

District Judge Theresa L Fricke

**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; , Seattle District Field
LAURA HERMOSILLO, Acting Seattle
Office Director of Detention Removal
Operations, Immigration and Customs
Enforcement; BRUCE SCOTT, Warden,
Northwest Ice Processing Center

Respondents.

Case No. 2:26-cv-00138-TLF

Agency No. A 

PETITIONER'S REPLY

FACTUAL BACKGROUND CLARIFICATIONS.

1. Petitioner Shukrullo Tavurov, by and through his undersigned counsel, is presently replying to the Federal Respondents' Return.

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

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2. Petitioner would like to clarify some facts listed in the Respondent's document. Respondents correctly stated that on or about November 17th, 2025, Immigration Judge John C. Odell of Tacoma EOIR denied Petitioner's request for reconsideration of his bond request. However, the Respondents did not mention the changed circumstances alleged by the Petitioner. These changed circumstances allegation had to do with requesting that the IJ take into consideration Mr. Tavurov's SIIS approval, dated May 7th, 2024, and made arguments that the grant should be considered as a parole of Mr. Tavurov into the US. The IJ denied that request as well. It is curious that the Federal Respondents do not mention Petitioner's approved SIIS at all in their response or legal arguments.

LEGAL FRAMEWORK ARGUMENTS.

3. Petitioner disagrees with Respondents' argument regarding conditions of his detention in the discussion of prolonged detention under *Banda*. Respondents claim that conditions at the NWIPC do not resemble penal confinement especially in light of the fact that Petitioner has not alleged specific conditions of any such "penal confinement." *Federal Respondents' Return*, at 8. In reply to this assertion Petitioner is providing this Court with a sworn statement outlining some of the conditions he has experienced while detained at NWIPC. See *Exhibit 1*, Sworn Declaration of Shukrullo Tavurov Regarding Conditions of His Detention at Northwest ICE Processing Center. Petitioner's account contains specific descriptions showing that his entire existence at the facility is exactly like being in a prison: he is forced to sleep with a large number of people in the same room, he is not able to sleep

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3 in a quite dark place, he is not able to go outside when he wants to, even the time he
4 detainees should be allotted to go outside to breathe fresh air is often denied to them for
5 unknown reasons, he has not been getting adequate meals and nutrition, he has not been able
6 to practice his religion, he has not been able to obtain books to read in his own language, he
7 has not had access to education. See *Id.* Most importantly, he has not received adequate
8 medical care in light of his documented diagnosis of PTSD and Depression, especially in
9 light of [REDACTED]

10 [REDACTED]
11 chamber rather than anything else. See *Id.* Taking all of the Petitioner's allegations in
12 addition to the argument in his original petition for habeas corpus along with the submitted
13 exhibits, it is preposterous that the Respondents are even attempting to argue that anyone's
14 presence at the NWIPC, much less for someone suffering from severe mental health issues
15 such as the Petitioner in the present case, can resemble anything but a penal confinement.

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17 4. Petitioner also disagrees with Respondents' argument regarding the likelihood that removal
18 proceedings will result in final order of removal. The factors in Petitioner's case are not
19 neutral regarding this issue due to the fact that Petitioner's asylum denial appeal is pending.
20 In coming to this conclusion, Respondents' have curiously failed to address Petitioner's SIJ
21 status and his argument regarding the current status of the deferred action litigation. In
22 addition to Petitioner's arguments in his original brief, this Court should note the most
23 recent developments in the *A.C.R. et al., v. Noem*, 25-cv-3962 (US District Court Eastern

District of NY). On January 14th, 2026, US District Court Judge Eric Komitee entered a new order holding the following " Plaintiffs' motion for reconsideration is denied. During the pendency of this litigation, USCIS must abide by the 2022 Policy Alert. **Except as to the *Accardi* subclass**, USCIS is not bound by those portions of the Prior Policy Manual that go further, including the requirement that adjudicating officers treat SIJ status as a "strong factor that weighs heavily in favor of granting deferred action." *Exhibit 2*, Copy of the Order dated 01/14/2026 in *A.C.R., et. al, v Noem* (emphasis added). The *Accardi* subclass are "All individuals whose SIJS petitions were approved on or after April 7, 2025 and on or before June 5, 2025, and who were not considered for deferred action based on SIJS because of Defendants' sub silentio April 7, 2025 rescission of the 2022 Policy." *Exhibit 3*, Reply Memorandum of Law in Support of Individual Plaintiffs' Motion for Class Certification in *A.C.R. et al. v. Noem et al.*, No.1:25-cv-3962. Petitioner's SIIS approval notice is dated 05/07/2025, which makes him an *Accardi* subclass member, which in turn means that he is presently entitled to deferred action grant. Petitioner has now submitted a request to USCIS for grant of deferred status based on his approved SIJS classification, Form G-325A, even though USCIS has already been directed to reissue the approval notices with deferred action grants, due to the ongoing litigation, and has failed to do so. *Exhibit 4*, Copy of Mr. Tavurov's Form G-325A Submission to USCIS Along with Mailing Receipt.

5. Petitioner also argues that the delays in his proceedings that Respondents describe as having been caused by him, were not caused by him, but by the fact that he has remained detained while forced to prepare his complex asylum case, communicate with attorneys,

communicate with members of his family in a country on the other side of the world in order to obtain witness statements and documentary evidence. Even though, the continuances were, in fact, requested by Petitioner's counsel, neither Petitioner nor his attorneys should be blamed for the difficulties of properly preparing for an individual asylum hearing for a detained client where witnesses located in other parts of the world, an expert witness on country conditions, and a forensic medical evaluation were involved.

6. The *Banda* factors in light of the above arguments and submitted evidence, weigh in Petitioner's favor. He has now been detained by DHS for 641 days as of today. His removal is not foreseeable due to the pending appeal and also due to the fact that he has, de facto, been granted deferred status based on his approved SIJ status via recent federal litigation, and he is, in fact, protected by law from being removed. Conditions of his detention have been deplorable as he has been prevented from sleeping properly, he has been denied the right to practice his religion, he has not been properly fed, he has not been given access to book or education, and he has not been given anywhere near adequate medical care since he was essentially placed in isolation following his attempts to end his life.

The Court should take Petitioner's most recent arguments and evidence into consideration in granting his requested relief.

Dated: February 3rd, 2026.

s/ Marina Dzhamilova

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Reply in Writ of Habeas Corpus and
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