHS itself—represents a jarring breach of the implied covenant between the government and

² Reply Ex. 1.

those who follow its rules. By granting Mr. Khasanov the right to work and by inviting him to pursue lawful status, the United States gave him and his partner—a dedicated U.S. citizen and mother to their three-month-old child—every reason to believe that his liberty was secure so long as he remained compliant. He was compliant. His parole was revoked anyway.

DISCUSSION

To abruptly detain an individual who has consistently and demonstrably complied with every directive of the government—without notice, without a hearing, without any allegation of changed circumstances—constitutes a fundamental breach of the settled expectations the Due Process Clause exists to protect. The deprivation of Mr. Khasanov's liberty and the destabilization of a law-abiding family that includes a U.S. citizen infant undermine the very principles of fairness, reliance, and due process that our justice system is designed to uphold. This is not the story of someone who evaded the law. It is the story of someone who followed it.

Conversely, ICE failed to follow its own regulations for terminating parole when it suddenly detained Mr. Khasanov. Those regulations, as the government's response correctly states, are found at 8 C.F.R. § 212.5—not 8 C.F.R. § 241.4 as was mistakenly indicated in the petition filed in these proceedings. As discussed below, it is Mr. Khasanov's position that this oversight is cured through the briefing on this petition which serves to constructively amend the original petition's error as both parties will have briefed the correct regulations.

Equally important, while it is Petitioner's position that the failure to follow § 212.5 when terminating Mr. Khasanov's parole provides an independent basis distinct from the as applied due process basis for granting this petition, it also serves to further bolster his strongest argument: the sudden arrest, detention, and termination of parole for Mr. Khasanov, a devoted partner and loving father who fully complied with DHS' requests, constitutes a violation of his due process rights under the U.S. Constitution. Because Mr. Khasanov believes this is the straightest path to his release, the reasons he believes the petition should be granted on those grounds are addressed first.

I. PETITIONER'S RE-DETENTION VIOLATES DUE PROCESS UNDER THE PARTICULAR CIRCUMSTANCES OF THIS CASE.

The government asks this Court to endorse the proposition that anyone paroled under 8 U.S.C. § 1182(d)(5)(A) 8 U.S.C. § 1182(d)(5)(A)—no matter how long they have been in the United States, no matter what ties they have built, no matter what benefits the government itself has extended—can be re-detained at any time, without any explanation, simply because a new administration has taken office. This Court should decline that invitation.

A. The Government's Reliance on *Thuraissigiam* Is Misplaced Given Four Years of Government-Invited Presence.

The government's core due process argument is that Petitioner, as an "applicant for admission" who was effectively "stopped at the border," possesses only such procedural rights as Congress has prescribed.³ Petitioner does not dispute the general principle that

³ ECF No. 9 Resp. at 8-9 (citing *DHS v. Thuraissigiam*, 591 U.S. 103 (2020); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953)).

the political branches have broad power over immigration, particularly at the border. But the government's application of that principle to Mr. Khasanov's circumstances defies both logic and justice.

In fact, the government's argument in this regard has been repeatedly rejected by multiple courts. Judge Cardone of the Western District of Texas directly addressed this argument made by the government in a decision which explained the key distinctions between *Thuraissigiam* and cases like the one present here:

A ... key point of distinction is that Thuraissigiam was stopped by Border Patrol “within twenty-five yards of the border,” immediately detained, and never released. Lopez-Arevelo, too, was initially detained shortly after entering the country on August 8, 2022, but unlike Thuraissigiam, he was released on his own recognizance two days later. Then, for three years, until his August 8, 2025, arrest in the immigration court lobby, he lived and worked in the United States. While Thuraissigiam saw little of this country beyond his jail cell at the border, Lopez-Arevelo has built a life here.

At the heart of *Thuraissigiam* was the notion that “an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause” than those set by Congress. “Th[is] distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law.” And the distinction is one of place—not status: “[O]ur immigration laws have long made a distinction between those aliens who have come to our shores seeking admission ... and those who are within the United States after an entry, irrespective of its legality. In the latter instance the Court has recognized additional rights and privileges not extended to those in the former category who are merely “on the threshold of initial entry.”⁴

Simply put, the government relies on cases that involved noncitizens literally stopped at the border—in both reality and the legal fiction of parole. In so doing, they ask

⁴ *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 684-85 (W.D. Tex. 2025)(internal citations and quotations omitted)(cleaned up).

this Court to extend their reasoning of such cases to a man who has been present in the United States for over four years, who was released on parole by the government itself, who received work authorization from DHS, who filed an asylum application at the government's invitation, who paid taxes, who obtained a driver's license, who established a family that includes a U.S. citizen child, and who complied with every condition of his release.

The government's position that Mr. Khasanov is "effectively treated as if stopped at the border" for due process purposes, is a legal fiction that cannot bear the weight placed upon it here.⁵ The Supreme Court itself drew the critical distinction: "once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."⁶ Mr. Khasanov has been in the United States for four years. He is unambiguously "within" the country. The fictional border stop analogy—strained even in *Thuraissigiam*—becomes untenable when applied to a man who has lived here for years with the government's active encouragement.

The government cites *Depelian v. Baltazar*, No. 25-cv-3765-SKC-TPO (D. Colo. Jan. 20, 2026), for the proposition that a parolee re-detained after parole termination is again subject to mandatory detention under § 1225(b). But *Depelian* involved a petitioner who presented at a port of entry and does not appear to have spent four years in the United

⁵ ECF No. 9 p. 9 n. 5.

⁶ *Zadvydas v. Davis*, 533 U.S. 678, 693-94 (2001).

States with government-granted work authorization, a pending asylum application, and a U.S. citizen family. The constitutional implications of re-detention are not static—they grow with the depth and duration of a person's ties to the country, particularly ties that the government itself invited and facilitated.

B. The Mathews Balancing Decisively Favors Petitioner.

As detailed in the petition filed in these proceedings, Petitioner's detention is unlawful under the factors set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976).⁷ The government's response does not provide a single reason specific to Mr. Khasanov that his due process claim should be denied. Instead, to paraphrase, the government's position is that he's not a citizen so he has no constitutional rights and courts must simply defer to the executive branch's determinations even if completely arbitrary and capricious.

Similar arguments have been made in similar cases across the country. One court soundly rejected such arguments comparing those who are literally stopped at or near the border moments after entry to noncitizens like Petitioner, explaining:

“[T]he government's decision to release an individual from custody creates ‘an implicit promise,’ upon which that individual may rely, that their liberty “will be revoked only if [they] fail[] to live up to the... conditions [of release].”⁸ Even assuming, *arguendo*, that Petitioner's four years living and working in the United States were insufficient to create a cognizable liberty interest, Respondents provided Alvarez-Rico with a liberty interest when they released him from custody. It is well-established that once the government opts to

⁷ See ECF No. 1 ¶¶ 57-66.

⁸ *Alvarez-Rico v. Noem*, et. al., No. 4:26-CV-00729, 2026 WL 522322, at *5 (S.D. Tex. Feb. 25, 2026). (quoting *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972))).

provide a liberty or property interest, it cannot arbitrarily revoke this benefit without due process of law.⁹

Alvarez-Rico's release order states: “[Y]ou are released on your own recognizance *provided you comply with the following conditions.*” ECF No. 1, Ex. B (emphasis added). The clear implication of this language is that the recipient will not be re-detained unless he fails to comply with the stated conditions. The Court therefore agrees with Petitioner and numerous other courts that a noncitizen who was previously released on a set of conditions has a strong liberty interest in avoiding re-detention.¹⁰

Like the petitioner in *Alvarez-Rico*, Mr. Khasanov has spent more than four years living and working in the U.S.—after the government opted to provide him with these liberty interests. Furthermore, Mr. Khasanov, like the petitioner in *Alvarez-Rico* was issued a document which stated “Parole is conditioned on you complying with the terms and conditions of your release.”¹¹ Petitioner respectfully requests this Court reach the same conclusion and finding the government created a liberty interest that cannot be arbitrarily revoked—as it was here.

The private interest at stake—freedom from physical detention—“is the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Mr. Khasanov's liberty interest is not merely the generic interest in being free from detention.

⁹ *Id.* (citing *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974) (holding in the context of “good-time credits” for prisoners that “a person's liberty is equally protected [by the due process clause], even when the liberty itself is a ... creation of the State”); *Morrissey*, 408 U.S. at 482 (noting “that the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a ‘grievous loss’ on the parolee and often on others”); *Graham v. Richardson*, 403 U.S. 365, 374 (1971) (rejecting the concept that constitutional rights turn upon whether a governmental benefit is characterized as a “right” or as a “privilege”).

¹⁰ *Id.* (citing *E.g., Pinchi*, 792 F. Supp. 3d at 1032; and *Lopez-Arevalo*, 801 F. Supp. 3d at 685-86.).

¹¹ Reply Ex. 1.

It encompasses four years of continuous presence in the United States under government-granted status, work authorization and employment, a U.S. citizen partner, and a three-month-old U.S. citizen daughter who depends on him. Accordingly, the first *Mathews* factor is met.

The risk of erroneous deprivation under existing procedures is also substantial. Mr. Khasanov was given no notice before his re-detention, no opportunity to contest the parole revocation, and no individualized determination of flight risk or danger. The bond hearing before the Immigration Judge on January 6, 2026, was denied on pure jurisdictional grounds—the IJ made no findings whatsoever on flight risk, danger, or changed circumstances.¹² This is precisely the scenario that *Morrissey v. Brewer*, 408 U.S. 471 (1972), *Goldberg v. Kelly*, 397 U.S. 254 (1970), and their progeny were designed to prevent: the abrupt termination of a liberty interest without any meaningful hearing. When procedural protections are effectively nonexistent, the risk of erroneous deprivation is at its maximum. Accordingly, the second *Mathews* factor is met.

Finally, the governmental interest is served—not undermined—by Petitioner's release. Mr. Khasanov is not a flight risk. He has no criminal history. He has repeatedly and voluntarily done everything he was asked by DHS. The government's interest in enforcing the immigration laws is not furthered by detaining a man who has consistently complied with those laws; it is undermined by taking from Mr. Khasanov the most fundamental of all liberty interests: freedom from arbitrary government restraint—not

¹² See ECF No. 1 ¶ 39; see also *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

because of a risk of flight or danger—but "in the ill-conceived and incompetently implemented government pursuit of daily deportation quotas, even it requires traumatizing children."¹³

C. The Government Cannot Arbitrarily Destroy Settled Liberty Interests It Itself Created.

Perhaps the most troubling aspect of the government's position is its scope. The government does not merely argue that Mr. Khasanov can be re-detained after meeting some specific threshold. It argues that anyone paroled under § 1182(d)(5)(A) can be re-detained at any time, for any reason (or no reason), without individualized analysis of whether they pose a flight risk or danger, without advance notice, and without any meaningful hearing. Under the government's theory, ICE could parole a person for twenty years, watch them build a life with deep family ties and community roots, and then re-detain them overnight based solely on an administrative decision that the original purpose of the parole—here, a COVID-related health concern that resolved years ago—has been "accomplished." Due process is not so hollow.

The Supreme Court has been clear that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects."¹⁴ And individuals released on parole or conditional release have a liberty interest in their "continued liberty" that "includes many

¹³ *Arias v. Noem*, No. SA-26-CV-415-FB, 2026 WL 255706, at *1 (W.D. Tex. Jan. 31, 2026)

¹⁴ *Zadvydas*, 533 U.S. at 690.

of the core values of unqualified liberty."¹⁵ The termination of that continued liberty "inflicts a 'grievous loss' on the released individual and often on others."¹⁶ Here, the "others" who bear that loss most acutely are a U.S. citizen infant and her mother.

The government asks this Court to hold that it may, as a matter of law, tear away the settled expectations of a family that followed every rule, complied with every directive, and built a life in reliance on the government's own grants of status and authorization. Courts across the country have rejected this position. As the court in *Villanueva Herrera* put it, "the government's position that it can choose, based on a change in administration, not to comply with its own regulations is unprecedented."¹⁷ This Court should join the growing consensus of federal courts that have refused to countenance ICE's practice of arbitrarily re-detaining individuals who were living productive, law-abiding lives in reliance on the government's own promises of conditional liberty.

The government's contention that Petitioner has received all the process he is due because Congress authorized § 1225(b) mandatory detention misses the point. Congress authorized mandatory detention at the border. Congress did not authorize—nor could the Constitution permit—the government to extend the blessings of liberty to an individual for four years, encourage him to build a life, accept his asylum application, grant him the right to work, watch him support a U.S. citizen family, and then revoke all of that without notice,

¹⁵ *Morrissey*, 408 U.S. at 482.

¹⁶ *Id.*

¹⁷ *Villanueva Herrera v. Tate*, 801 F. Supp. 3d 689, 700 (S.D. Tex 2025).

without a hearing, without any finding of changed circumstances, and without any allegation that he poses a risk of flight or danger to anyone. The Due Process Clause forbids such arbitrary government action, regardless of the label affixed to the underlying detention authority.

II. PETITIONER FACES IRREPARABLE HARM AND THE BALANCE OF EQUITIES COMPELS RELIEF.

The irreparable harm analysis requires little elaboration. Continued unlawful detention is itself an irreparable injury. The Supreme Court has held that "[f]reedom from imprisonment...lies at the heart of the liberty" protected by the Due Process Clause.¹⁸ Each day that Petitioner remains detained in violation of the Constitution, he is irreparably harmed.

The harm is not Petitioner's alone. His three-month-old U.S. citizen daughter is being deprived of her father during the most formative weeks of her life. His U.S. citizen partner is left to provide financially and emotionally for a newborn without the support of the man she intends to marry—a man the government itself gave work authorization to and encouraged to participate in the lawful immigration process. The disruption to this American family is not a collateral consequence of lawful enforcement; it is the direct and foreseeable result of arbitrary government action.

The government has identified no corresponding harm that would flow from Petitioner's release. It does not contend he is a flight risk. It does not contend he is

¹⁸ *Zadvydas*, 533 U.S. at 690.

dangerous. It does not allege any change in circumstances that would warrant continued detention. Its sole argument for continued detention is a legal theory—§ 1225(b) mandatory detention—that, for the reasons stated above, does not apply with the force the government claims in the circumstances of this case. Where the government's claimed harm is speculative and legal in nature, while Petitioner's harm is immediate, concrete, and ongoing, the balance of equities points decisively toward relief.

The public interest similarly favors Petitioner's release. It is always in the public interest to ensure that the government adheres to the Constitution and its own regulations.¹⁹ The public has no interest in the unnecessary detention of a man who poses no risk, who has a dependent U.S. citizen infant, and whose detention serves no penological or regulatory purpose that could not be adequately served by supervised release with conditions. Wasting taxpayer resources on the arbitrary detention of a compliant individual while separating a U.S. citizen family is not a cognizable governmental interest.

III. The revocation of parole and detention of Petitioner violated ICE's own regulations.

As stated above, Petitioner acknowledges the government's response is correct in its assertion that 8 C.F.R. § 212.5—not 8 C.F.R. § 241.4—governs the procedure for terminating parole. This inadvertent error/oversight, however, should not serve to defeat this claim in the petition. Courts consistently construe habeas petitions liberally, focusing on the substance of the constitutional claims rather than the precision of regulatory

¹⁹ See *Morrissey*, 408 U.S. at 484.

citations. The core of the Petition—that ICE revoked Petitioner's parole and re-detained him without providing him proper notice of the reasons for revocation and without affording him an opportunity to challenge that decision—is fully preserved regardless of which subsection of the Code of Federal Regulations is cited.

More importantly, no prejudice flows from this amendment because the government itself identified, briefed, and addressed 8 C.F.R. § 212.5 in its consolidated response.²⁰ The government had full notice of the substance of the regulatory violation claim and litigated it accordingly. Petitioner, therefore, respectfully requests that the Court treat the Petition as constructively amended to cite 8 C.F.R. § 212.5 as the applicable regulation, consistent with the substance of both parties' submissions.

As set forth below, the fact the application of 8 C.F.R. § 212.5 results in the same ultimate conclusion: the government's failed to comply with the letter and spirit of the regulations for terminating one's parole. These deficiencies are not mere technical violations but constitutional failures that go to the heart of Petitioner's liberty interests.

A. The government failed to comply with 8 C.F.R. § 212.5's Requirements.

The government argues that it has now cured any procedural defect by issuing a written Notice of Parole Termination on March 11, 2026—the same day it filed its consolidated response.²¹ This argument fails for three independent reasons: (A) the notice was issued seventy-four days after Petitioner's re-detention, not "upon" termination as the

²⁰ ECF No. 9 at 10-13.

²¹ See ECF No. 9 at 12-13; see also ECF No. 9-1 at ¶ 15 & Ex. A, Attachment 1.

regulation requires; (B) the notice is substantively deficient because it fails to conduct the independent humanitarian reasons and public benefit analysis mandated by the regulation; and (C) a retroactive, post-litigation notice issued on the eve of the government's responsive brief cannot constitute the process that the Due Process Clause demands.

B. The Written Notice Was Issued Seventy-Four Days After Detention—
Not "Upon" Termination as the Regulation Requires.

Section 212.5(e)(2)(i) provides that when the purpose of parole has been accomplished or when humanitarian reasons and public benefit no longer warrant continued presence, "parole shall be terminated upon written notice to the alien."²² The phrase "upon written notice" is not precatory—it is a procedural condition. It contemplates that written notice is contemporaneous with, if not antecedent to, the physical act of termination and re-detention.

Here, Petitioner was taken into custody on December 28, 2025. The written Notice of Parole Termination was not issued until March 11, 2026—seventy-four days later.²³ The government does not dispute this timeline. Instead, it argues that the notice has now been issued and that this cures any earlier deficiency. But the regulation does not say "parole shall be terminated, and notice may be provided at some later date." It says parole shall be terminated upon notice—a construction that places the notice in temporal relation to the termination, not weeks or months after the fact. Where the government held a person for seventy-four days without providing the written notice the regulation prescribes, it cannot

²² 8 C.F.R. § 212.5(e)(2)(i) (emphasis added).

²³ See ECF No. 9-1, at ¶ 15 & Ex. A, Attachment 1.

retroactively transform an unlawful detention into a lawful one by issuing a notice on the day it files its court brief.

C. The Notice Is Substantively Deficient Because It Fails the Mandatory Independent Humanitarian and Public Benefit Analysis.

Even setting aside its tardiness, the Notice of Parole Termination is fatally deficient on its merits. The regulation § 212.5(e)(2)(i) establishes two independent grounds for terminating parole: (1) "upon accomplishment of the purpose for which parole was authorized," or (2) "when in the opinion of [the relevant official], neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States."²⁴

The government's notice acknowledges that Petitioner was paroled pursuant to the Fraihat injunction due to COVID-19 comorbidities, and states that "[t]he purpose of your parole on those grounds has been accomplished."²⁵ But the notice then adds a single conclusory sentence addressing the second, independent ground: "Additionally, there are no other humanitarian reasons or public benefit for you to remain paroled while removal proceedings are pending."²⁶

This single sentence is not a genuine case-by-case analysis; it is a boilerplate conclusion masquerading as one. This regulation was promulgated to ensure individualized, reasoned decision-making about whether a particular person's continued

²⁴ 8 C.F.R. § 212.5(e)(2)(i) (emphasis added).

²⁵ ECF No. 9-1 at Ex. A, Attach. 1.

²⁶ ECF No. 9-1 at Ex. A, Attach. 1.

presence serves humanitarian interests or the public benefit.²⁷ In Mr. Khasanov's particular case, those interests are substantial and documented: he has a three-month-old United States citizen daughter; a United States citizen partner whom he intends to marry; a history of stable employment and tax compliance; over four years of demonstrated compliance with all conditions of his release; and a pending asylum application before USCIS. The notice makes no reference to any of these circumstances. It contains no individualized analysis. It simply declares—without explanation, analysis, or reference to any of Mr. Khasanov's specific circumstances—that no humanitarian reasons apply.

This kind of conclusory, one-size-fits-all determination is precisely what the requirement of individualized analysis is designed to prevent. As multiple district courts have recognized, "[u]nder deeply rooted principles of administrative law, not to mention common sense, government agencies are generally required to follow their own regulations."²⁸ A notice that merely recites the COVID-purpose ground while adding a boilerplate denial of the humanitarian-reasons ground—without engaging with a single relevant fact about this Petitioner's circumstances—does not satisfy the regulatory requirement.

D. The Retroactive, Post-Litigation Notice Cannot Cure the Constitutional Violation.

The government seeks to cure its regulatory violation through retroactive compliance—issuing the required written notice on the same day it filed its consolidated

²⁷ See 8 C.F.R. § 212.5(a) (requiring case-by-case analysis).

²⁸ *Villanueva Herrera v. Tate*, No. CV H-25-03364, 2025 WL 2774610, at *7 (S.D. Tex. Sept. 26, 2025).

response, more than ten weeks after the unlawful detention began. The Supreme Court recognized long ago that if an agency fails to comply with its own regulations, the proper remedy is to return the person to the position they occupied before the violation occurred—not to permit the government to retroactively paper over the failure after the fact while the detention continues.²⁹ The remedy for non-compliance with due process regulations is compliance going forward, not a retroactive stamp of approval on an unlawful deprivation.

Numerous district courts addressing identical circumstances have ordered release upon finding that ICE failed to follow its own parole-termination regulations.³⁰ The pattern across these jurisdictions is unmistakable: when ICE violates the procedural requirements governing parole revocation, courts order release. The government's attempt to cure the violation through a litigation-day notice, while Petitioner remains detained, should be rejected.

CONCLUSION

For the above stated reasons and those stated in his previous filings, Mr. Khasanov respectfully requests the Court find Respondent's detention of him unlawful for the reasons set forth in his petition and above, and as a result order ICE to immediately release him. In the event the Court disagrees with the requested relief of immediate release, Mr. Khasanov

²⁹ See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (if the government failed to comply with its regulations, the petitioner was entitled to a new hearing that complies with proper procedures).

³⁰ See, e.g., *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *9 (S.D.N.Y. Aug. 26, 2025); *Santamaria Orellana v. Baker*, No. CV 25-1788-TDC, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025); *Rombot v. Souza*, 296 F. Supp. 3d 383, 389 (D. Mass. 2017); *Hamidi v. Bondi*, 2025 WL 3452454, at *4 (W.D. Okla. Dec. 1, 2025); *Nguyen v. Hyde*, 788 F. Supp. 3d 144 (D. Mass. 2025).

respectfully requests the Court order his release if a prompt bond hearing is not held at which the government bears the burden of proof.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the U.S. District Court and counsel for the government in accordance with the Federal Rules of Civil Procedure on March 15, 2026.

/s/ Dan Gividen

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Attorney for Defendant