

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. A2



**PETITIONER'S REPORT AFTER
BOND HEARING/
RENEWED REQUEST FOR HABEAS
CORPUS RELIEF**

I. Introduction and Requested Relief.

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

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Petitioner Shukrullo Tavurov, having received a bond hearing on February 12, 2026, pursuant to this Court's Order dated February 6, 2026, now moves for immediate release from custody. This filing is not an appeal of the Immigration Judge's (IJ) discretionary weighing of evidence or a request for this Court to substitute its judgment for that of the agency. Rather, Petitioner challenges the legality of his continued detention because the bond proceedings failed to comport with the fundamental requirements of due process and the specific procedural mandates set forth by this Court.

The February 12 hearing was procedurally inadequate due to the IJ's failure to apply the correct legal standard, the absence of a functional contemporaneous record, and the failure to provide a meaningful individualized determination.

Mr. Tavurov was present in person at the detention facility court room. His undersigned counsel was present over Webex from a hospital waiting room as she had her minor child's surgery scheduled for the same day. IJ Odell denied Mr. Tavurov's bond request holding that Mr. Tavurov presents an extreme flight risk and held that the Government proved that fact by clear and convincing evidence.

Because Petitioner's continued detention now rests upon a constitutionally infirm process, his custody is unlawful. Consequently, this Court should exercise its authority under 28 U.S.C. § 2243 to grant habeas relief and order Petitioner's immediate release subject to reasonable conditions of supervision.

II. The Bond Proceedings Violated Due Process

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Relief--2

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Petitioner has been in immigration custody for over 21 months, having been detained since May 3, 2024. The bond hearing on February 12, 2026, was procedurally and constitutionally deficient in three critical respects:

1. Failure to Maintain a Functional Contemporaneous Record. This Court expressly required that a contemporaneous record of the bond hearing be maintained. Although an audio recording was created, it is functionally deficient because Petitioner's counsel's participation is largely inaudible, rendering her arguments and objections undetectable in the record. A record that fails to capture counsel's participation does not permit meaningful review of whether the Government satisfied its burden or whether the IJ applied the correct legal standard. Under these circumstances, the record does not satisfy the procedural protections contemplated by this Court's Order or the due process principles articulated in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011). See also *Garcia v. Hyde*, No. 25-CV-585-JJM-PAS, 2025 WL 3466312, at *7 (D.R.I. Dec. 3, 2025) (explaining that the relevant inquiry is whether the evidence relied upon at the bond hearing could, as a matter of law, justify continued detention).

2. Improper Burden Allocation and Misapplication of the Legal Standard. While the IJ stated he was applying the "clear and convincing" standard, he failed to hold the Government to that burden as defined by *Singh*. The Government's sole evidence of flight risk was the existence of a final administrative removal order. The Ninth Circuit has held that the mere fact of a removal order, a condition common to many detainees in the *Casas* bond hearings, is insufficient as a matter of law to satisfy the clear and convincing

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3 evidence standard for flight risk. By relying on this singular, insufficient fact, the IJ
4 committed a clear error of law that deprived the hearing of its required constitutional rigor.

5 **3. Failure to Provide a Meaningful Individualized Determination.** Due process
6 requires that the IJ consider the specific circumstances of the detainee, including
7 alternatives to detention. Petitioner presented evidence that he has a brother who resides in
8 the US, who has a work permit and an apartment rental where Petitioner can reside with
9 him. *Exhibit 1*, Copy of the Bond Redetermination Request Materials Submitted in
10 Support of the Bond Hearing on 02/12/2026, at 262-264. Among the submitted documents
11 was also a signed statement by the Petitioner's brother verifying that he is ready to help
12 Petitioner find medical and psychological help. *Id.*, at 205. In addition, Petitioner
13 presented evidence from a US citizen, his brother's friend, verifying that in the alternative,
14 he can reside with this friend, along with proof of the friend's income and a verified place
15 of residence. *Id.*, at 234- 258. Petitioner raised the issue of the lack of proper medical
16 treatment of his severe mental health issues which were exacerbated in detention.
17 However, the IJ brushed aside these arguments and failed to make any specific ruling on
18 how these factors, or alternatives to detention, impacted the flight risk determination. This
19 failure to engage with the record constitutes a denial of the individualized determination
20 required by the Fifth Amendment.

21 **III. Continued Detention Is Therefore Unlawful Under the Constitution**
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23 The "heart of the liberty" protected by the Due Process Clause is the right to be
24 free from physical restraint. Once this Court determined that Petitioner's mandatory

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detention was no longer authorized without a bond hearing, the legality of his continued custody became contingent upon a constitutionally adequate process.

The hearing provided to Petitioner was not a mere exercise in discretion; it was a failed attempt to satisfy a constitutional mandate. Because the hearing was pervaded by procedural defects, including the lack of a valid record and the use of a legally insufficient evidentiary basis, it failed to provide the "meaningful review" required to justify continued imprisonment. When detention is based on an unconstitutional process, the detention itself becomes arbitrary and lawless.

IV. Immediate Release Is the Appropriate Habeas Remedy

Federal courts maintain "a fair amount of flexibility" in granting habeas relief to ensure that "miscarriages of justice... are surfaced and corrected". *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005). Under 28 U.S.C. § 2243, this Court has the authority to "dispose of the matter as law and justice require".

Any appeal of the bond denial to the Board of Immigration Appeals would be futile because the defect at issue is constitutional in nature rather than discretionary. *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT (W.D. Wash. Jan. 30, 2026). Here, the defect alleged by Petitioner is constitutional in nature, and it is unlikely that appeal to the BIA will permit the agency to correct a factual or evidentiary oversight by the IJ. *Id.* As recognized by this Court, habeas jurisdiction remains available where a petitioner

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3 challenges whether the bond proceedings themselves complied with due process, as such
4 claims fall outside the statutory bar on review of discretionary bond decisions.

5 In this District, when a bond hearing is found to be constitutionally deficient,
6 immediate release subject to reasonable conditions of supervision is an appropriate and
7 necessary remedy. See *Garcia v. Hyde*, No. 25-CV-585-JJM-PAS, 2025 WL 3466312, at
8 *11 (D.R.I. Dec. 3, 2025); see also *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT (W.D.
9 Wash. Jan. 30, 2026) ([the IJ] relied on [an inactive] arrest warrant in making [the] flight
10 risk determination, despite there being ‘no outstanding warrant for his arrest.’). Further
11 remand to the immigration court would only result in additional irreparable harm to
12 Petitioner, whose mental health continues to deteriorate in an environment this Court has
13 already found to be "similar to penal confinement".

14 Requiring Petitioner to pursue administrative exhaustion would cause irreparable
15 harm because he would be deprived of a meaningful opportunity to obtain release while
16 awaiting BIA review of the Immigration Judge’s decision. *Rodriguez v. Bostock*, 779 F.
17 Supp. 3d 1239, 1251 (W.D. Wash. 2025). Courts in this District have recognized that bond
18 appeals before the BIA commonly take many months to resolve, with average processing
19 times exceeding 200 days, and that continued detention during that period renders
20 administrative remedies ineffective in practice. *Id.* at 1248– 49. For this reason, courts
21 within this Circuit regularly excuse prudential exhaustion where noncitizens face
22 prolonged detention while administrative review remains pending. *Id.* at 1253–54
23 (collecting cases). Finally, Petitioner has also submitted evidence specific to his
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individual circumstances which, although not an independent ground for relief, further supports the conclusion that continued detention during a potentially months long BIA appeal would expose him to ongoing irreparable harm. See *Exhibit 1*, Copy of the Bond Redetermination Request Materials Submitted in Support of the Bond Hearing on 02/12/2026. The record reflects continuing medical needs, and courts have recognized that immigration detention itself may impose significant harms, including inadequate medical and mental health care, that weigh against requiring exhaustion under these circumstances. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017) (recognizing irreparable harms imposed on individuals in immigration detention, including “subpar medical and psychiatric care in ICE detention facilities”).

Consistent with the scope of relief contemplated in the Court’s February 6 Order, and given the Respondents’ failure to provide a lawful hearing, Petitioner respectfully requests that this Court order his immediate release from the Northwest Ice Processing Center.

Dated: February 16th, 2026.

s/ Marina Dzhamilova

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CERTIFICATE OF WORD COUNT

I hereby certify that the foregoing report contains 1616 words, excluding the caption, tables of contents, table of exhibits, signature block, and any exhibits attached.

Executed this 16th day of February, 2026.

s/ Marina Dzhamilova

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