IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Sokhibdzhon RAFIBAEV
***Petitioner*,**
v.

Noem, et al.

Respondents.

Civil Action No. 1:26-cv-00461

File No.

PETITIONER'S REPLY TO RESPONDENT'S RESPONSE

COMES NOW, Petitioner, by and through undersigned counsel and hereby submits this Reply to the State's Response to Petitioner's Petition for Writ of Habeas Corpus. Petitioner will not reply to every issue and argument made by the State. The absence of any rebuttal is not, however, a waiver or abandonment of any claim or argument made previously. For arguments not addressed herein, Petitioner stands on the arguments presented in his Amended Petition for Writ of Habeas Corpus.

I. PETITIONER IS NOT SUBJECT TO MANDATORY DETENTION UNDER ANY PROVISIONS OF 8 U.S.C. § 1225

Respondents' argument rests on the theory that Petitioner's status as an "arriving alien" is an interminable brand that follows him years after his controlled entry through the CBP One Parole program. This Court should reject this "perpetual arrival" fiction. As Petitioner

emphasized in his Amended Petition, "arrival" is a physical act of reaching a destination, not a lifelong legal category. *Qasemi v. Francis*, No. 25-CV-10029 (LJL), 2025 WL 3654098, at *6 (S.D.N.Y. Dec. 17, 2025). As the *Qasemi* court correctly held, once a noncitizen is released into the interior, "arrival" is a physical process that has concluded. *Id.* Petitioner did not evade inspection; he utilized the Government's mandated CBP One pathway, presented himself for a scheduled inspection, and was granted humanitarian parole. By paroling Petitioner and allowing him to reside in the interior for nearly two years, the Government terminated the "expedited removal" proceedings.

Further, Respondents concede that ICE served Petitioner with a Form I-200, Warrant for Arrest of Alien. See Dkt 9, p. 3. This is a dispositive admission. I-200 warrants are the specific legal instruments required to initiate discretionary detention for noncitizens in the interior under 8 U.S.C. § 1226(a). Arriving aliens at a port of entry are processed via summary inspection under § 1225, which does not utilize an I-200 warrant. By utilizing the § 1226 machinery to arrest Petitioner in Wyoming, the Government has functionally conceded his status as an interior resident. As noted in *Martinez v. Baltazar*, the mandatory detention of § 1225 applies to those actively seeking entry, not those who have been residing in the interior for years. No. 26-CV-00106-PAB, 2026 WL 194163 (D. Colo. Jan. 26, 2026).

II. THE PURPOSE OF PAROLE HAS NOT BEEN SERVED BECAUSE HIS ASYLUM ADJUDICATION IS ONGOING

Respondents argue that Petitioner's parole "automatically terminated" on December 4, 2024, by virtue of a calendar date. This argument fails because it ignores the fundamental nature of the CBP One program and the statutory mandate of 8 U.S.C. § 1182(d)(5)(A).

The CBP One Parole program was established as the primary, Government-mandated "orderly pathway" for asylum seekers to present at ports of entry. Its historical and legal purpose was to move individuals out of summary border processing and into the interior for the full adjudication of their asylum claims under Section 240. *See Coalition for Humane Immigrant Rights v. Noem*, 2025 WL 2192986 (D.D.C. Aug. 1, 2025). When Petitioner was paroled via a CBP One appointment in December 2023, the "significant public benefit" and "urgent humanitarian reason" for that parole was to facilitate his participation in these ongoing legal proceedings.

Under § 1182(d)(5)(A), parole remains active until its purpose has been served. In Petitioner's case, that purpose—the adjudication of his asylum claim—is currently in its most critical stage, with a merits hearing scheduled for May 4, 2026. As Petitioner correctly noted in his Amended Petition, "arrival" is a physical act that concludes upon resettlement, not an "interminable status." *Qasemi v. Francis*, 2025 WL 3654098, at *6 (S.D.N.Y. Dec. 17, 2025). Because the adjudication process is the very reason for his presence, the purpose of his parole remains unfulfilled. The Government cannot invite a Petitioner to use a specific "legal pathway," grant him parole to pursue that pathway, and then rely on an arbitrary expiration date to snatch back his liberty before that process is complete.

CONCLUSION

Petitioner did exactly what the Government required; he used the CBP One app and submitted to inspection. The Government's attempt to ignore the ongoing purpose of his parole to justify a notice-less, mandatory detention is a violation of the Fifth Amendment. Petitioner must be released.

Respectfully submitted,

By: /s/ Mehmet Turkoglu

Counsel for Petitioner
Mehmet Turkoglu
5775 Wayzata Blvd Ste 700
Minneapolis, MN 55416
(612) 720-0075
mturkoglu@mytlegal.com

Dated: February 24, 2026

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Mehmet Y. Turkoglu
Attorney for Petitioner