UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

Akzhol Ganiev Petitioner v. Phillip Valdez, WARDEN, EDEN DETENTION CENTER; Joshua Johnson, DIRECTOR, ICE DALLAS FIELD OFFICE DIRECTOR; Todd M. Lyons, ACTING DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, Kristi Noem, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; Pam Bondi, ATTORNEY GENERAL OF THE UNITED STATES Respondents.	CASE NO. 6:26-cv-21 Hon. **PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR RELEASE FROM DETENTION** **Expedited Hearing Requested**

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

NOW COMES Petitioner Akzhol Ganiev ("Petitioner"), by and through undersigned counsel, to challenge his unlawful detention based on a legal fiction.

1

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

Petitioner is not an individual seeking admission at the border today; he was inspected and paroled into the United States nearly three years ago. Yet Respondents have detained him under 8 U.S.C. § 1225(b) as if he were an "arriving alien," ignoring his established residence in Illinois and his compliance with the terms of his parole. Petitioner submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to correct this statutory error and to compel the individualized bond hearing to which he is entitled under 8 U.S.C. § 1226(a).

I. INTRODUCTION

1. Petitioner Akzhol Ganiev sought safety in the United States through lawful channels rather than evading detection. On May 16, 2022, he presented himself for inspection at a port of entry pursuant to a scheduled CBP One humanitarian parole appointment.
2. Upon arrival, he was inspected by U.S. Customs and Border Protection and lawfully paroled into the United States under INA § 212(d)(5), with a Form I-94 authorizing his stay through May 14, 2024.
3. Since his lawful entry, Petitioner has established meaningful ties to the United States. Until his detention, he diligently complied with all legal requirements while awaiting his day in court. He timely filed an application for asylum with U.S. Citizenship and Immigration Services and was granted employment authorization. With a valid work permit, he obtained a commercial driver's license and worked lawfully as a truck driver, paying taxes and maintaining a fixed residence in Illinois.
4. Petitioner's removal proceedings were properly docketed with the Kansas City

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

Immigration Court under EOIR Case No. [redacted]. He had no history of failing to appear and fully intended to pursue his asylum claim before the Immigration Judge. During this period, his asylum application and extensive supporting evidence were timely submitted to the Immigration Court through counsel.

5. However, Petitioner was abruptly prevented from continuing his lawful life in the community. On September 23, 2025, Petitioner was detained by Immigration and Customs Enforcement without any judicial warrant. This arrest occurred in the interior of the United States, far from the border, yet Respondents have detained him as if he were an "arriving alien."

6. Following his arrest, Petitioner was transported across state lines, removed from his community in the Midwest, and ultimately transferred to the Eden Detention Center. As a result, venue for his removal proceedings was transferred to the Conroe Immigration Court.

7. Petitioner is currently scheduled for an Individual Hearing on March 4, 2026. Despite the imminent nature of this hearing and his lack of criminal history, he remains detained without bond.

8. The basis for this continued detention is a misapplication of the statute. Although Petitioner was inspected, paroled, and released into the interior years ago, ICE is detaining him under 8 U.S.C. § 1225(b). By classifying a resident paroled noncitizen as an "applicant for admission" seeking entry at the border, Respondents have categorically denied him the opportunity for a bond hearing. This detention does not stem from a border encounter; it stems from the

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

arrest of a father living and working in the United States while awaiting his scheduled day in court.

9. Respondents' invocation of 8 U.S.C. § 1225(b) rests on a fundamental legal error. That statute is textually and structurally limited to noncitizens seeking admission at the border or apprehended immediately upon entry. It does not grant DHS the authority to reach into the interior of the country and retroactively apply mandatory detention to an individual who was inspected, paroled, and released years earlier. Petitioner's arrest did not occur at the border; it occurred in the heart of the United States, while he was residing and working lawfully. By treating a long-time resident parolee as an "arriving alien" standing at the threshold of entry, Respondents are relying on a legal fiction to deny Petitioner his statutory right to a bond hearing.

10. In Matter of Q. Li, 28 I. & N. Dec. 396 (BIA 2022), the Board of Immigration Appeals held that Immigration Judges lack bond jurisdiction where the Department of Homeland Security classifies a noncitizen's detention as arising under 8 U.S.C. § 1225(b). Nothing in Matter of Q. Li purports to resolve whether § 1225(b) lawfully applies to noncitizens who were inspected, paroled into the United States, released into the interior, and later arrested by ICE. Nevertheless, as applied in practice, Matter of Q. Li has resulted in Immigration Judges declining to exercise bond jurisdiction once DHS invokes § 1225(b), without adjudicating whether that detention provision properly governs the circumstances of such interior arrests. As a result, the application of Matter of Q. Li in this context operates to foreclose any meaningful administrative forum for Petitioner to challenge the

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

statutory basis of his detention.

11. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice of instead applying 8 U.S.C. 1226(a), which allows for release on conditional parole or allows for an IJ to consider bond requests or make bond redeterminations.

12. Because Petitioner was paroled into the United States and was awaiting immigration court proceedings at the time of his arrest, his detention is governed, if at all, by 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole and requires an individualized custody determination. ICE's refusal to provide such process violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

13. Petitioner has not been afforded an individualized custody determination or the opportunity to seek release on bond. Because DHS's asserted detention framework forecloses bond jurisdiction as a matter of nationwide administrative practice, Petitioner lacks any meaningful administrative forum in which to challenge the legality of his detention.

14. Petitioner respectfully requests that this Court find his detention unlawful under 8 U.S.C. § 1225(b) and order his release, or in the alternative, direct that he be placed into standard removal proceedings under 8 U.S.C. § 1229a, consistent with the due process principles established in Zadvydas v. Davis, 533 U.S. 678 (2001), and Landon v. Plasencia, 459 U.S. 21 (1982), and require that Petitioner be released unless Respondents provide Petitioner an

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

immigration bond hearing under 8 U.S.C. 1226(a) within seven days.

II. PARTIES

15. Petitioner is a native and citizen of Kyrgyzstan who resided at 7560 N Waukegan Rd, Apt 1E, Niles, Illinois 60714, prior to his detention. He was issued a Form I-94 documenting his parole and authorization to remain in the United States.

16. Respondents are the federal officials responsible for Petitioner's custody and the enforcement of the immigration detention laws, including: Phillip Valdez, Warden of the Eden Detention Center; Joshua Johnson, Dallas Field Office Director; Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement; Kristi Noem, Secretary of the Department of Homeland Security; and Pam Bondi, Attorney General of the United States.

III. JURISDICTION

17. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to individuals who are "in custody in violation of the Constitution or laws or treaties of the United States."

18. Petitioner is currently detained within this District at the Eden Detention Center, located at 702 E Broadway St, Eden, TX 76837, and therefore, jurisdiction is proper in this Court. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) (a habeas petition must be filed in the district of confinement and name the immediate custodian).

19. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., as

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No 104-208, 110 Stat. 1570. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition, and under 28 U.S.C. § 1331 because this action arises under federal law, including the INA, 8 U.S.C. § 1101, et seq., and the Administrative Procedure Act, 5 U.S.C. § 551, et seq. In sum, this Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

20. This Court may 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.

21. Congress has stripped district courts of habeas jurisdiction in certain immigration-related contexts, including through provisions such as 8 U.S.C. § 1252. Those jurisdiction-stripping provisions, however, are inapplicable here. Although Congress possesses the authority to limit habeas jurisdiction, that authority is subject to strict construction. See Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482–83 (1999) (explaining that jurisdiction-stripping provisions should not be read expansively to encompass claims beyond those expressly identified). See also Jennings v. Rodriguez, 138 S. Ct. 830, 840–41 (2018) (noting that courts have historically declined to apply overly literal readings to broad statutory language when construing the scope of immigration statutes). Because the vast majority of jurisdiction-stripping provisions do not expressly

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

reference challenges to immigration detention, they do not deprive this Court of habeas jurisdiction over Petitioner's detention-based claims.

22. Consistent with that principle, the Supreme Court has made clear that habeas jurisdiction under 28 U.S.C. § 2241 remains available for statutory and constitutional challenges to immigration detention unless Congress has spoken with unmistakable clarity to eliminate such review. See INS v. St. Cyr, 533 U.S. 289, 305–14 (2001). The jurisdiction-stripping provisions set forth in 8 U.S.C. § 1252(a)(2) are limited in scope and address discrete categories of review, such as challenges to expedited removal orders or certain forms of discretionary relief. Those provisions do not purport to eliminate habeas jurisdiction over claims challenging the legality of immigration detention itself. Accordingly, where a petitioner challenges the statutory and constitutional basis of his continued detention—rather than the merits of a removal order—§ 1252(a)(2) does not deprive this Court of jurisdiction to entertain a petition for habeas corpus.

23. Section 1226(e) limits judicial review of discretionary judgments regarding the detention or release of noncitizens. That provision, however, does not bar habeas review of statutory or constitutional challenges to the legality of detention itself. See Jennings v. Rodriguez, 138 S. Ct. 830, 841 (2018) (explaining that § 1226(e) does not preclude challenges to the statutory framework governing detention). Accordingly, where a petitioner contests whether the government is detaining him under a lawful statutory authority, § 1226(e) does not deprive this Court of habeas jurisdiction.

24. The inapplicability of 8 U.S.C. § 1226(e) to habeas

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

challenges is confirmed by the statutory history of the INA. Prior to the Supreme Court's decision in INS v. St. Cyr, the INA's jurisdiction-stripping provisions did not specifically reference habeas corpus. See, e.g., 8 U.S.C. § 1252(a)(2)(A) (no express reference to habeas corpus). The Supreme Court explained that, absent a clear statement from Congress, statutory and constitutional challenges remained cognizable in habeas corpus proceedings. See INS v. St. Cyr, 533 U.S. 289, 312–13 (2001).

25. At that time, Congress did not amend 8 U.S.C. § 1226(e) to include any reference to habeas corpus, and it has not done so since. Compare, for example, 8 U.S.C. § 1252(a)(2)(A) (2005), which expressly references habeas corpus, with 8 U.S.C. § 1226(e) (2005) and 8 U.S.C. § 1226(e) (2020), both of which contain no reference to habeas corpus. This statutory contrast supports the conclusion that Congress did not intend § 1226(e) to eliminate habeas review. See also H.R. Rep. No. 109-72, at 175 (2005) (explaining that the amendments were designed to eliminate habeas review over challenges to removal orders, while preserving habeas review over challenges to detention independent of removal orders).

26. Canons of statutory construction support that conclusion. Courts presume that when Congress amends a statute, the amendment is intended to have meaningful effect. See Stone v. INS, 514 U.S. 386, 397 (1995) (citing Reiter v. Sonotone Corp., 442 U.S. 330, 339 (1979), and Moskal v. United States, 498 U.S. 103, 109–11 (1990)). By contrast, where Congress elects not to amend a statutory provision while amending related provisions, that choice supports the inference that no change was intended. Accordingly, Congress's decision to leave 8 U.S.C.

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

§ 1226(e) unchanged supports the conclusion that habeas corpus jurisdiction over challenges to detention was preserved.

27. Furthermore, even if 8 U.S.C. § 1226(e) were construed to apply to petitions for habeas corpus generally, it would not extend to Petitioner's specific claims. Section 1226(e) limits judicial review only with respect to discretionary judgments regarding detention or release. Administrative agencies lack discretion to act in violation of the Constitution, and constitutional challenges therefore fall outside the scope of discretionary determinations. See Jennings v. Rodriguez, 138 S. Ct. 830, 841 (2018). Accordingly, as a matter of statutory interpretation, § 1226(e) does not preclude habeas review of constitutional challenges to the legality of detention.

28. Therefore, this Court has jurisdiction to review this habeas petition on behalf of Petitioner.

IV. VENUE

29. Venue is proper in this Court pursuant to 28 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 Southern District of Texas.

30. The venue is therefore proper in this District, as the Petitioner is detained here, and the immediate custodian responsible for his detention is located within this District.

V. REQUIREMENTS OF 28 U.S.C. § 2243

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

31. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id*. (emphasis added).

32. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. Habeas corpus is "perhaps the most important writ known to constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." Fay v. Noia, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

VI. LEGAL FRAMEWORK

33. The Immigration and Nationality Act ("INA") prescribes three basic detention frameworks applicable to noncitizens encountered by the Department of Homeland Security during the removal process.

34. First, 8 U.S.C. § 1226 governs the detention of noncitizens placed in standard removal proceedings before an Immigration Judge ("IJ") under 8 U.S.C. § 1229a. Noncitizens detained pursuant to § 1226(a) are entitled to an individualized custody determination, including the opportunity for release on bond or conditional parole.

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Mandatory detention under § 1226(c) applies only to a narrow category of individuals with specified criminal histories.

35. Second, the INA provides for mandatory detention under 8 U.S.C. § 1225(b), which applies exclusively to noncitizens seeking admission at a port of entry or apprehended at or shortly after entry, before they have been admitted or paroled into the United States.

36. Third, the INA authorizes detention under 8 U.S.C. § 1231(a) for noncitizens subject to a final order of removal, including individuals in withholding-only proceedings.

37. This case concerns the misapplication of § 1225(b) to a noncitizen who was lawfully paroled into the United States, placed into standard removal proceedings, and detained while awaiting adjudication before an Immigration Judge, such that § 1226(a) governs Petitioner's custody.

38. Petitioner was inspected and paroled into the United States pursuant to INA § 212(d)(5) through the CBP One humanitarian parole process, and was issued a Form I-94 documenting parole. Parole under § 212(d)(5) constitutes lawful authorization to be physically present in the United States pending further proceedings.

39. Following his parole, Petitioner was placed into removal proceedings under § 1229a, and jurisdiction vested with the Immigration Court. At the time of his arrest by ICE, Petitioner was awaiting a scheduled Master Calendar Hearing and had not been ordered removed.

40. Noncitizens who have been paroled into the United States and placed into § 1229a removal proceedings are, by statute, governed by the

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

detention framework set forth in § 1226(a). Nothing in the INA authorizes DHS to treat such individuals as subject to mandatory detention under § 1225(b).

41. Nevertheless, ICE has recently asserted detention authority inconsistent with the statutory framework by detaining paroled noncitizens as though they were applicants for admission subject to § 1225(b), even when those individuals have long since entered the United States and are residing in the interior pending Immigration Court proceedings.

42. That interpretation conflicts with the text, structure, and purpose of the INA. Section 1225(b) applies only to individuals "seeking admission" and is premised on inspections conducted at the border or immediately upon entry. See 8 U.S.C. § 1225(b)(2)(A).

43. The Supreme Court has confirmed that § 1225(b)'s mandatory detention regime applies at the Nation's borders and ports of entry, where the government determines admissibility in the first instance. Jennings v. Rodriguez, 583 U.S. 281, 287 (2018).

44. By contrast, § 1226(a) applies broadly to noncitizens "pending a decision on whether the alien is to be removed from the United States", including individuals charged as inadmissible and placed into § 1229a proceedings.

45. Federal courts have repeatedly held that DHS may not detain paroled noncitizens awaiting Immigration Court proceedings under § 1225(b). Rather, such individuals fall squarely within § 1226(a) and are entitled to an individualized custody determination. See, e.g., Hyppolite v. Noem (E.D.N.Y. 2025).

46. In Hyppolite, the court rejected the government's

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

attempt to classify a paroled asylum seeker awaiting Immigration Court proceedings as subject to mandatory detention, holding that the government's characterization of detention authority is not controlling and that detention must comport with statutory limits and due process.

47. The same reasoning applies here. Petitioner was paroled into the United States, released into the interior, authorized to work, and placed into standard removal proceedings. ICE therefore lacks statutory authority to detain him under § 1225(b).

48. ICE's detention of Petitioner cannot be justified by reference to any independent ground once Petitioner was paroled into the United States and placed into removal proceedings under 8 U.S.C. § 1229a. At that point, and in the absence of any criminal conduct, Petitioner's custody could only be governed by 8 U.S.C. § 1226(a).

49. Section 1226(a) requires that detention be discretionary, subject to individualized review, and accompanied by the opportunity for release on bond or conditional parole.

50. ICE's refusal to provide Petitioner with a bond hearing or other individualized custody determination violates the INA, implementing regulations, and the Due Process Clause of the Fifth Amendment.

51. Because Petitioner is neither an arriving alien seeking admission nor subject to a final order of removal, his continued detention under any framework other than § 1226(a) is ultra vires.

52. Accordingly, Petitioner's detention is not authorized by statute, and habeas relief is warranted.

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

53. Exhaustion of administrative remedies is not required in this case. 28 U.S.C. § 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. See McCarthy v. Madigan, 503 U.S. 140, 144 (1992) (exhaustion not required where not mandated by statute); Hernandez v. Gonzales, 424 F.3d 42, 49 (1st Cir. 2005) (no exhaustion required for challenges to detention authority). Where, as here, a petitioner challenges the statutory and constitutional authority for detention, exhaustion is not required because administrative agencies cannot adjudicate constitutional claims and lack the power to grant habeas relief. See Sterkaj v. Gonzales, 439 F.3d 273, 279 (6th Cir. 2006) (BIA lacks authority to decide constitutional issues).

54. Moreover, exhaustion would be futile because neither the IJ nor the Board of Immigration Appeals can review DHS's claim that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), nor can they order release where DHS invokes that statute. Administrative procedures, therefore, cannot provide the relief sought, release from unlawful detention. See McCarthy, 503 U.S. at 146–49 (exhaustion excused where agency remedies are inadequate or would cause irreparable injury).

55. The reasoning of the United States District Court for the Southern District of Texas is persuasive and directly applicable here. In Trujillo Rivas v. Bondi, Civil Action No. 4:25-cv-04974 (S.D. Tex. Nov. 3, 2025), the court rejected DHS's attempt to reclassify noncitizens apprehended in the interior as subject to mandatory detention

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

under 8 U.S.C. § 1225(b). The court held that DHS's new interpretation represented a departure from its "longstanding interpretation" of the INA and concluded that § 1226, not § 1225, governs the detention of noncitizens already present in the United States pending removal proceedings. The court further explained that § 1225 is limited to individuals

at the border or seeking admission and cannot be extended to noncitizens who, like Petitioner, have already entered the country and are residing in the interior. Id., Memorandum and Order at 2–4.

56. Crucially, the court also explicitly rejected the government's reliance on Matter of Yajure Hurtado and Matter of Q. Li to justify such detention. The court held that "the BIA's decision is not binding on this Court" and noted that "district courts have uniformly refused to apply Matter of Yajure Hurtado." The court further emphasized that, following Loper Bright Enterprises v. Raimondo, BIA statutory interpretations are no longer entitled to Chevron deference and therefore cannot override the plain text of the INA or expand DHS's detention authority beyond what Congress authorized. As the court explained, DHS may not rely on administrative decisions to transform discretionary detention under § 1226(a) into mandatory detention under § 1225(b) for noncitizens who are already present in the United States. This persuasive authority strongly supports Petitioner's position that DHS's invocation of § 1225(b) is ultra vires and unlawful.

57. Federal courts have recognized that noncitizens who

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

> have been inspected and paroled into the United States and who are awaiting adjudication in removal proceedings are not subject to mandatory detention under 8 U.S.C. § 1225(b). In Castañ□on Nava v. Department of Homeland Security, No. 18-cv-3757 (N.D. Ill. Nov. 13, 2025), the district court squarely rejected DHS's position that individuals apprehended in the interior may be subjected to § 1225(b)(2) mandatory detention, holding instead that
>
> such individuals fall under the discretionary detention framework of 8 U.S.C. § 1226(a). The court emphasized that § 1225(b) is limited to individuals seeking admission at the border or apprehended upon or shortly after entry and does not extend to noncitizens who have already entered the United States and are residing in the interior pending Immigration Court proceedings.

58. The court reaffirmed this conclusion days later in denying the government's emergency motion to stay pending appeal. Castañ□on Nava v. DHS, No. 18-cv-3757 (N.D. Ill. Nov. 18, 2025). There, the court again held that DHS lacks authority to detain paroled noncitizens under § 1225(b), explaining that ICE may not arrest an individual under § 1226(a) authority and then retroactively "convert" that detention into mandatory detention under § 1225(b)(2). Although the decision is currently on appeal and arises from a different jurisdiction, its reasoning is directly applicable here and provides persuasive authority confirming that paroled noncitizens awaiting Immigration Judge proceedings are governed by § 1226(a) and entitled to an individualized custody determination.

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

59. Courts across multiple jurisdictions have reached the same conclusion as the Northern District of Illinois, holding that 8 U.S.C. § 1225(b) does not authorize mandatory detention of noncitizens who have already entered the United States and are apprehended in the interior while awaiting removal proceedings. In Rodriguez-Vazquez v. Bostock, 779 F. Supp. 3d 1239 (W.D. Wash. 2025), the court held that § 1226(a), not § 1225(b), governs detention where a noncitizen was not apprehended at the border or immediately upon entry. The court emphasized that § 1225(b) is limited to individuals "seeking admission" and does not extend to those who are already present in the United States pending adjudication before an Immigration Judge.

60. Similarly, the District of Massachusetts has repeatedly rejected DHS's attempt to expand § 1225(b) beyond its statutory limits. In Gomes v. Hyde, No. 1:25-cv-11571, 2025 WL 1869299, at 6–8 (D. Mass. July 7, 2025), the court held that § 1225(b)(2) applies only at the border or shortly after entry and does not authorize mandatory detention of individuals apprehended in the interior months or years later. The court explained that the phrase "seeking admission" is written in the present tense, confirming that Congress intended § 1225(b) to apply only at the point of entry, not after a noncitizen has been released into the country.

61. The court applied the same reasoning in Martinez v. Hyde, 792 F. Supp. 3d 211 (D. Mass. July 24, 2025), rejecting DHS's interpretation of 8 U.S.C. § 1225(b) as overly expansive and inconsistent with the statute's text, structure, and historical application. The court explained that once a noncitizen is

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

physically present in the United States and placed into removal proceedings under 8 U.S.C. § 1229a, any detention authority must arise under 8 U.S.C. § 1226(a), which requires an individualized custody determination rather than mandatory detention.

62. Courts have likewise applied this reasoning to paroled noncitizens. In Santiago v. Noem (W.D. Tex. 2025), the court held that a noncitizen who had been inspected, paroled, issued a Form I-94, and released into the interior could not be subjected to mandatory detention under § 1225(b). The court reasoned that parole under INA § 212(d)(5) removes the individual from the category of persons "seeking admission," placing them instead within the discretionary detention framework of § 1226(a).

63. Taken together, these decisions reflect a growing and consistent consensus among district courts that DHS lacks statutory authority to impose mandatory detention under § 1225(b) on noncitizens who have been paroled into the United States, apprehended in the interior, and are awaiting adjudication before an Immigration Judge. While these decisions arise from different jurisdictions, their reasoning is uniform and directly applicable here, confirming that Petitioner's detention must be governed by § 1226(a) and accompanied by an individualized custody determination.

64. In light of the foregoing authority, further administrative proceedings cannot remedy Petitioner's unlawful and unconstitutional detention. Immigration Judges lack authority to resolve the purely statutory and constitutional questions presented here, including whether DHS is detaining Petitioner under an inapplicable detention provision. As a practical matter, following the Board

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

of Immigration Appeals' precedential decision in Matter of Q. Li, 28 I. & N. Dec. 396 (BIA 2022), Immigration Judges have routinely concluded that they lack jurisdiction to consider bond requests once DHS asserts detention authority under 8 U.S.C. § 1225(b), even where the noncitizen affirmatively disputes the applicability of that statute as a matter of statutory interpretation. Consequently, bond applications by individuals in Petitioner's posture are denied as a matter of course based solely on DHS's asserted detention framework,

without any forum for adjudicating whether § 1225(b) lawfully applies to detention occurring in the interior of the United States after parole and release. Under these circumstances, administrative remedies are not merely inadequate, but functionally unavailable, rendering habeas corpus relief the only viable mechanism to challenge Petitioner's continued detention. Requiring prudential exhaustion would therefore be futile and would serve only to prolong unlawful custody and irreparable harm.

VIII. CLAIMS FOR RELIEF

CLAIM ONE

Detention Violates the Immigration and Nationality Act (INA)

65. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

66. The government is unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b), despite the fact that § 1225(b) is directed to

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

detention arising in connection with the inspection and admission process. Petitioner is not such an individual; rather, he entered the United States pursuant to humanitarian parole on January 14, 2023 and has lived here continuously for more than three (3) years. The statutory framework and decades of established agency practice make clear that individuals who entered long ago and were not apprehended at or near the border are detained, if at all, under 8 U.S.C. § 1226, which allows for discretionary custody and provides the right to a bond hearing.

67. The government's effort to classify Petitioner as an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b) rests entirely on a legal label that no longer corresponds to Petitioner's procedural posture. Petitioner was inspected and paroled into the United States pursuant to INA § 212(d)(5), released into the interior, and placed into standard removal proceedings under 8 U.S.C. § 1229a. Once parole was granted and jurisdiction vested with the Immigration Court, Petitioner ceased to be a noncitizen "seeking admission" within the meaning of § 1225(b).

68. The Board of Immigration Appeals' decision in Matter of Q. Li, 28 I. & N. Dec. 396 (BIA 2022), confirms that detention authority turns on the statutory framework invoked by DHS and that Immigration Judges lack jurisdiction to reclassify detention once DHS asserts § 1225(b). That jurisdictional rule, however, does not expand DHS's underlying statutory authority. Nothing in the INA permits DHS to invoke § 1225(b) to mandatorily detain a noncitizen who has already been inspected, paroled, released into the interior, and placed into § 1229a

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

removal proceedings. To the contrary, detention in such circumstances—if authorized at all—arises under 8 U.S.C. § 1226(a), which requires an individualized custody determination.

69. Federal courts have repeatedly rejected DHS's attempt to bootstrap mandatory detention authority by continuing to label paroled, interior detainees as "applicants for admission," holding that 8 U.S.C. § 1226(a)—not § 1225(b)—governs detention once a noncitizen is no longer at the border or in the immediate entry context. In the Southern District of Texas, the court recently recognized this statutory limit in Trujillo Rivas v. Bondi, Civil Action No. 4:25-cv-04974 (S.D. Tex. Nov. 3, 2025), holding that DHS's

> attempt to apply § 1225(b) to noncitizens already present in the United States represents a departure from its longstanding interpretation of the INA and exceeds the scope of its detention authority. Although Trujillo Rivas is not binding outside its specific procedural posture, its reasoning confirms that DHS may not lawfully eliminate custody review by misclassifying interior detainees as subject to mandatory detention. District courts across the country have reached the same conclusion, holding that § 1225(b) does not apply to paroled noncitizens apprehended in the interior. See, e.g., Rodriguez-Vazquez v. Bostock, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); Gomes v. Hyde, No. 1:25-CV-11571-JEK (D. Mass. July 7, 2025).

70. Because Petitioner is not subject to detention under § 1225(b), his continued detention without access to a custody

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

redetermination hearing violates the INA, exceeds DHS's statutory authority, and is unlawful. Petitioner is entitled to habeas relief, including immediate release, or in the alternative, a constitutionally compliant bond hearing under 8 U.S.C. § 1226(a).

CLAIM TWO

Violation of the Due Process Clause of the Fifth Amendment

71. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

72. Petitioner's continued detention without a bond hearing or individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. The government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), even though he has resided in the United States for over three (3) years, is deeply embedded in his community, and has not been apprehended at or near the border.

73. Treating Petitioner as an "applicant for admission" and subjecting him to indefinite, mandatory detention without procedural safeguards is arbitrary, punitive, and contrary to the basic guarantees of due process.

74. Freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Even where the government possesses authority to detain individuals for immigration purposes, such detention must bear a reasonable relation to its asserted purpose and be accompanied by adequate procedural protections. See Demore v.

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

Kim, 538 U.S. 510, 531 (2003). Here, Petitioner's detention is not reasonably related to any legitimate immigration purpose because he is not a recent entrant, has longstanding ties to the United States, and DHS cannot justify treating him as if he had just arrived under an expedited removal framework.

75. This Court's conclusion is further supported by the persuasive reasoning of the Western District of Texas in Sanzharbek Asilov v. Noem, EP-25-CV-00757-DB (W.D. Tex. Jan. 6, 2026). In that case, the court considered the detention of an asylum seeker apprehended in the interior whom DHS sought to hold under its new interpretation of 8 U.S.C. § 1225(b). The court held that the petitioner's case was "materially indistinguishable from other cases in which this Court has found procedural due

process violations" and rejected the government's attempt to deny custody review based on mandatory detention. The court further found that "there is no credible argument that Petitioner cannot be safely released back to his community and family pending the resolution of his removal proceedings," and ordered DHS to either provide a bond hearing at which the government bears the burden by clear and convincing evidence or release the petitioner. This persuasive authority confirms that DHS's new § 1225(b) theory cannot lawfully eliminate bond hearings for noncitizens who were apprehended in the interior while awaiting immigration proceedings.

76. Moreover, the persuasive reasoning of the Western District of Michigan further supports this conclusion. In a recent decision, that

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

court held that continued detention without constitutionally sufficient procedural protections violates due process and requires the government to either justify the detention or release the individual. The court emphasized that the Constitution prohibits the government from detaining a person "while exceeding its statutory authority and without constitutionally sufficient procedures." (Order, W.D. Mich., 2025). That rationale applies squarely here. Respondents provide no meaningful mechanism by which Petitioner may contest his detention or seek release, resulting in effectively indefinite detention without process—an outcome the Supreme Court has repeatedly condemned. See Zadvydas v. Davis, 533 U.S. 678, 690–92 (2001); Clark v. Martinez, 543 U.S. 371, 386–87 (2005).

77. Accordingly, Petitioner's continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner's immediate release, or, at a minimum, a prompt bond hearing with the government bearing the burden to justify continued detention by clear and convincing evidence.

CLAIM THREE

Violation of the Suspension Clause of the U.S. Constitution

78. Petitioner incorporates by reference all preceding paragraphs. The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, guarantees that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." Petitioner's continued detention, without access to judicial review or a mechanism to challenge the

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

legality of custody, violates this constitutional guarantee. By asserting mandatory detention authority under 8 U.S.C. § 1225(b) and denying Petitioner any opportunity to seek release or a bond hearing, the government has effectively extinguished the core function of the writ, to test the legality of restraint on personal liberty.

79. The Supreme Court has long held that habeas relief remains available to noncitizens seeking to challenge unlawful executive detention. See INS v. St. Cyr, 533 U.S. 289, 301 (2001) ("At the absolute minimum, the Suspension Clause protects the writ as it existed in 1789."). The writ cannot be withdrawn where, as here, the Executive detains an individual without statutory authority and without due process safeguards. See Boumediene v. Bush, 553 U.S. 723, 797 (2008) (inadequate substitutes cannot replace habeas; detainees must have a meaningful opportunity to challenge detention).

80. The government's position—that Petitioner is subject to mandatory detention and categorically barred from seeking release—deprives him of any meaningful forum to challenge the legality of his detention and effectively suspends his right to judicial review. The persuasive reasoning of the United States District Court for the Southern District of Texas in Trujillo Rivas v. Bondi, Civil Action No. 4:25-cv-04974 (S.D. Tex. Nov. 3, 2025), supports this conclusion. There, the court held that DHS's attempt to apply 8 U.S.C. § 1225(b) to noncitizens already present in the United States represents a departure from its longstanding statutory interpretation and exceeds the limits of the INA. The court explained that detention of noncitizens residing in the interior while awaiting Immigration

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

Court proceedings is governed by 8 U.S.C. § 1226, not § 1225, and that DHS may not eliminate access to bond hearings by misclassifying its detention authority. Absent habeas review, DHS's unlawful detention scheme would leave Petitioner confined without any lawful mechanism to challenge the statutory basis of his custody, in direct violation of the Constitution's guarantee of meaningful judicial review.

81. Because Petitioner's detention without access to meaningful judicial review of his custody constitutes an effective suspension of the writ of habeas corpus, this Court must exercise jurisdiction and grant relief. Petitioner respectfully requests an order directing his immediate release, or, in the alternative, a prompt individualized custody hearing at which the government must justify continued detention by clear and convincing evidence.

CLAIM FOUR

Entitlement to Attorneys' Fees and Costs

82. Petitioner incorporates all preceding paragraphs as if fully set forth herein.

83. Petitioner respectfully asserts his entitlement to attorneys' fees and costs incurred in litigating this action. Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, a prevailing party in litigation against the United States may recover fees and costs unless the government's position was substantially justified. Petitioner brings this habeas action to remedy unlawful detention, enforce constitutional protections, and vindicate fundamental statutory rights. The

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

government's detention of Petitioner under 8 U.S.C. § 1225(b), despite his longstanding residence and eligibility for custody review under § 1226(a), is contrary to established law, lacks a reasonable legal basis, and has been rejected by federal courts, including within this District.

84. Given that Petitioner has been forced to seek judicial relief solely due to the government's unlawful and unconstitutional conduct, and because the government lacks a substantial justification for its position, Petitioner is entitled to reasonable attorneys' fees and costs pursuant to EAJA, as well as any other applicable authority. Additionally, equitable principles support an award of fees in order to ensure that Petitioner is made whole and that no barriers deter similarly situated individuals from asserting their constitutional and statutory rights.

85. Petitioner therefore respectfully requests that, should he prevail in this action, this Court award attorneys' fees and costs as permitted by law.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
2. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner Akzhol Ganiev from immigration detention;
3. In the alternative, order that Petitioner be provided a prompt, individualized custody hearing before a neutral adjudicator, at which the government bears the burden of

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

establishing by clear and convincing evidence that continued detention is necessary to ensure his appearance or protect the community;

4. Enjoin Respondents from re-detaining Petitioner absent lawful statutory authority and constitutionally sufficient procedures;

5. Declare that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b) and is entitled to custody review under 8 U.S.C. § 1226(a);

6. Award reasonable attorneys' fees and costs as permitted by law; and

7. Grant such other and further relief as the Court deems just and proper in equity and under the circumstances.

Respectfully submitted on January 25, 2026.

Pro Hac Vice Attorney:

/s/ Harun Taskin

Harun Taskin, Esq.
Illinois State Bar # 6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email : htaskin@kentlawpartners.com

Local Attorney:

/s/ Muhammed Gulen

Muhammed Gulen, Esq.
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

ATTORNEYS FOR PETITIONER

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed relevant documentation of the events described in this Petition reasonably available to me prior to and at the time of filing. On the basis of those documents and discussions with individuals whom Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Respectfully submitted on January 25, 2026.

Pro Hac Vice Attorney:

/s/ Harun Taskin

Harun Taskin, Esq.
Illinois State Bar # 6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email : htaskin@kentlawpartners.com

ATTORNEY FOR PETITIONER

Muhammed Gulen
New York State Bar #5727318
G.H Law Firm, PC
2435 N Central Expy, Ste 1200
Richardson, TX 75080
Phone: 972-333-2121
Email :muhammed@theghlaw.com

Harun Taskin
Illinois State Bar #6342748
Kent Law Partners LLC
1701 E Woodfield Rd. Suite 820,
Schaumburg, IL 60173
Phone: 312-724-5555
Email: htaskin@kentlawpartners.com