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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ISLAM SOKOLAEV,

Petitioner,

Case No.: 2:26-cv-506

v.

JAMAL L. JAMISON, *in his official capacity as the Warden of the Philadelphia Federal Detention Center*; MICHAEL T. ROSE, *in his official capacity as Acting Philadelphia Field Office Director for U.S. Immigration and Customs Enforcement*, EXECUTIVE OFFICE OF IMMIGRATION REVIEW,

Respondents.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Islam Sokolaev is in the physical custody of Respondents at the  
3 Philadelphia Federal Detention Center (“FDC”). This case challenges Petitioner’s unlawful re-  
4 detention by Respondents.

5 2. Petitioner entered the United States in or around Tecate, California on December  
6 21, 2024, along with his wife and minor child, with the intent to seek asylum. The Department of  
7 Homeland Security (“DHS”) detained Petitioner and subsequently released him on parole.

8 3. Petitioner filed a timely application for asylum, with his wife and minor child as  
9 derivatives on his application.

10 4. In the time since his release, Petitioner has complied with the conditions of his  
11 release set forth by Immigration and Customs Enforcement (“ICE”), including not having any  
12 criminal contacts and attending all required appointments with ICE and hearings with the  
13 Immigration Court.

14 5. Despite Petitioner’s compliance, on January 23, 2026, ICE re-detained him while  
15 he was attending a routine check-in at the ICE Philadelphia Field Office. Petitioner was transferred  
16 to the Philadelphia Federal Detention Center (“FDC”), where he remains detained today.

17 6. Before re-detaining Petitioner, Respondents did not provide him with any notice,  
18 written or otherwise, regarding the basis for the revocation of his release on recognizance and his  
19 re-detention. Similarly, Respondents failed to provide a hearing before a neutral decisionmaker,  
20 where ICE would be required to justify the basis for Petitioner’s re-detention, or explain why  
21 Petitioner presented new flight risk or danger to the community.

22 7. As several districts courts have recently held, due process demands that  
23 Respondents provide such a hearing *prior* to the government’s decision to terminate a person’s  
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1 liberty—particularly where re-detention is concerned. *See O.F.B. v. Maldonado*, No. 25-cv-6336,  
2 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025); *E.A.T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-  
3 1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, No.  
4 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Kelly v. Almodovar*,  
5 No. 25 CIV. 6448 (AT), 2025 WL 2381591 (S.D.N.Y. Aug. 15, 2025); *Duong v. Kaiser*, No. 25-  
6 CV-07598-JST, 2025 WL 2689266 (N.D. Cal. Sept. 19, 2025); *Kumar v. Wamsley*, 2025 WL  
7 2677089 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574 (W.D.  
8 Wash. Oct. 7, 2025).

9 8. By failing to provide such a hearing prior to Petitioner’s re-detention, Respondents  
10 have violated Petitioner’s constitutional due process rights. Here, a “post-deprivation hearing”  
11 cannot serve as an adequate remedy, where Petitioner has already been erroneously deprived of  
12 his liberty. *See E.A.T.-B.*, 2025 WL 2403130 at \*6 (ordering immediate release because “a post-  
13 deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact  
14 and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, 2025 WL 2637663, at  
15 \*4 (similar); *Kumar*, 2025 WL 2677089, at \*3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574,  
16 at \*9 (relying on *E.A. T.-B.*). Accordingly, Petitioner seeks a writ of habeas corpus requiring that  
17 he be immediately released from Respondents’ custody.

#### 18 JURISDICTION

19 9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
20 Federal Detention Center in Philadelphia, Pennsylvania.

21 10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.  
22 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the  
23 Suspension Clause).

1 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment  
2 Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

3 **VENUE**

4 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
5 500 (1973), venue lies in the United States District Court for the Eastern District of Pennsylvania,  
6 the judicial district in which Petitioner currently is detained.

7 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
8 Respondents are employees, officers, and agencies of the United States, and because a substantial  
9 part of the events or omissions giving rise to the claims occurred in the Eastern District of  
10 Pennsylvania.

11 **REQUIREMENTS OF 28 U.S.C. § 2243**

12 14. The Court must grant the petition for writ of habeas corpus or order Respondents  
13 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an  
14 order to show cause is issued, Respondents must file a return “within three days unless for good  
15 cause additional time, not exceeding twenty days, is allowed.” *Id.*

16 15. Habeas corpus is “perhaps the most important writ known to the constitutional  
17 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
18 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
19 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
20 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
21 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

**PARTIES**

1  
2 16. Petitioner Islam Sokolaev is a citizen of Russia who has been in immigration  
3 detention since January 23, 2026.

4 17. Respondent Jamal L. Jamison is employed by the Federal Bureau of Prisons as  
5 Warden of FDC, where Petitioner is detained. He has immediate physical custody of Petitioner.  
6 He is sued in his official capacity.

7 18. Respondent Michael T. Rose is the Acting Director of the Philadelphia Field Office  
8 of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate  
9 custodian and is responsible for Petitioner's detention and removal. He is sued in his official  
10 capacity.

11 19. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
12 responsible for implementing and enforcing the INA in removal proceedings, including for  
13 custody redeterminations in bond hearings.

14 **LEGAL FRAMEWORK**

15 20. The INA prescribes three basic forms of detention for the vast majority of  
16 noncitizens in removal proceedings.

17 21. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
18 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally  
19 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),  
20 while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject  
21 to mandatory detention, *see* 8 U.S.C. § 1226(c).  
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23  
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1           22.     Second, the INA provides for mandatory detention of noncitizens subject to  
2 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
3 referred to under § 1225(b)(2).

4           23.     Last, the INA also provides for detention of noncitizens who have been ordered  
5 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

6           24.     Section 1226(a) applies by default to all persons “pending a decision on whether  
7 the [noncitizen] is to be removed from the United States.” These removal hearings are held under  
8 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].” Section 1226  
9 “authorizes the Government to detain certain aliens already in the country pending the outcome of  
10 removal proceedings,” including noncitizens “including noncitizens “who were inadmissible at the  
11 time of entry.” *Jennings v. Rodriguez*, 583 U.S. 281, 288–89, 138 S.Ct. 830, 200 L.Ed.2d 122  
12 (2018).

13           25.     Further, once released, due process requires that a person like Petitioner receive a  
14 hearing before a neutral decisionmaker to determine whether any re-detention is justified, and  
15 whether the person is a flight risk or danger to the community.

16           26.     “Freedom from imprisonment—from government custody, detention, or other  
17 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”  
18 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As several courts have recently recognized, this is  
19 the “the most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at \*3 (citation  
20 modified); *see also Ramirez Tesara*, 2025 WL 2637663, at \*5 (stating that the petitioner had “an  
21 exceptionally strong interest in freedom from physical confinement”).

1 27. Consistent with this principle, individuals released on parole or other forms of  
2 conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408  
3 U.S. 471, 482 (1972).

4 28. Such liberty is protected by the Fifth Amendment because, “although indeterminate,  
5 [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully  
6 employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released  
7 individual] and often on others.” *Id.*

8 29. To guarantee against arbitrary re-detention and to guarantee the right to liberty, due  
9 process requires “adequate procedural protections” that ensure the government’s asserted  
10 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally  
11 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

12 30. Due process thus guarantees notice and an individualized hearing before a neutral  
13 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.  
14 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is  
15 the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation modified));  
16 *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether  
17 there is probable cause or reasonable ground to believe that the arrested parolee has committed . . .  
18 a violation of parole conditions” and that such determination be made “by someone not directly  
19 involved in the case” (citation modified)).

20 31. Several courts have recognized that these principles apply with respect to the re-  
21 detention of the many noncitizens, whom DHS has recently begun taking back into custody,  
22 merely to meet its daily arrest quotas. Such arbitrary re-arrests and re-detentions occur often after  
23 such persons have been released for months and years.

1           32. For example, in *E.A. T.-B.*, the court applied the *Mathews v. Eldridge*, 424 U.S. 319  
2 (1976), framework to hold that even in a case where the government argued mandatory detention  
3 applied, a person’s re-detention required a hearing.

4           33. In applying the three *Mathews* factors, the court held that the petitioner had  
5 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*, 2025 WL  
6 2402130, at \*3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified).  
7 The court further explained that even if detention was mandatory, the risk of erroneous deprivation  
8 of liberty without a hearing was high because a hearing serves to ensure that the purposes of  
9 detention—the prevention of danger and flight risk—are properly served. *Id.* at \*4–5. Finally, the  
10 Court explained that “the Government’s interest in re-detaining non-citizens previously released  
11 without a hearing is low: although it would have required the expenditure of finite resources  
12 (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting  
13 and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the  
14 liberty interest at issue.” *Id.* at \*5. As a result, the court ordered the petitioner’s immediate release.  
15 *Id.* at \*6.

16           34. Another court in the same district applied a similar analysis in *Ramirez Tesara*.  
17 There, the court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled  
18 to the “full protections of the due process clause.” 2025 WL 2637663, at \*3. When examining the  
19 value of additional safeguards, the court also noted that despite the government’s allegations of  
20 ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain  
21 Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports  
22 with due process.’” *Id.* at \*4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at \*4). Finally, the court  
23 reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.*  
24

1 Accordingly, there too, the court ordered the petitioner's immediate release. *Id.* at \*5. 44. The  
2 *Kumar* and *Ledesama Gonzalez* courts reached the same decision, again holding that all three  
3 factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at \*3-4;  
4 2025 WL 2841574, at \*7-9.

5 35. The decisions in *Ledesama Gonzalez*, *E.A. T.-B.*, *Ramirez Tesara* and *Kumar* are  
6 consistent with many other district court decisions addressing similar situations. *See, e.g., O.F.B.*  
7 *v. Maldonado*, No. 25-cv-6336, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025) (ordering immediate  
8 release due to lack of pre-deprivation hearing); *Valdez v. Joyce*, 2025 WL 1707737 (S.D.N.Y. June  
9 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --  
10 F. Supp. 3d --, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, 2025  
11 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, 2025 WL 2420068 (E.D. Cal.  
12 Aug. 21, 2025) (similar); *Rodriguez v. Kaiser*, 2025 WL 2855193 (E.D. Cal. Oct. 8, 2025), at \*6  
13 (similar).

14 36. The same framework and principles apply here and compel Petitioner's immediate  
15 release.

#### 16 FACTS

17 37. Petitioner is a 39-year-old citizen of Russia, who has continuously resided in the  
18 United States with his family since December 21, 2024.

19 38. Upon Petitioner's entry at the southern U.S. border, DHS initially detained him and  
20 subsequently released him on parole, deeming him to be neither a flight risk nor a danger to the  
21 community.

22 39. DHS issued Petitioner a Notice to Appear ("NTA") in which he has been charged  
23 with, *inter alia*, having applied for admission into the United States without a valid immigrant visa  
24

1 or other valid entry document. *See* 8 U.S.C. § 1182(a)(7)(A)(i)(I). Upon issuance of this NTA,  
2 Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a.

3 40. Petitioner subsequently filed a timely application for asylum based on persecution  
4 in Russia. Petitioner's wife and minor child are derivatives on his claim.

5 41. Petitioner has continuously resided in Philadelphia since his release.

6 42. On January 23, 2026, Petitioner was arrested by ICE officers while he was attending  
7 a routine check-in at the Philadelphia ICE Field Office. Petitioner had been compliant with DHS's  
8 conditions set forth during his entry and release into the United States in 2024.

9 43. Petitioner was not provided a particular reason for his arrest. Petitioner was brought  
10 to the Federal Detention Center, where he remains detained today.

11 44. Prior to his re-detention, Petitioner was scheduled for a hearing in July 2026 before  
12 the Immigration Court. As he is now detained, his case will be placed on an accelerated detained  
13 docket, leaving him little time to prepare his asylum case, and further posing significant challenges  
14 regarding working with his immigration lawyer, gathering witnesses and obtaining evidence from  
15 his home country. If this Court grants his release, his immigration case would revert to the standard,  
16 non-detained docket in the Philadelphia Immigration Court, where he would have a more complete  
17 meaningful opportunity to prepare and present his case.

18 45. Petitioner is a married, 39-year-old father of two young children, one of whom is  
19 a U.S. citizen. Prior to his arrest and re-detention by ICE, he served as his family's financial  
20 provider. Petitioner has applied for asylum and has obtained lawful work authorization. He  
21 maintains a fixed residence in Philadelphia, Pennsylvania. Petitioner has not had any criminal  
22 contacts and has been an upstanding member of his community since his arrival in the United  
23 States. As such, Petitioner is neither a flight risk nor a danger to the community.

1 46. Prior to Petitioner's re-detention, Petitioner did not receive written notice of the  
2 reason for his re-detention.

3 47. Prior to Petitioner's re-detention, Respondents did not assess whether Petitioner  
4 presented a flight risk or a danger to the community, or whether his arrest was justified for another  
5 reason.

6 48. Prior to Petitioner's re-detention, Petitioner never received a hearing before a  
7 neutral decisionmaker to determine if his re-detention is justified.

8 49. As a result, Petitioner remains in detention. Without relief from this Court, he faces  
9 the prospect of months, or even years, in immigration custody, separated from his work, family  
10 and community.

11 **CLAIMS FOR RELIEF**

12 **COUNT I**

13 **Violation of Due Process Rights under the Fifth Amendment**

14 50. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

15 51. Petitioner has a fundamental interest in liberty and being free from official restraint.

16 *See Zadvydas*, 533 U.S. at 690.

17 52. Due process does not permit the government to strip Petitioner of his liberty without  
18 written notice and a hearing before a neutral decisionmaker to determine whether re-detention is  
19 warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487-88. Such written notice  
20 and a hearing must occur *prior* to any re-detention.

21 53. Respondents revoked Petitioner's release and deprived him of liberty without  
22 affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker  
23 prior to his re-detention.

1 54. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth  
2 Amendment.

3 **COUNT II**

4 **Violation of the INA**

5 55. Petitioner repeats, re-alleges, and incorporates by reference each and every  
6 allegation in the preceding paragraphs as if fully set forth herein.

7 56. The mandatory detention provision at 8 U.S.C. section 1225 does not apply to all  
8 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
9 relevant here, it does not apply to those who previously entered the country and have been residing  
10 in the United States prior to their re-detention by Respondents. Petitioner is not "seeking admission"  
11 at this time and is subject to the provisions under section 1226(a).

12 57. The application of section 1225 to Petitioner unlawfully mandates his continued  
13 detention and violates the INA.

14 **PRAYER FOR RELIEF**

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

- 16 a. Assume jurisdiction over this matter;
- 17 b. **Order that Petitioner shall not be transferred outside the Eastern District of**  
18 **Pennsylvania while this habeas petition is pending;**
- 19 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
20 Petition should not be granted within three days as required by 28 U.S.C. § 2243;
- 21 d. Issue a Writ of Habeas Corpus requiring that Respondents **immediately release**  
22 **Petitioner;**
- 23 e. Declare that Petitioner's detention is unlawful;
- 24

1 f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
2 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
3 law; and

4 g. Grant any other and further relief that this Court deems just and proper.

5 DATED this 26th Day of January 2026.

6 s/ Caitlin Costello  
7 Caitlin Costello, Esq.  
8 Bar No. PA 323099  
9 Palladino, Isbell & Casazza, LLC  
10 1528 Walnut St, Suite 1701  
11 Philadelphia, PA 19102  
12 (215) 576-9000  
13 caitlin@piclaw.com

14 *Attorney for Petitioner*