

1 Brian J. McGoldrick (California #169104)
2 Counsel for the Petitioner
3 4916 Del Mar Avenue
4 San Diego, CA 92107
5 (619) 675-2366
6 attorney@brianmcgoldrick.com

7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 ANVAR HAMDAM UGLI
10 ALIMARDONOV,

11 Plaintiff,

12 vs.

13 CHRISTOPHER LAROSE, warden of
14 Otay Mesa Detention Center
15 DANIEL A. BRIGHTMAN, San Diego
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations ("ICE/ERO");
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 ("ICE");
22 KRISTI NOEM, Secretary of the
23 Department of Homeland Security
24 ("DHS");
25 PAMELA BONDI, Attorney General of
26 the United States,
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: 3:26-cv-00461-CAB-AHG

TRAVERSE TO PETITION FOR
WRIT OF HABEAS CORPUS

1 **STATEMENT OF FACTS**

2 Petitioner is a citizen of Uzbekistan. He is a bright young man
3
4 dedicated to a democratic open society in Uzbekistan.

5 He opposed the authoritarian rule of his local strongman. He openly
6
7 opposed his crimes and was abducted, interrogated and beaten by the authorities.
8 His life and the lives of his family were threatened by the authorities and he fled
9
10 Uzbekistan.

11 On or about February 27, 2023 Petitioner came to the United States to
12
13 seek asylum. Respondents detained Mr. Alimardonov for a brief time at the border.
14 Once it was determined he was not a threat or a flight risk, Respondents granted
15
16 him conditional parole and welcomed him into the United States so he could file
17
18 for asylum and any other immigration benefit that might be available to him. This
19 release into the United States was based on the individualized facts in his case.

20 Respondents attempted to commence removal proceedings against
21
22 Petitioners under 8 U.S.C. § 1229a. The NTA was never recorded. Petitioner filed
23
24 asylum with USCIS. In July in 2025 USCIS referred his asylum application to
25 EOIR and issued a new Notice to Appear. This commenced removal proceedings.

26 On information and belief, Petitioner regularly complied with and
27
28 appeared for ICE check-ins whether in person or electronic check-in.

1 Respondents issued work authorization to Petitioners pursuant to 8
2 C.F.R. § 274a.12(c)(08).
3

4 On September 3, 2025¹, Mr. Alimardonov attended master calendar
5 hearing. As he exited the hearing he was surrounded by ICE agents. He was
6 handcuffed and placed in detention. He asked why he was being detained. The
7 officers claimed they had a warrant but said nothing else.
8

9 He was not presented with a judicial warrant when he was detained.
10
11 He was not trying to flee or to cause harm when he was detained. He was not given
12 notice that his conditional parole was being revoked. He was not given a pre-
13 detention hearing to determine if the facts of his release had changed such that he
14 was now a flight risk or that he was a danger to the community. He was deprived
15 of his liberty for no other reason than that the President of the United States had
16 decided that he and millions of others like him should no longer be free. He was
17 then transferred to the Otay Mesa facility. The government's response does not
18 refute the statement of facts and any refutation is therefore waived.
19
20
21

22 **The Petitioner was illegally detained and must be released.**

23 **Bond is not the appropriate remedy.**
24
25
26

27
28 ¹ In the petition Counsel mistakenly listed July 9, 2025 as the date of his master calendar hearing and detention. The actual date was September 3, 2025. See ECF 1-2 I-213 that clearly establishes September 3, 2025.

1 The government's response alleges that, pursuant to *Maldonado Bautista v.*
2 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL 3289861
3 (C.D. Cal. Nov. 20, 2025) "Petitioner is detained under 8 U.S.C. § 1226(a) and is
4 entitled to an order from this Court directing a bond hearing be held pursuant to 8
5 U.S.C. § 1226(a)." ECF 4 p.2
6
7

8 The process for revoking Mr. Alimardonov's parole is that it must be
9 terminated upon written notice after an individualized determination that the
10 humanitarian purposes no longer apply. 8 C.F.R. § 212.5(e)(2)(i). However, the
11 government's arrest and detention of Mr. Alimardonov was not authorized under
12 color of any law. His arrest and detention were a violation of his right to due
13 process guaranteed by the Fifth Amendment to the Constitution and was a
14 violation of the Administrative Procedures Act.
15
16
17

18 Claim one of the Petition set out in detail how his detention was a violation
19 of due process because the government did not follow its own procedural rules
20 regarding revocation of parole. In addition, the government did not afford the
21 petitioner any pre-detention notice or hearing regarding the termination of his
22 liberty interest he had accrued during the time he was on parole. The government's
23 response is silent on these issues. As a result the government has waived any
24 defense to this claim. The appropriate remedy for this violation of due process is
25
26
27
28

1 not a bond hearing. The appropriate remedy is Mr. Alimardonov' immediate
2 release from custody.
3

4 Claim two of the Petition set out in detail how his detention was a violation
5 of the APA because the government did not follow it own rules regarding
6 revocation of parole. The government's response is silent on this issue. As a result
7 the government has waived any defense to this claim. The appropriate remedy for
8 this violation of the APA is not a bond hearing. The appropriate remedy is Mr.
9 Alimardonov' immediate release from custody.
10
11

12 If Mr. Alimardonov' detention was unlawful, *ab initio*, he should not be
13 required to post a bond and, in effect, pay a ransom to be released from this illegal
14 detention. Nothing in the government's response indicates that Mr. Alimardonov
15 has somehow become a flight risk or a danger to the community.
16
17

18 In addition, the current practice at Otay Mesa Detention Center is, upon
19 release, to immediately enroll detainees in an Alternative to Detention program and
20 put an ankle monitor on them before their actual release. This is also done without
21 any individualized consideration of whether the detainee is a potential flight risk or
22 a danger to the community. Mr. Alimardonov has been at liberty for quite a while
23 prior to his detention and should not be enrolled in any ATD program and
24 especially should not be forced to wear an ankle monitor.
25
26

27 **CONCLUSION**

1 Petitioner respectfully requests this Court to grant the following:

2 (1) Declare that Petitioner's detention without an individualized
3 determination violates the Due Process Clause of the Fifth Amendment and the
4 Administrative Procedures Act;

5 (2) Declare that Petitioner's warrantless arrest and detention
6 constitutes an unreasonable and unlawful seizure in violation of the Fourth
7 Amendment;

8 (3) Issue a Writ of Habeas Corpus ordering Respondents to release
9 Petitioner from custody;

10 (4) Issue and Order prohibiting the Respondents from enrolling the
11 Petitioner in any Alternative to Detention program, specifically barring them from
12 requiring an ankle monitor;

13 (5) In the alternative, order a bond hearing for the Petitioner.

14 (6) Grant any further relief this Court deems just and proper.

15 Dated: February 4, 2026

16 */s/ Brian J. McGoldrick*
17 BRIAN J. MCGOLDRICK, ESQ.
18 attorney@brianmgoldrick.com
19 4916 Del Mar Avenue
20 San Diego, CA 92107
21 Telephone: +1 619-675-2366
22 *Attorney for Petitioner*

CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On February 4, 2026, I served a copy of this

TRAVERSE TO PETITION FOR WRIT OF HABEAS CORPUS

by the method and to the parties listed below:

On February 4, 2026, I accessed the electronic mailing list for CM/ECF users in this case and representatives of all parties are CM/ECF users and are noticed as follows:

- **Juliet Keene**

juliet.keene@usdoj.gov, ivette.moshe@usdoj.gov, USACAS.Habeas2241@usdoj.gov, Efile.c.dkt.civ@usdoj.gov, CaseView.ECF@usdoj.gov

- **Shital Thakkar**

shital.thakkar@usdoj.gov, Efile.dkt.gc2@usdoj.gov, CaseView.ECF@usdoj.gov

/s/Brian J. McGoldrick
Brian J. McGoldrick, Esq.
Counsel for Respondent