

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

----- X
CHINGIS ZURTANOV,

Petitioner,

v.

Civil Action No. 6:26-cv-33

PHILLIP VALDEZ, Warden
Eden Detention Center

ROBERT CERNA, Acting Field Office Director
ICE Enforcement and Removal Operations (Dallas)

TODD M. LYONS, Acting Director
U.S. Immigration and Customs Enforcement.

KRISTI NOEM, Secretary of Homeland Security
U.S. Department of Homeland Security

Respondents.
----- X

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner Chingis Zurtanov is a Russian national who has been residing in the United States while his asylum matter remains pending and who has been authorized to work through a valid Employment Authorization Document. He has no criminal history, works as a construction foreman, and has substantial ties to the United States, including close family members residing here.

Mr. Zurtanov brings this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 to challenge his ongoing immigration detention by U.S. Immigration and Customs Enforcement (ICE) at the Eden Detention Center in Eden, Texas. He has been detained since January 13, 2026, a total of twenty (20) days as of February 2, 2026.

Mr. Zurtanov was detained under circumstances that raise serious constitutional concerns. While traveling to Texas for a legitimate work assignment, he inadvertently arrived at a restricted federal installation. After he was denied entry and attempted to return to his home in New York, he was detained by federal agents and questioned. Once that interview process concluded, he was transferred into ICE custody. Since then, ICE has continued to detain him even though he poses no danger to the community and no realistic flight risk.

ICE is holding Mr. Zurtanov as an applicant for admission under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). Based on that classification, the government takes the position that he is categorically ineligible for a bond hearing before an Immigration Judge. That position tracks binding agency precedent. In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board held that Immigration Judges lack authority to conduct bond proceedings for individuals detained under § 235(b)(2)(A). As a result, Mr. Zurtanov has been denied any neutral, individualized hearing at which the government must justify continued detention.

This Petition does not ask the Court to rewrite the detention statute. It asks the Court to enforce the Fifth Amendment. The Supreme Court has recognized that immigration detention may become constitutionally problematic where it is not supported by a sufficient, individualized justification and where there is no meaningful process to test the government's asserted basis for confinement. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 531 (2003) (Kennedy, J., concurring). While *Jennings v. Rodriguez*, 583 U.S. 281 (2018),

rejected reading automatic bond-hearing requirements into the detention statutes as a matter of statutory interpretation, it left open the constitutional limits on detention in individual cases.

Mr. Zurtanov therefore seeks an order directing his immediate release, or, in the alternative, an order requiring a prompt, individualized custody hearing before a neutral decisionmaker where the government must justify continued detention based on evidence and where Mr. Zurtanov has a meaningful opportunity to be heard.

JURISDICTION AND VENUE

This Court has jurisdiction over this Petition under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody and alleges that his custody violates the Constitution and laws of the United States. Habeas corpus is the traditional mechanism for testing the legality of executive detention and securing release from unlawful custody.

To the extent Respondents invoke INA jurisdiction-channeling provisions, those provisions do not clearly repeal habeas jurisdiction over a core custody challenge absent an express statement, and courts avoid constructions that would eliminate any meaningful forum to test the legality of confinement. See *INS v. St. Cyr*, 533 U.S. 289 (2001).

Venue is proper in the United States District Court for the Northern District of Texas because Petitioner is confined at the Eden Detention Center in Eden, Texas, which is located in Concho County within the San Angelo Division of this District. Under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), the proper respondent in a core habeas challenge to present physical confinement is the petitioner's immediate custodian, and the petition is properly filed in the district of confinement.

Petitioner's claims are justiciable and ripe because he is presently suffering a continuing deprivation of liberty. Once a noncitizen is physically present in the United States, the Due Process Clause protects him as a "person" within the United States, even if his presence is alleged to be unlawful or his admission is disputed. *Zadvydas v. Davis*, 533 U.S. 678, 693–94 (2001).

PARTIES

Petitioner Chingis Zurtanov is a Russian national, born on [REDACTED]. His Alien Registration Number (A-Number) is [REDACTED]. He is currently detained at the Eden Detention Center in Eden, Texas, pursuant to immigration laws administered by the Department of Homeland Security.

Respondent Phillip Valdez is the Warden of Eden Detention Center, which is operated by CoreCivic. As the facility warden, he is Petitioner's immediate custodian. He is sued in his official capacity.

Respondent Robert Cerna is the Acting Director of the ICE Dallas Field Office (Enforcement and Removal Operations). He is sued in his official capacity.

Respondent Todd M. Lyons is the Senior Official Performing the Duties of the Director (Acting Director) of U.S. Immigration and Customs Enforcement. He is sued in his official capacity.

Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. As head of DHS, Secretary Noem has supervisory authority over immigration enforcement, including ICE detention policies and operations. She is sued in her official capacity.

STATEMENT OF FACTS

A. Petitioner's Background and Work in the United States

Mr. Zurtanov is a skilled construction foreman. He has been employed in the United States pursuant to valid employment authorization and, as a practical matter, his work often requires travel to job sites in different states.

Mr. Zurtanov has close family members residing in the United States. These family ties reflect substantial connections to this country and strongly support that he will appear for all immigration proceedings and comply with any conditions of release.

To counsel's knowledge, Mr. Zurtanov has no criminal history. He has not been arrested, charged, or convicted of any crime in the United States.

B. Circumstances of Detention

In early January 2026, Mr. Zurtanov was assigned to a construction job in Texas. Consistent with his work responsibilities, he traveled from New York to Texas to perform his duties as a construction foreman.

When he arrived at the location he had been given, Mr. Zurtanov learned for the first time that the worksite was located on a restricted federal installation. He was denied entry. Mr. Zurtanov had no advance notice that the job site was on a military installation, and his assignment did not disclose that fact. His presence at the installation was inadvertent and the result of information provided to him in connection with his work.

After being denied entry, Mr. Zurtanov departed the area and began traveling back toward New York. While *en route*, he was detained by federal agents. He was interviewed, and

after that interview process concluded, he was transferred into ICE custody. No criminal charges have been filed against him.

On January 13, 2026, ICE placed Mr. Zurtanov in detention at the Bluebonnet Detention Center in Aston, Texas, and later transferred to Eden Detention Center, where he remains confined. As of February 2, 2026, he has been detained for twenty (20) days without any custody hearing before a neutral decisionmaker.

C. Current Immigration Proceedings and Denial of Bond Hearing

Mr. Zurtanov has a pending asylum case before the Immigration Court. His Master Calendar hearing is scheduled for February 19, 2026 at 8:30 a.m. That date is more than three weeks away, meaning that Mr. Zurtanov faces at least thirty-seven (37) days of detention before his first court appearance.

ICE has classified Mr. Zurtanov as an applicant for admission subject to mandatory detention under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). Based on that classification, the government takes the position that he is categorically ineligible for a bond hearing before an Immigration Judge. Under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges lack authority to conduct bond proceedings for individuals detained under § 235(b)(2)(A). As a result, Mr. Zurtanov has had no forum within the Immigration Court to obtain an individualized custody hearing.

To date, no request for parole has been submitted on Mr. Zurtanov's behalf. ICE has not provided any meaningful, individualized process in which it must justify continued detention based on evidence, despite Mr. Zurtanov's substantial community ties and lack of criminal history.

Mr. Zurtanov has not reported any acute medical or mental health issues while detained. Nonetheless, continued detention imposes severe hardships, including separation from family, loss of employment, and the psychological toll of open-ended confinement without a meaningful opportunity to challenge the necessity of detention.

LEGAL STANDARD FOR HABEAS RELIEF

The writ of habeas corpus is “the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.” *Harris v. Nelson*, 394 U.S. 286, 290–91 (1969).

A federal court may grant habeas relief where a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Section 2241 is the traditional vehicle for challenging the legality of immigration detention, including detention alleged to violate the Due Process Clause. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003); *INS v. St. Cyr*, 533 U.S. 289 (2001).

In immigration detention cases, the Supreme Court has recognized that noncitizens are protected by the Due Process Clause once they are physically present in the United States, and that civil detention must bear a reasonable relationship to its permissible purposes and may become constitutionally problematic if it is not justified in an individualized way. See *Zadvydas*, 533 U.S. at 690–94; *Demore*, 538 U.S. at 531 (Kennedy, J., concurring).

At the same time, the Supreme Court has rejected reading automatic, periodic bond-hearing requirements into the immigration detention statutes as a matter of statutory interpretation. *Jennings v. Rodriguez*, 583 U.S. 281 (2018). *Jennings*, however, did not foreclose constitutional challenges to detention as applied in a particular case. Accordingly, where

continued detention is alleged to violate due process, habeas relief remains available to remedy unlawful custody under § 2241.

ARGUMENT

I. MR. ZURTANOV'S CONTINUED MANDATORY DETENTION WITHOUT ANY NEUTRAL, INDIVIDUALIZED CUSTODY HEARING VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

The Fifth Amendment provides that no “person” shall be deprived of liberty without due process of law. U.S. Const. amend. V. The Supreme Court has repeatedly recognized that the Due Process Clause applies to noncitizens who are physically present in the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (Due Process Clause applies to all “persons” within the United States, including noncitizens whether their presence is “lawful, unlawful, temporary, or permanent”). *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

Immigration detention is civil, not punitive, and it is constitutionally permissible only insofar as it reasonably serves legitimate regulatory purposes, principally ensuring appearance for proceedings and protecting the community. *Zadvydas*, 533 U.S. at 690. *Demore v. Kim*, 538 U.S. 510, 523 (2003). Because the government’s authority to detain is justified by those limited objectives, continued detention becomes constitutionally suspect when it is not accompanied by a meaningful, individualized process to test whether confinement remains necessary in the particular case.

Here, ICE is detaining Mr. Zurtanov as an applicant for admission under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A) and takes the position that he is categorically ineligible for any Immigration Judge bond hearing. Under binding agency precedent, Immigration Judges lack authority to conduct bond proceedings for individuals detained under § 235(b)(2)(A).

Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). As a result, absent judicial relief, Mr. Zurtanov has no forum in Immigration Court to obtain a neutral custody hearing, even as his detention continues week after week.

A. Supreme Court Precedent Recognizes Constitutional Limits on Civil Immigration Detention and Supports Required Individualized Process When Detention Becomes Unreasonably Prolonged

The Supreme Court has long cautioned that civil immigration detention raises serious constitutional concerns when it becomes indefinite or untethered from a sufficient, individualized justification.

In *Zadvydas*, the Court addressed the constitutional limits on post-final-order detention and held that indefinite civil detention would present “serious constitutional concerns.” 533 U.S. at 690. To avoid those concerns, the Court construed the statute to contain a reasonableness limitation and adopted a presumptively reasonable six-month period, after which continued detention requires a meaningful justification tied to a foreseeable end point. *Id.* at 701. *Zadvydas* arose in the post-order context, but the constitutional principle it reflects is broader: physical confinement by the government lies at the core of the liberty protected by the Due Process Clause, and civil detention requires a “special justification” sufficient to outweigh the individual’s liberty interest. *Id.* at 690.

In *Demore*, the Court upheld mandatory detention under INA § 236(c), 8 U.S.C. § 1226(c) for certain criminal noncitizens, but the Court’s reasoning depended heavily on the detention being typically brief and tied to the completion of removal proceedings. The Court noted that in the majority of cases removal proceedings for § 1226(c) detainees are completed in an average of about 47 days, and that in the subset of cases involving an appeal to the BIA, the

appeal process takes an average of about four months. 538 U.S. at 529. Justice Kennedy separately emphasized that a different constitutional question could arise if detention were to continue for an extended period without adequate justification in the particular case. 538 U.S. at 532–33 (Kennedy, J., concurring).

Most recently, in *Jennings v. Rodriguez*, the Supreme Court held that the immigration detention statutes do not themselves contain an implicit requirement of periodic bond hearings as a matter of statutory interpretation. 583 U.S. ___, 138 S. Ct. 830 (2018). But *Jennings* expressly left open the constitutional limits on detention as applied in particular cases, explaining that the Court was not deciding “the serious constitutional questions” that could arise from the prolonged application of the detention provisions. 138 S. Ct. at 851 n.10.

Taken together, these decisions establish a consistent due process baseline: civil immigration detention cannot be justified by blanket categories alone indefinitely, and when detention becomes unreasonably prolonged or lacks any meaningful opportunity for individualized review, serious constitutional concerns arise. That concern is especially acute where, as here, the government’s statutory posture and agency precedent foreclose any Immigration Judge bond hearing altogether, leaving the detainee with no neutral forum to test whether continued confinement is actually necessary in his case.

B. Circuit Authority Confirms Constitutional Limits on Civil Immigration Detention and Supports Individualized Custody Hearings When Detention Becomes Unreasonably Prolonged

Before the Supreme Court’s decision in *Jennings v. Rodriguez*, several courts of appeals adopted presumptive timelines for custody hearings, often through statutory construction and constitutional avoidance. *Jennings* rejected that statutory approach, holding that INA §§ 235(b),

236(a), and 236(c) do not themselves contain an implicit requirement of periodic bond hearings. At the same time, *Jennings* did not resolve the constitutional limits on prolonged detention as applied in particular cases and returned those questions to the lower courts.

Consistent with *Jennings*, courts of appeals have since emphasized that the due process inquiry is generally case-specific, but they have also recognized that civil immigration detention may become constitutionally problematic when it extends beyond a reasonable period without a meaningful, individualized opportunity to test whether confinement remains necessary.

First, the Third Circuit has held that mandatory immigration detention is constitutionally permissible only for a reasonable period of time, and that when detention exceeds that reasonable period, due process requires the government to justify continued confinement. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 223, 235 (3d Cir. 2011).

Second, the Second Circuit has rejected a rigid time limit, but it has held that due process bars unreasonably prolonged detention under the mandatory detention framework of § 1226(c) without an individualized bond hearing. *Black v. Decker*, No. 20-3224 (2d Cir. May 31, 2024). The Second Circuit's approach underscores the principle that civil detention must remain tethered to its regulatory purposes and cannot continue for an unreasonably extended period without a meaningful procedure to test whether continued confinement is justified.

Third, the First Circuit has rejected a per se "six-month rule," but it has recognized that the constitutional analysis turns on the individual circumstances of each detainee and the reasonableness of continued detention without a custody hearing. *Reid v. Donelan*, No. 19-1787 (1st Cir. 2021).

Fourth, the Sixth Circuit has recognized that immigration detention is constrained by constitutional considerations and has evaluated prolonged detention under a reasonableness framework. *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).

The circuits are not uniform. For example, the Eighth Circuit has rejected a due process right to a bond hearing based solely on the length of mandatory detention while removal remains a possibility. *Banyee v. Garland*, 115 F.4th 928 (8th Cir. 2024). That disagreement underscores that there is no single nationwide bright-line rule, but it does not eliminate the constitutional inquiry. *Jennings* itself confirms that the question is constitutional and fact-dependent, not purely statutory.

Applied here, the constitutional concern is sharpened by the government's position that Mr. Zurtanov is detained under INA § 235(b)(2)(A) and is therefore categorically ineligible for an Immigration Judge bond hearing, leaving him with no neutral custody forum at all absent habeas relief. Where detention continues without any meaningful individualized process before a neutral decisionmaker, and where the only asserted justification is a categorical statutory label, due process requires at minimum an individualized custody hearing at which the government must justify continued confinement based on flight risk or danger in the particular case.

C. The Government's "Applicant for Admission" Classification Does Not Eliminate Due Process Constraints on Continued Civil Detention

Respondents classify Mr. Zurtanov as an applicant for admission subject to mandatory detention under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and contend that this statutory posture forecloses any Immigration Judge bond hearing. Under binding agency precedent, Immigration Judges lack authority to conduct bond proceedings for individuals detained under § 235(b)(2)(A). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

That agency and statutory framework does not, however, eliminate constitutional limits on civil confinement. The Due Process Clause protects “persons” within the United States, and it constrains civil detention that is not reasonably related to permissible regulatory purposes or that continues without any meaningful opportunity for individualized review. The Supreme Court has recognized the serious constitutional concerns raised by prolonged civil immigration detention, even while acknowledging the government’s broad immigration authority.

Jennings v. Rodriguez held that the detention statutes do not themselves contain an implied requirement of periodic bond hearings as a matter of statutory interpretation. But *Jennings* expressly left open the constitutional limits on detention as applied in particular cases. Here, the constitutional problem is sharpened because the government’s position and agency precedent together leave Mr. Zurtanov without any neutral custody forum at all. Absent habeas relief, he has no meaningful opportunity to require the government to justify continued confinement based on individualized evidence of flight risk or danger.

D. Mr. Zurtanov’s Continued Detention Is Not Justified by Flight Risk or Danger, and the Absence of Any Neutral Custody Hearing Creates a Serious Due Process Problem

In *Demore v. Kim*, the Supreme Court upheld mandatory detention under INA § 236(c) in a case where the government represented that detention during removal proceedings is typically brief. The Court cited EOIR statistics indicating that, in 85% of § 236(c) cases, removal proceedings are completed in an average of 47 days, and that in the remaining 15% of cases involving an appeal, the appeal process takes an average of four months; the Court summarized that detention lasts roughly a month and a half in the vast majority of cases and about five months in the minority. Justice Kennedy wrote separately to emphasize that a different

constitutional question could arise if detention continues for an extended period without adequate justification in the particular case.

Here, Mr. Zurtanov has been detained since January 13, 2026, and his first Master Calendar hearing is scheduled for February 19, 2026. Even if that hearing proceeds on schedule, he will have been confined for at least 37 days before his first appearance. In light of the ordinary pace of asylum proceedings, including continuances and the time required to adjudicate an application for relief, there is a substantial risk that his confinement will extend well beyond the short, typical period relied upon in *Demore*, yet he has no access to any Immigration Judge bond forum because the government is detaining him under INA § 235(b)(2)(A) and takes the position that bond is categorically unavailable.

Nothing in Mr. Zurtanov's background suggests he presents a risk of flight or danger. To counsel's knowledge, he has no criminal history in the United States. He has close family ties in the United States and a record of steady employment pursuant to valid work authorization. He has not previously failed to appear for immigration proceedings. No criminal charges were filed following the federal interview that preceded his transfer to ICE custody.

Under these circumstances, continued detention without any neutral, individualized custody hearing does not meaningfully advance the government's regulatory interests. Any legitimate concerns about appearance can be addressed through conditions of release, including alternatives to detention such as electronic monitoring, regular reporting, or other supervision measures. Continued confinement without a meaningful opportunity to test necessity therefore ceases to function as a regulatory measure and instead imposes punitive hardship inconsistent with due process.

E. The Lack of Any Neutral Custody Hearing Inflicts Severe and Ongoing Harm

Civil immigration detention imposes hardships that extend beyond physical confinement, including separation from family, loss of employment stability, and serious obstacles to assisting counsel in preparing a defense and an application for relief. These burdens intensify the longer detention continues, particularly where the government's position is that no Immigration Judge bond forum exists.

Mr. Zurtanov's confinement has separated him from family in the United States and has jeopardized his ability to maintain lawful employment and income. Detention also materially restricts his ability to participate in preparing his asylum case, including gathering documents, communicating with witnesses, and consulting with counsel from outside a detention setting.

The harm is ongoing because Mr. Zurtanov remains confined without any meaningful opportunity to obtain an individualized custody determination before a neutral decisionmaker. Courts evaluating requests for emergency relief routinely recognize that ongoing deprivations of constitutional rights constitute irreparable injury. See *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013) (affirming finding of irreparable harm from needless prolonged detention and constitutional injury); see also *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (noting that when an alleged deprivation of a constitutional right is involved, most courts do not require a further showing of irreparable injury).

Accordingly, the continued denial of any neutral custody hearing compounds the deprivation of liberty and its attendant harms each day, warranting prompt judicial intervention.

II. THE COURT SHOULD GRANT HABEAS RELIEF BECAUSE THE STATUTORY SCHEME FORECLOSES AN IJ BOND FORUM AND THE CONSTITUTION STILL IMPOSES LIMITS ON CONTINUED CIVIL DETENTION

The canon of constitutional avoidance provides that where a statute is susceptible to more than one permissible construction, courts should adopt the construction that avoids serious constitutional questions. *INS v. St. Cyr*, 533 U.S. 289, 299–300 (2001) (quoting *Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Construction Trades Council*, 485 U.S. 568, 575 (1988)). But the Supreme Court has also made clear that courts may not use avoidance to adopt implausible readings that effectively rewrite the statute. *Jennings v. Rodriguez* held that INA §§ 1225(b), 1226(a), and 1226(c) do not themselves provide a right to periodic bond hearings, and it explained that the Ninth Circuit misapplied the avoidance canon in concluding otherwise.

Accordingly, the proper frame here is not that § 1225(b) should be “construed” to create an Immigration Judge bond-hearing mechanism. Congress provided that noncitizens covered by INA § 235(b)(2) “shall be detained” pending removal proceedings, and, absent parole, such detainees generally must remain in custody and cannot seek release on bond before an Immigration Judge. That statutory posture is reinforced by agency precedent holding that Immigration Judges lack authority to conduct bond proceedings for individuals detained under § 235(b)(2)(A).

That does not end the inquiry. *Jennings* did not resolve the constitutional limits on prolonged civil detention as applied in particular cases. It recognized that “serious constitutional questions” may arise from prolonged application of the detention provisions and remanded for consideration of the detainees’ constitutional claims. The constitutional question presented here

is sharpened because the government's interpretation of § 235(b)(2)(A), together with binding agency precedent, leaves Mr. Zurtanov with no neutral custody forum at all absent habeas relief.

This Court therefore should grant relief on constitutional grounds. If the Court concludes that the government's reading of § 1225(b)(2)(A) permits continued detention for an unreasonably prolonged period without any meaningful opportunity for a neutral, individualized custody determination, then the statute is unconstitutional as applied to Mr. Zurtanov and his continued detention violates due process. The appropriate remedy is an order directing Mr. Zurtanov's release, or, at minimum, an order requiring a prompt, constitutionally adequate custody hearing before a neutral decisionmaker with authority to order release, at which the government must justify continued confinement based on individualized evidence of flight risk or danger.

III. MR. ZURTANOV IS ENTITLED TO IMMEDIATE RELEASE OR, IN THE ALTERNATIVE, A PROMPT INDIVIDUALIZED CUSTODY HEARING BEFORE A NEUTRAL DECISIONMAKER

For the reasons set forth above, Mr. Zurtanov's continued detention without any neutral, individualized custody determination violates due process. This Court should grant habeas relief and order Mr. Zurtanov's immediate release, with appropriate conditions if necessary to reasonably ensure his appearance and protect the public.

At minimum, if the Court does not order immediate release, it should require Respondents to provide Mr. Zurtanov with a prompt, constitutionally adequate custody hearing before a neutral decisionmaker with authority to order release. The need for this remedy is especially acute because Respondents detain Mr. Zurtanov under INA § 235(b)(2)(A) and take the position that there is no Immigration Judge bond forum. Under *Matter of Yajure Hurtado*,

Immigration Judges lack authority to conduct bond proceedings for individuals detained under § 235(b)(2)(A). In these circumstances, habeas relief is the only mechanism that can supply meaningful process.

At the custody hearing ordered by this Court, Respondents should bear the burden to justify continued confinement based on individualized evidence that detention is necessary to serve the government's regulatory purposes. If Respondents cannot carry that burden, Mr. Zurtanov should be released on the least restrictive conditions that reasonably address any demonstrated risk. Those conditions can include alternatives to detention such as electronic monitoring, regular reporting, travel restrictions, or other supervision measures.

In evaluating custody, the neutral decisionmaker should consider all relevant factors, including:

1. Mr. Zurtanov's family ties and stable residence in the United States;
2. his employment history and work authorization;
3. the absence of any known criminal history;
4. his history of appearing for required proceedings and complying with government processes;
5. the stage of the immigration case and the likely timeline for adjudication; and
6. whether less restrictive alternatives to detention can reasonably address any asserted flight risk or danger.

If any financial condition is imposed as part of release, it must be reasonable and calibrated to Mr. Zurtanov's actual financial circumstances. A condition that functions as detention by unaffordability would not provide meaningful relief.

Finally, to prevent further deprivation of liberty, any hearing ordered by the Court should occur promptly, within seven (7) days of the Court's order, or as soon as practicable on the Court's schedule.

CONCLUSION

The Fifth Amendment's guarantee of due process applies to persons within the United States, including Mr. Zurtanov. He is currently subject to mandatory detention under INA § 235(b)(2)(A) without access to any Immigration Judge bond forum, and he has been confined without any neutral, individualized custody hearing at which the government must justify continued detention. Continued civil confinement without meaningful, individualized process raises serious constitutional concerns and violates due process as applied here.

Mr. Zurtanov has substantial ties to the United States, including family members here, and a record of steady employment pursuant to valid work authorization. To counsel's knowledge, he has no criminal history. He is pursuing asylum through established legal procedures. On this record, continued detention is not necessary to serve the government's legitimate regulatory interests and imposes ongoing, severe hardship.

Accordingly, Petitioner respectfully requests that this Court:

- i. Grant this Petition for Writ of Habeas Corpus;
- ii. Order Petitioner's immediate release from custody, subject to appropriate conditions if necessary; or, in the alternative,
- iii. Order Respondents to provide Petitioner with a prompt, constitutionally adequate custody hearing before a neutral decisionmaker with authority to order release, to occur within seven (7) days of the Court's order or as soon as practicable, at

which Respondents bear the burden of justifying continued detention based on individualized evidence of flight risk or danger;

- iv. Order that any financial condition of release be reasonable and calibrated to Petitioner's financial circumstances so it does not function as continued detention; and
- v. Grant such other and further relief as the Court deems just and proper.

Dated: February 2, 2026

Respectfully submitted,

/s./ Vano I. Haroutunian
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s./ Vano I. Haroutunian
Vano I. Haroutunian

LIST OF EXHIBITS

Exhibits	Description of Exhibits
A	Copies of the Notice to Appear (NTA) served on Petitioner, I-94
B	Copy of Petitioner's Form I-589, Application for Asylum and for Withholding of Removal
C	Notice to EOIR: Alien Address
D	Warrant for Arrest of Alien and Notice of Custody
E	Screenshot from the ICE Detainee Locator (https://locator.ice.gov) confirming that Petitioner is detained at the Eden Detention Center
F	Copy of Petitioner's Passport