

District Judge _____

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

Shukrullo TAVUROV

Petitioner,

vs.

KRISTI LYNN ARNOLD NOEM, Secretary
of the United States and Department of
Homeland Security; Department of Homeland
Security; PAMELA JO BONDI, Attorney
General of the United States; TODD LYONS,
Acting Commissioner, U.S. Customs and
Border Protection; CAMILLA WAMSLEY,
Seattle District Field Office Director of
Detention Removal Operations, Immigration
and Customs Enforcement; BRUCE SCOTT,
Warden, Northwest Ice Processing Center

Respondents.

Case No. _____

Agency No. 

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
2231 AND COMPLAINT FOR
DECLARATORY RELIEF**

(Clerk's action required)

INTRODUCTION.

Petitioner Shukrullo Tavurov is a 20-year-old asylum seeker from Tajikistan who
Respondents detained at the Northwest Ice Processing Center for over 18 months. Despite
actively participating in his removal case and obtaining a protected form of relief in the form of
an approved Special Immigrant Juvenile Status (SIJS), Mr. Tavurov has languished in detention
due to Respondents' refusal to consider his relief on bond while his immigration proceedings

Petition for Writ of Habeas Corpus and
Complaint for Declaratory and Injunctive
Relief--1

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3 move forward. The Due Process Clause of the Fifth Amendment forbids such arbitrary and
4 prolonged detention. Indeed, Mr. Tavurov's detention was presumably unconstitutional after
5 six months, yet Respondents have not justified his continued detention at a hearing before a
6 neutral decision maker where the government bears the burden to demonstrate why Mr. Tavurov
7 poses a danger or flight risk. Accordingly, Mr. Tavurov petitions this court for a writ of habeas
8 corpus to vindicate his right to due process and to seek relief from continued arbitrary detention.

9 This Petition is supported by the pleadings and documents on file in this case,
10 including Declaration of Marina Dzhamilova ("Dzhamilova Decl.") with exhibits attached
11 thereto. Petitioner does not request an evidentiary hearing and submits that the existing record is
12 sufficient for the Court to determine that his continued detention is unlawful and that immediate
13 release is warranted.

14 JURISDICTION & CUSTODY.

- 15 1. Petitioner Shukrullo Tavurov is in physical custody of Respondents and Immigration and
16 Customs Enforcement, an agency within the Department of Homeland Security. Mr.
17 Tavurov is detained in the Northwest Ice Processing Center in Tacoma, Washington and is
18 under the direct control of Respondents and their agents.
- 19 2. This action arises under the constitution of the United States and the Immigration and
20 Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
- 21 3. This court has jurisdiction under 28 U.S.C. § 2241, article 1 § 9, cl. 2 of the United States
22 constitution (Suspension Clause), 28 U.S.C. § 1331, and the common law. This court may
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grant relief pursuant to 28 U.S.C. § 2241, the declaratory judgment act, 28 U.S.C. § 2201, *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

4. Nothing in the INA deprives this court of jurisdiction, including 8 U.S.C. § 1252(b)(9), 1252(f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018) (holding that 8 U.S.C. § 1226(e) and § 1252(b)(9) do not bar a review of challenges to prolonged immigration detention).
5. Section 1252(f)(1) does not repeal the Courts authority to grant the relief petitioner seeks because, *inter alia*, Mr. Tavurov is in removal proceedings. See 8 U.S.C. § 1252(f)(1) (exempting claims by an individual alien against home proceedings... have been initiated); see also *Reno v. American Arab Anti-Discrimination Commission*, 525 US 471, 482 (1999) (observing that § 125(f) “does not extend to individual cases”).
6. If section 1252(f)(1) did bar the relief of Mr. Tavurov of seeks, it would violate the Suspension Clause.
7. Even if otherwise applicable Section 1252(f)(2) does not bar declaratory relief regarding Mr. Tavurov’s detention.
8. Mr. Tavurov has exhausted any and all administrative remedies to the extent feasible.

VENUE.

9. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District of Washington, the judicial district in which Mr. Tavurov currently is in custody.

10. Venue is also properly in this Court pursuant to 18 U.S.C. §1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

PARTIES.

11. Petitioner Shukrullo Tavurov is a citizen of Tajikistan and Russia who arrived in the United States in May of 2024 at a Customs and Border Processing center at the Calexico Port of Entry, CA, by presenting himself through the CBP-11 application in order to seek asylum when he was just 18 years old. Respondents detained him at the border, eventually he was transferred to the Northwest Ice Processing Center, and he has been in ICE detention since that day until present. Mr. Tavurov has been placed in removal proceedings under 8 U.S.C. §1229a and is seeking asylum, withholding of removal, and relief under the Convention Against Torture. Mr. Tavurov has also applied and was granted the status of Special Immigrant Juvenile on May 7th, 2025, by USCIS.

12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA. She also oversees U.S. Immigration and Customs Enforcement (ICE), which is responsible for Mr. Tavurov's detention. Ms. Noem has ultimate custodial authority over Mr. Tavurov and is named in here official capacity.

13. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

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- 3 14. Respondent Pamela Jo Bondi is the Attorney General of the United States and the senior
- 4 official of the Department of Justice (DOJ). In the capacity, she has the authority to
- 5 interpret the immigration laws and adjudicate removal cases. She also oversees the
- 6 Executive Office for Immigration Review (EOIR), which administers the immigration
- 7 courts and the Board of Immigration Appeals ("BIA"). She is named in her official capacity.
- 8 15. Respondent Camilla Wamsley is the Director of the Seattle Field Office of Enforcement and
- 9 Removal Operations, U.S. Immigration and Customs Enforcement, Department of
- 10 Homeland Security, U.S. Immigration and Customs Enforcement, Department of Homeland
- 11 Security. As such, Ms. Wamsley is Mr. Tavurov's immediate custodian. She is named in
- 12 his official capacity.
- 13 16. Respondent Bruce Scott is, on information and belief, an employee of the Geo Group, Inc.,
- 14 the private corporation which runs the Northwest Ice Processing Center contract facility
- 15 where Mr. Tavurov is detained. On information and belief, Mr. Scott's job title is Warden
- 16 of the Northwest Ice Detention Center.

17 **STATEMENT OF FACTS.**

- 18 17. Petitioner Shukrullo Tavurov is a citizen of Russia and Tajikistan seeking asylum,
- 19 withholding of removal, and protection under the Convention against Torture in the United
- 20 States. He is currently detained at the Northwest ICE Processing center. Mr. Tavurov was
- 21 only 18 years old when he presented himself to the US officials through the CBP1
- 22 application and has been held by the Respondents since May 3rd, 2024.
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3 18. Upon inspection and processing, Mr. Tavurov underwent a short Credible Fear Interview
4 (CFI). He later had a full CFI by an asylum officer following which he was found credible
5 and his case referred to EOIR with the filing of the Notice to Appear for removal
6 proceedings under 8 U.S.C. §1229a.

7 19. After more than a year of continued master calendar hearings, and substitution of the first
8 attorney, located in the state of New York, to the current one, located in Washington State,
9 Mr. Tavurov had three individual hearings which took place at the detention center with
10 Immigration Judge Shadee Star of Concord, CA (IJ) in September, November and
11 December of 2025. IJ issued her decision denying all of Mr. Tavurov's claims on December
12 15th, 2025.

13 20. Mr. Tavurov is currently appealing the IJ's 26 page-long decision to the BIA. He believes
14 the IJ made a wholly unfounded and biased decision, skewing the facts, and inexplicably
15 discounting abysmal human rights country conditions in both Tajikistan and Russia. Mr.
16 Tavurov was found to be credible by the IJ, yet she found a way to either minimize or
17 completely discount all of the supporting evidence produced by Mr. Tavurov and his family
18 members, thus allowing one of the findings that Mr. Tavurov did not meet his burden for
19 either asylum or withholding of removal. The IJ also twisted the country conditions
20 evidence and mischaracterized the actions of the totalitarian governments and the corrupt
21 government officials of both countries of Mr. Tavurov's citizenship.

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3 [REDACTED] Mr. Tavurov believes he
4 will prevail on appeal even if he has to go to the Ninth Circuit Court of Appeals.

5 22. Mr. Tavurov was born and raised in Tajikistan, however his father who himself fled
6 Tajikistan for Russia, obtained Mr. Tavurov's Russian citizenship there, though Mr.
7 Tavurov has never been to Russia himself.

8 23. Mr. Tavurov's father was also incredibly abusive both physically and emotionally to him
9 from a very young age. Ms. Tavurov's mother testified to that in a sworn declaration
10 submitted to the Court. As result of the trauma suffered at the hands of his father from
11 which his mother was powerless to protect him, and due to the fact that his parents could not
12 protect him from the abuse of the Tajik government officials, Mr. Tavurov was granted
13 Vulnerable Youth Guardianship by the Pierce County Superior Court. Mr. Tavurov was
14 then eligible to apply for Special Immigrant Juvenile Status (SIJS) which he submitted to
15 USCIS along with a predicate order signed by the same Pierce County Superior Court. His
16 SIJ status was approved on May 5th, 2025. *See Dzhamilova Decl., Ex. B.*

17 24. It had been a USCIS policy starting on March 2nd, 2022, to grant SIJ approved youth
18 deferred status, as such youth is not able to apply for adjustment of status solely due to
19 unavailable visas. *See Special Immigrant Juvenile Classification and Deferred Action*, PA-
20 2022-10, issued March 7, 2022. This policy which protects young immigrants from being
21 deported to their country of origin. At the time Mr. Tavurov's SIJS was approved USCIS
22 was not issuing deferred findings following a policy alert dated June 6th, 2025. *See Special*
23 *Immigrant Juvenile Classification and Deferred Action*, PA-2025-07. However, since then

on November 19th, 2025, U.S. District Court for the Eastern District of New York issued an order staying the government's rescission of the 2022 SUS Deferred Action Policy. See *A.C.R. et al. v. Norm et al.*, No.1:25-cv-3962. The court found that the Plaintiffs are likely to succeed on the merits of their claim that the policy reversal was unlawful for several reasons, including because the government did not consider reliance interests or alternatives to rescinding the policy. See Dzhamilova Decl., Ex. A. The court also ruled that, absent the stay, the Plaintiffs were likely to face irreparable harm because of the heightened risk of removal they would face without the protection of deferred action. *Id.* The court's decision provides the main relief sought: an order that blocks the rescission of the SUS Deferred Action Policy. *Id.* The decision means that the 2022 SUS Deferred Action Policy is back in effect and "the government must therefore conduct deferred-action and employment authorization adjudications pursuant to the 2022 Policy Alert." *Id.* The court also enjoined the government from removing the individual Plaintiffs during the pendency of the litigation. This means that Mr. Tavorov cannot be removed due to the fact that he has SUS status. *Id.*

25. Mr. Tavorov has now been detained for over 18 months despite being granted SUS and the court order reinstating deferred finding for the young people with his status.

26. Mr. Tavorov requested parole from his ICE officers explaining his SUS approval and verifying that he has family who will host him and provide for him in the US. Mr. Tavorov's older brother is residing in the State of New York, has an apartment where his brother can live with him, and has steady employment. Mr. Tavorov also provided documents of a US citizen, his brother's partner, who is also willing to host him, and who

has steady employment and can help Mr. Tavurov financially. Despite this request, Mr. Tavurov has not heard back from the ICE officials.

27. During his time in detention, Mr. Tavurov has not been provided a meaningful bond hearing before a neutral decision maker to determine whether his prolonged detention is justified based on danger or flight risk. Mr. Tavurov's counsel was able to schedule a bond hearing in front of a judge and submitted proof of his SIJS approval as well as documents verifying his sponsors' willingness and ability to provide him with room and board. The IJ refused to consider any of the evidence provided by Mr. Tavurov, instead only stating that he does not have jurisdiction to consider the bond request.

28. It should also be noted that Mr. Tavurov is not well psychologically. In the summer months of 2025, when his case was continued yet again, sadly he attempted to take his own life in more than one way. *See* Dzhamilova Decl., Ex. C. [REDACTED]

[REDACTED] *Id.* He was placed in monitored isolation, he was given some medical attention, and some anxiety medication. *Id.* Mr. Tavurov's attorney was able to arrange for a psychological evaluation which confirmed that he suffers from Major Depressive Disorder, Moderate, with Mood Congruent Psychotic Features and from Posttraumatic Stress Disorder. *See* Dzhamilova Decl., Ex. D. The evaluator found that Mr. Tavurov's mental health conditions are directly related to [REDACTED]

[REDACTED] *Id.* His mental health condition was exacerbated by physical abuse, threats, and torture he experienced [REDACTED]

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3 [REDACTED] Repeated Trauma culminated in the development of
4 Major Depressive Disorder and PTSD. *Id.*

5 29. Mr. Tavurov has not received proper or adequate medical care for his health conditions
6 while in the custody of Respondents. Mr. Tavurov needs long-term mental health treatment
7 including individual counseling and medication management to reduce symptoms of
8 depression and PTSD and improve his functioning. *Id.* His treatment efficacy will be
9 enhanced by family and community support. *Id.* He cannot get this level of treatment and
10 support in detention.

11 **LEGAL FRAMEWORK.**

12 30. "It is well established that the Fifth Amendment entitles noncitizens to due process of law in
13 deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v.*
14 *Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment – from government
15 custody, detention or other forms of physical restraint – lies at the heart of liberty" that the
16 Due Process clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

17 31. This fundamental due process protection applies to all noncitizens, including both
18 removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ([Both]
19 removal and inadmissible noncitizens are entitled to be free from detention that is arbitrary
20 or capricious.") It also protects noncitizens who have been ordered removed from the United
21 States and who face continuing detention, *Diouf v. Napolitano*, 634 F.3d 1081, 1086-87 (9th
22 Cir. 2011), as well as those noncitizens deemed arriving under the INA, *Jennings*, 138 S. Ct.
23 a 862 (Breyer, J., dissenting) (stating that arriving "noncitizens" enjoy due process

protections against prolonged detention because they are “held within the territory of the United States at an immigration detention facility” (citing *Wong Wing v. United States*, 163 U.S. 228, 238 (1896)); see also *Kwai Fun Wong v. United States*, 373 F.3d 952, 973-74 (9th Cir. 2004) (concluding that the “entry fiction” does not preclude substantive constitutional protection for noncitizens considered “arriving”).

32. Due process therefore requires that the government provide bond hearings to noncitizens facing prolonged detention. Indeed, “[t]he Due Process Clause foresees eligibility for bail as par of due process because [b]ail is basic to our system of law.” *Jennings*, 138 S. Ct at 862 (Breyer, J., dissenting) (internal quotations and citations omitted).

33. The Supreme Court has addressed several challenges to the immigration detention scheme I the last two decades. First, in *Zadvydas*, the Supreme Cour held that the government must demonstrate that a noncitizen’s removal is reasonably likely to occur if the noncitizen remains detained for six months after the removal period specified in 8 USC §1231(a)(6). 533 U.S. at 701. In doing so, the Court recognized a presumption that detention longer than six months following a noncitizen’s removal period violates that noncitizen’s due process right to liberty. *Id.*

34. Second, in *Demore* the Court upheld the mandatory detention of a noncitizen under 8 USC §1226(c) based on the petitioner’s concession of deportability and the Cour’s understanding that detention under §1226(c) is typically “brief.” *Demore*, 538 U.S. at 522 n.6, 528. Nevertheless, the Supreme Cour’s decision in *Demore* did no foreclose a noncitizen’s right

to challenge prolonged detention that does not provide protections that permit a noncitizen to challenge continued confinement.

35. Following *Zadvydas* and *Demore*, every circuit court of appeals to confront the issue found either that the INA or due process require a hearing or release for noncitizens subject to unreasonably prolonged detention pending removal proceedings. See, e.g., *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199 (11th Cir. 2016), *vacated as moot*, 890 F.3d 952 (11th Cir. 2018); *Reid v. Donelson*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2nd Cir. 2015); *Rodriguez v. Robbins (Rodriguez III)*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. Ice/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Humen*, 351 F.3d 263 (6th Cir. 2003).

36. Recently, the Supreme Court held that the Ninth Circuit erred by interpreting 8 U.S.C. §§1226(c) and 1225(b) to require bond hearings as a matter of statutory construction. *Jennings*, 128 S.Ct. at 842-48. Because the Ninth Circuit had not decided whether the Constitution itself required bond hearings in cases of prolonged detention, the Court remanded for the Ninth Circuit to address the issue. *Id.* at 851. The Court's majority opinion did not express any views on the constitutional question and left it to the lower courts to address the issue in the first instance.

37. Since the Supreme Court's *Jennings* decision, the Ninth Circuit has expressed "grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the

government's arbitrary deprivation of liberty would have thought so." *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018).

38. Due process thus requires "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zachrydas*, 533 U.S. at 690 (internal quotation marks omitted).

39. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

40. Thus, where the government detains a noncitizen for a prolonged period or where the noncitizen pursues a substantial defense to removal or claim of relief, due process requires an individualized hearing before a neutral decisionmaker to determine whether such a significant deprivation of liberty is reasonably related to its purpose. *Demore*, 538 U.S. at 532 (Kennedy, J., Concurring) (stating that an "individualized determination as to a noncitizen's risk of flight and dangerousness may be warranted if the continued detention became unreasonable or unjustified"); *cf. Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the "initial commitment" requires additional safeguards); *McNeil v. Dir., Puget Sound Inst.*, 407 U.S. 245, 249 (1972) (noting that "lesser safeguards may be appropriate for short term confinement"); *Hutto v. Finney*, 427 U.S. 678, 685-86 (1978).

(observing, in Eighth Amendment context, that “the length of confinement cannot be ignored in deciding whether a confinement meets constitutional standards”).

41. At a minimum, detention without a bond hearing is unconstitutional when it exceeds six months. *See Demore*, 538 U.S. at 529-30 (upholding only “brief” detentions under 8 U.S.C. §1226(c) that last “roughly a month and a half in the vast majority of cases... and about five months in the minority of cases in which the alien chooses to appeal”); *Zadvydas*, 533 U.S. at 701 (“Congress previously doubted the constitutionality of detention for more than six months.”)

42. The recognition that six months constitutes a substantial period of confinement – after which additional process is required to support continued detention – is deeply rooted in our legal tradition. With only a few exceptions, “in the late 18th century in America crimes triable without a jury were for the most part punishable by no more than a six-month prison term” *Duncan v. Louisiana*, 391 U.S. 145, 161 & n.34 (1968). Consistent with this tradition, the Supreme Court found six months to be the limit of confinement for a criminal offense that a federal court may impose without the protection afforded by a jury trial. *Cheff v. Schmuckenberg*, 384 U.S. 373, 380 (1966) (plurality opinion). The Court has also looked to six months as a benchmark in other context involving civil detention. *See McNeil*, 407 U.S. at 249, 250-52 (recognizing six months as an outer limit for confinement without individualized inquiry for civil confinement).

43. While due process may not require bond hearing after six months in every case, at a minimum, due process demands a bond hearing after detention has become unreasonably

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3 prolonged. *See Diop*, 656 F.3d at 234. Courts that apply a reasonableness test have
4 considered three main factors in determining whether prolonged detention is reasonable.
5 First, courts have evaluated whether the noncitizen has raised a “good faith” challenge to
6 removal – that is, the challenge is “legitimately raised” and presents “real issues.” *Chavez-*
7 *Alvarez v. Warden York Cty. Prison*, 783 F.3d 469 (3rd Cir. 2015). Second, reasonableness
8 is a “function of the length of the detention,” with detention presumptively unreasonable if it
9 lasts six months to a year.” *Id.* at 477-78; *accord Sopo*, 825 F.3d at 1217-18. In assessing the
10 length of detention, delay attributable to the government weighs against finding the
11 detention reasonable. *Sopo*, 835 F.3d at 1218. Third, courts consider the likelihood that
12 detention will continue pending future proceedings. *Chavez-Alvarez*, 783 at 478 (finding
13 detention unreasonable after nine months of detention, when the parties could “have
14 reasonably predicted that Chavez-Alvarez’ appeal would take a substantial amount of time,
15 making his already lengthy detention considerably longer”); *Sopo*, 825 F.3d at 128; *Reid*,
16 819 F.3d at 500.

17 44. Due process also requires certain minimal bond hearing procedures. First, the government
18 must bear the burden of proof by clear and convincing evidence to justify continued
19 detention. Second, the decisionmaker must consider available alternatives to detention.
20 Finally, if the government cannot meet its burden, a decisionmaker must assess a
21 noncitizen’s ability to pay a bond when determining the appropriate conditions of release.

22 45. To justify prolonged immigration detention, the government must bear the burden of proof
23 by clear and convincing evidence that the noncitizen is a danger or flight risk. *See Singh v.*

Holder, 638 F.3d 1196, 1205 (9th Cir. 2011). The same is true for other contexts in which the Supreme Court has permitted civil detention; in those cases, the Court has relied on the fact that the government bore the burden of proof at least by clear and convincing evidence. See *United States v. Salerno*, 481 U.S. 739, 750, 752 (1987) (upholding the pre-trial detention where the detainee was afforded a “full-blown adversary hearing,” requiring “clear and convincing evidence” before a “neutral decisionmaker”); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (striking down civil detention scheme that placed burden on the detainee); *Zadvydas*, 533 U.S. at 692 (finding post-final order custody review procedures deficient because, *inter alia*, they placed burden on detainees).

46. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the here-factor balancing test from *Mathews v. Elbridge*, 424 U.S. 319, 335 (1976).

47. First, prolonged incarceration deprives noncitizens of a “profound” liberty interest — one that always requires some form of procedural protections. *Dionf*, 634 F.3d at 1091-92; see also *Foucha*, 504 U.S. at 80 (“It is clear that commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection.” (citation omitted)).

48. Second, placing the burden on the government imposes minimal cost or inconvenience, as the government has access to the noncitizen’s immigration records and other information that it can use to make its case for continued detention.

49. In light of these considerations, “[t]he overwhelming majority of courts to consider the question.... have concluded that imposing a clear and convincing standard would be most

consistent with due process.” *Martinez v. Decker*, No. 18-CV-6427 (JMF), 2018 WL 5023946, at *5 (S.D.N.Y. Oct 17, 2018) (internal quotation marks omitted).

50. Due process also requires certain minimal bond hearing procedures. First, the government must bear the burden of proof by clear and convincing evidence to justify continued detention. Second, the decisionmaker must consider available alternatives to detention. Finally, if the government cannot meet its burden, a decisionmaker must assess a citizen’s ability to pay a bond when determining the appropriate conditions of release.

51. Due process also requires that a neutral decisionmaker consider alternatives to detention. A primary purpose of immigration detention is to ensure a noncitizen’s appearance during removal proceedings. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). ICE’s alternatives to detention program – the Intensive Supervision Appearance Program (ISAP) – has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *See Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings”). It follows that alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

52. Due process likewise requires consideration of a noncitizen’s ability to pay a bond. “Detention of an indigent ‘for inability to post money bail’ is impermissible if the individual’s ‘appearance at trial could reasonably be assured by one of the alternate forms of

release.” *Id.* at 990 (quoting *Pugh v. Rainwater*, 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). As a result, in determining the appropriate conditions of release for immigration detainees, due process requires “consideration of financial circumstances and alternative conditions of release” to prevent against detention based on poverty. *Id.*

53. Evidence about immigration detention and the adjudication of removal cases provide further support for the due process right to a bond hearing in cases of prolonged detention.

54. Each year, thousands of noncitizens are incarcerated for lengthy periods pending the resolution of their removal proceedings. See *Jennings*, 138 S. Ct. at 860 (Breyer, J., dissenting). Among a class of immigration detainees in the Central District of California held for at least six months (the “*Rodriguez*” class”), the average length of detention was over a year, with many people held far longer. *Id.* In numerous cases, Respondents detain noncitizens for year until those noncitizens win their immigration cases. *Id.* (identifying cases of noncitizens detained for 813, 608, and 561 days until winning their cases). For noncitizens who have some criminal history, their immigration detention often dwarfs the time spent in criminal custody, if any. *Id.* (noting that “between one-half and two-thirds of the class served sentences less than six months”).

55. Noncitizens are detained for lengthy periods because they pursue meritorious claims. Among the *Rodriguez* class, two-thirds of asylum seekers subject to detention under §1225 – like Mr. Tavunov – won asylum. See *id.* Detained noncitizens are able to succeed at these dramatically high rates despite the challenges of litigating in detention, particularly for the majority of detainees who lack counsel. See Ingrid v. Engly & Steven Shafer, *A National*

Study of Access to Counsel in Immigration Court, 164 U. Pa. L. Rev. 1, 36 (2015) (reporting government data showing that 86% of immigration detainees lack counsel).

56. Immigration detainees face severe hardships while incarcerated. Immigration detainees are held in lock-down facilities, with limited freedom of movement and access to their families: “the circumstances of their detention are similar, so far as we can tell, to those in many prisons and jails.” *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting); *accord Chavez-Alvarez*, 783 F.3d at 478; *Ngo v. INS*, 192 F. 3d 390, 397-98 (3rd Cir. 1999); *Sopo*, 825 F.3d a 1218, 1221. “And in some cases[,] the conditions of their confinement are inappropriately poor.” *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting) (citing Dept. of Homeland Security (DHS), Office of Inspector General (OIG), *DHS OIG Inspection Cites Concerns With Detainee Treatment and Care at ICE Detention Facilities* (2017) (reporting instances of invasive procedures, substandard care and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene products, and, in the case of one detainee, a multiday lock down for sharing a cup of coffee with another detainee)).

57. These conditions and obstacles only further underscore the serious due process concerns that prolonged immigration detention pose for noncitizen like Mr. Tavurov, and reflect the need for a decision before a neutral decisionmaker regarding continued detention.

IRREPARABLE INJURY

58. Petitioner continues to suffer untreated psychological effects from the compounded trauma of his childhood abuse, then torture by the Tajik authorities, and now having been

imprisoned by the authorities of the country where he came to seek refuge for over 18 months.

59. These harms are immediate and irreparable. No later hearing or administrative process can undo the physical damage caused by delayed medical care or the psychological trauma inflicted on Petitioner, especially in light of the crises he has suffered culminating in the attempts to take his own life.

60. Because these injuries cannot be remedied by monetary damages or future proceedings, immediate habeas relief is necessary to prevent ongoing constitutional violations.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

61. Mr. Tavorov re-alleges and incorporates by reference the paragraphs above.

62. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend V.

63. Mr. Tavorov's detention- which has lasted for well over a year- constitutes prolonged detention.

64. To justify Mr. Tavorov's ongoing prolonged detention, due process requires that the government establish, at an individualized hearing before a neutral decisionmaker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, even after considering whether alternatives to detention could sufficiently mitigate that risk.

65. For these reasons, Mr. Tavorov's ongoing prolonged detention without a hearing violates the Due Process Clause of the Fifth Amendment.

SECOND CLAIM FOR RELIEF

Violation of Eighth Amendment Right to Bail

66. Mr. Tavorov re-alleges and incorporates by reference the paragraphs above.

67. The Eighth Amendment prohibits "[e]xcessive bail." U.S. Const. amend. VIII.

68. The government's categorical denial of bail to certain noncitizens violates the right to bail encompassed by the Eighth Amendment.

69. For these reasons, Mr. Tavorov's ongoing prolonged detention without a bond hearing violates the Eighth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- c. Issue a writ of habeas corpus and order his immediate release from ICE custody at the Northwest ICE Processing Detention Center in Tacoma, Washington.
- d. Issue an injunction preventing the transfer of the petitioner from the Tacoma detention facility, to ensure that petitioner's access to counsel, evidence, and due process rights are not impaired.

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- 2
- 3 e. Issue a Writ of Habeas Corpus; hold a hearing before this Court if warranted;
- 4 determine that Mr. Tavurov's detention is not justified because the government
- 5 has not established by clear and convincing evidence that Mr. Tavurov presents a
- 6 risk of flight or danger in light of available alternatives to detention; and order
- 7 Mr. Tavurov's release, with appropriate conditions of supervision if necessary,
- 8 taking into account Mr. Tavurov's ability to pay a bond;
- 9 f. In the alternative, issue a Writ of Habeas Corpus and order Mr. Tavurov's release
- 10 within 30 days unless Defendants schedule a hearing before an immigration judge
- 11 where: (1) to continue detention, the government must establish by clear and
- 12 convincing evidence that Petitioner presents a risk of flight or danger, even after
- 13 consideration of alternatives to detention that could mitigate any risk that
- 14 Petitioner's release would present; and (2) if the government cannot meet its
- 15 burden, the immigration judge order Mr. Tavurov's release on appropriate
- 16 conditions of supervision, taking into account Mr. Tavurov's ability to pay a
- 17 bond;
- 18 g. Issue a declaration that Petitioner's ongoing prolonged detention violates the Due
- 19 Process Clause of the Fifth Amendment and the Eighth Amendment;
- 20 h. Award Petitioner's attorney's fees and costs under the Equal Access to Justice act
- 21 ("EAJA"), as amended, 5 U.S.C. §504 and 28 U.S.C. §2412, and on any other
- 22 basis justified under law; and
- 23 i. Grant any other and further relief that this Court deems just and proper.
- 24

Dated this 14th day of January of 2026.

Dated: 01/14/2026

s/ Marina Dzhamilova

Shoreline, WA

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Petition for Writ of Habeas Corpus and
Complaint for Declaratory and Injunctive
Relief-23

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