

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY DIVISION**

YURII SMIRNOV

Petitioner

v.

SCARLET GRANT, Warden of the
Cimarron Correctional Facility;
JOSHUA JOHNSON, Director, Ice
Dallas Field Office; TODD M.
LYONS, Acting Director, Immigration
and Customs Enforcement, KRISTI
NOEM, Secretary of the Department
of Homeland Security; PAMELA
BONDI, Attorney General of the
United States, in their official
capacities,

Respondents.

Case No.

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

Petitioner Yuri Smirnov ("Petitioner"), by and through undersigned
counsel, hereby challenges his unlawful detention based on a legal fiction. Petitioner is
not an individual presently seeking admission at the border. He is a  national

who was lawfully inspected and paroled into the United States on July [REDACTED] 2024, pursuant to [REDACTED]

[REDACTED] Petitioner was paroled together with his spouse and child and was authorized to remain in the United States through July [REDACTED] 2026, as reflected in his most recent I-94 record.

Despite this lawful humanitarian parole and his compliance with its terms, Respondents have detained him under 8 U.S.C. § 1225(b) as though he were an arriving alien seeking admission. This characterization disregards both his [REDACTED] parole status and his established residence in Illinois with his family.

I. INTRODUCTION

1. Petitioner Yuri Smirnov lawfully sought safety in the United States through authorized humanitarian channels. On July [REDACTED] 2024, he was inspected and paroled into the United States pursuant to [REDACTED]

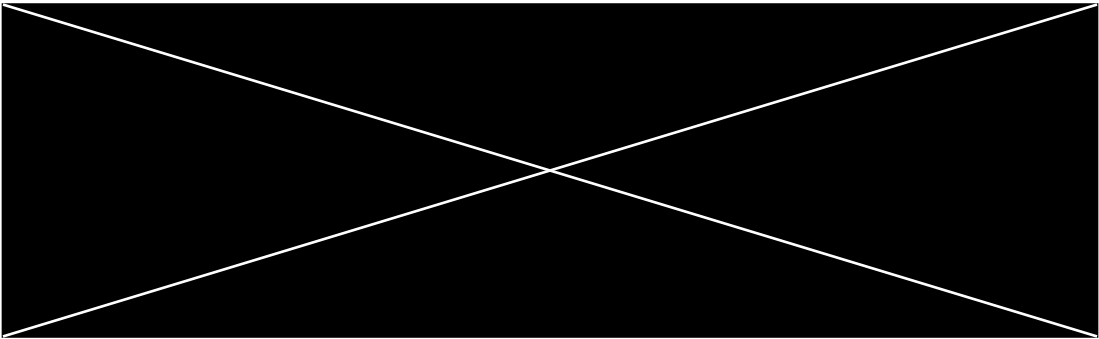
2.

3. Upon inspection by U.S. Customs and Border Protection, Petitioner was granted parole

under INA § 212(d)(5) and issued a Form I-94 reflecting 

authorizing his stay in the United States through July  2026.

4. Petitioner entered together with his spouse and child under this humanitarian framework.
5. Since his lawful parole into the United States, Petitioner has established substantial ties to this country. Prior to his detention, he obtained employment authorization, lawfully worked, and paid taxes.
6. Petitioner diligently complied with all legal requirements while awaiting adjudication of his protection claim.

7. 

8. Additionally, pursuant to 

Petitioner was granted employment authorization. With a valid Employment Authorization Document, he obtained a commercial driver's license and lawfully worked as a truck driver. He fixed residence in Illinois, and fully complied with the terms of his parole and all applicable U.S. laws.

9. Notwithstanding his lawful parole status and full compliance with all applicable requirements, on January 14, 2026, Petitioner was stopped while working as a commercial truck driver near the weight station along Interstate 35 in Oklahoma. Following that stop, Petitioner was detained by U.S. Immigration and Customs Enforcement and subsequently transferred to the Cimarron Correctional Facility. At no

point prior to his detention was Petitioner notified that his parole had been terminated, nor was he provided any opportunity to contest the basis for his custody.

10. Following his detention, and despite his pending [REDACTED], [REDACTED], ICE issued Petitioner a Notice to Appear (“NTA”), under File No. [REDACTED], and placed him in removal proceedings before the Aurora Immigration Court. The Immigration Court conducted an initial Master Calendar Hearing on February [REDACTED] 2026, and subsequently scheduled a second Master Calendar Hearing for February [REDACTED] 2026. As a result, Petitioner—who had been lawfully inspected, paroled, and was awaiting adjudication of his USCIS [REDACTED]—was placed into adversarial removal proceedings while in ICE custody

11. 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 arrest of an individual living and working in the United States while awaiting his scheduled day in court.

12. 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.

13. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), 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 statutory basis of his detention.

14. 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.

15. Because Petitioner was lawfully inspected and paroled into the United States pursuant to [REDACTED]—and was residing and working in the interior of the country while awaiting [REDACTED] [REDACTED]—his detention is not governed by 8 U.S.C. § 1225(b). Rather, once paroled and released into the United States, any subsequent pre-final order 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 categorical refusal to provide Petitioner with access to a bond hearing, based solely on an "arriving alien" classification, misapplies the detention statutes and deprives him of the procedural protections guaranteed by the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

16. 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.

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

II. PARTIES

18. Petitioner is a native and citizen [REDACTED] who resided with his wife and minor child at [REDACTED] Illinois [REDACTED] prior to his detention. On July 12, 2024, he was inspected and granted parole into the United States pursuant to [REDACTED]. He was issued a Form I-94 reflecting [REDACTED] authorizing his presence in the United

States through July , 2026. Petitioner entered and resided in the United States together with his immediate family under this humanitarian framework and has maintained a stable household with them since his lawful parole.

19. Respondents are the federal officials responsible for Petitioner's custody and the enforcement of the immigration detention laws, including: Scarlet Grant, Warden of the Cimarron Correctional Facility; 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 Pamela Bondi, Attorney General of the United States.

III. JURISDICTION

20. 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."
21. Petitioner is currently detained within this District at 3200 S Kings Hwy, Cushing, OK 74023, and therefore, jurisdiction is proper in this Court. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004). (a habeas petition must be filed in the district of confinement and name the immediate custodian).
22. 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 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).

23. 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.
24. 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*, 583 U.S. 281 at 830, 840–41 (2018).
25. (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 reference challenges to immigration detention, they do not deprive this Court of habeas jurisdiction over Petitioner’s detention-based claims.
26. 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.

27. 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*, at 830, 841 (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.

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

29. 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).

30. 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. § 1226(e) unchanged supports the conclusion that habeas corpus jurisdiction over challenges to detention was preserved.
31. 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*, at 830, 841. Accordingly, as a matter of statutory interpretation, § 1226(e) does not preclude habeas review of constitutional challenges to the legality of detention.
32. Therefore, this Court has jurisdiction to review this habeas petition on behalf of Petitioner.

IV. VENUE

33. The Western District of Oklahoma has exercised habeas jurisdiction over similar claims challenging statutory detention authority, rejecting arguments that such review is precluded. See *Maldonado v. Noem*, Case No. CIV-25-1379-J (W.D. Okla. Jan. 21, 2026).
34. Venue is also properly 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 Western District of Oklahoma.
35. 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

36. 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).
37. 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

38. 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.
39. 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. 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.
40. 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.
41. 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.
42. 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.
43. Petitioner was inspected and paroled into the United States pursuant to INA § 212(d)(5)

through [REDACTED], 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.

44. Following his detention, ICE issued Petitioner a Notice to Appear and placed him into removal proceedings pursuant to 8 U.S.C. § 1229a before the Aurora Immigration Court. At the time of this filing, [REDACTED] before USCIS and was awaiting [REDACTED]. Rather than allowing that pending USCIS process to proceed, the matter was abruptly referred to the Immigration Court, thereby shifting jurisdiction [REDACTED] to adversarial removal proceedings. Petitioner has not been ordered removed, and his case remains pending before the Immigration Court.

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

46. 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.

47. 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

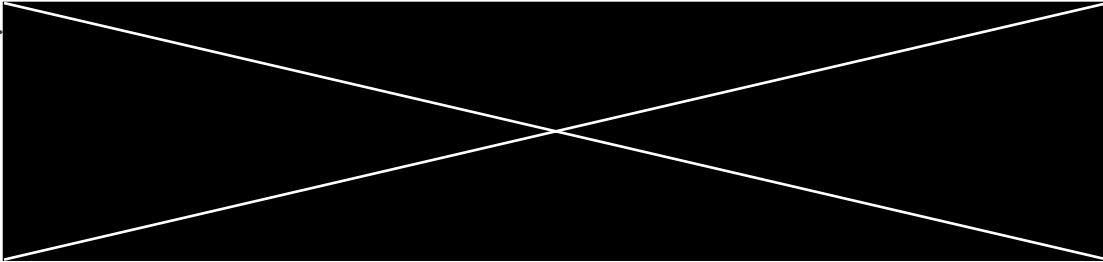
conducted at the border or immediately upon entry. See 8 U.S.C. § 1225(b)(2)(A).

48. 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*, at 281, 287.

49. 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.

50. 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*, No. 1:2025-cv-04304 (E.D.N.Y. 2025).

51.



52. 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).

53. 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).

54. Section 1226(a) requires that detention be discretionary, subject to individualized

review, and accompanied by the opportunity for release on bond or conditional parole.

55. 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.

56. 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*.

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

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

58. 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).

59. 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).

60. The United States District Court for the Western District of Oklahoma has likewise rejected DHS’s attempt to reclassify interior noncitizens as subject to mandatory detention under 8 U.S.C. § 1225(b). In *Rodriguez Hernandez v. Grant*, Case No. CIV-25-1525-SLP (W.D. Okla. Jan. 23, 2026), the court held that DHS had unlawfully applied § 1225(b)(2)(A) to a noncitizen who was already present in the United States and not seeking admission. The court rejected the government’s argument that 8 U.S.C. § 1252(g) stripped it of jurisdiction and concluded that challenges to the statutory basis of detention are properly brought through habeas corpus. The court further held that detention of noncitizens apprehended in the interior is governed by 8 U.S.C. § 1226(a) rather than § 1225(b) and ordered DHS to provide an individualized bond hearing or release the petitioner. Accordingly, § 1225(b) 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.

61. The government’s reliance on *Matter of Yajure Hurtado* 29 I&N Dec. 216 (BIA 2025) and *Matter of Q. Li* to justify mandatory detention under 8 U.S.C. § 1225(b) is legally unsustainable. As the United States District Court for the Western District of Oklahoma recently held, 8 U.S.C. § 1225(b)(2)(A) applies only when a noncitizen “applicant for admission” is actively “seeking admission” into the United States. The court rejected DHS’s attempt to apply § 1225(b) to noncitizens apprehended in the interior, concluding that such individuals fall outside the scope of § 1225(b) and are instead

governed by 8 U.S.C. § 1226(a), which entitles them to an individualized custody determination, including the opportunity for a bond hearing. Because Petitioner was arrested in the interior of the United States after being inspected and paroled and while awaiting Immigration Court proceedings, § 1225(b) does not apply to his detention, and Respondents lack statutory authority to deny him access to a bond hearing.

62. Federal courts have recognized that noncitizens who 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 *Castañon-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.

63. The court reaffirmed this conclusion days later in denying the government’s emergency motion to stay pending appeal. 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.

64. 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.
65. 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.
66. The court applied the same reasoning in *Martinez Cruz v. Hyde*, 1:25-cv-12854-IT (D. Mass. Oct. 10, 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 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.

67. Courts have likewise applied this reasoning to paroled noncitizens. In *Santiago v. Noem*, 3:25-cv-00361, (W.D. Tex., October 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).

68. 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.

69. 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 of Immigration Appeals’ precedential decision in *Matter of Q. Li*, 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)

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

71. The government is unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b), despite the fact that § 1225(b) is directed to detention arising in connection with the inspection and admission process. Petitioner is not such an individual; rather, he was inspected and paroled into the United States pursuant to [REDACTED] on July [REDACTED] 2024, and has remained continuously present in the United States pursuant to that valid grant of parole. 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.

72. 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).

73. The Board of Immigration Appeals’ decision in *Matter of Q. Li*, 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 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.

74. 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*; *Gomes v. Hyde*.

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

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

77. 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

approximately two (2) years, is deeply embedded in his community, and has not been apprehended at or near the border.

78. 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.

79. Freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. See *Zadvydas v. Davis*, at 678, 690. 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. Kim*, 538 U.S. 510, 531 (2003).

80. 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.

81. The Western District of Oklahoma has likewise rejected DHS’s attempt to apply 8 U.S.C. § 1225(b) to noncitizens apprehended in the interior, holding that § 1225(b)(2)(A) applies only when a noncitizen is actively “seeking admission,” and that detention of interior-arrested individuals is governed by 8 U.S.C. § 1226(a), which entitles them to a bond hearing or release. *Maldonado v. Noem*.

82. Moreover, the United States District Court for the Western District of Michigan recently held that applying mandatory detention under § 1225(b) to a paroled noncitizen apprehended in the interior violates the Due Process Clause. See *Kozubaev v. Lynch*, No. 1:25-cv-1873, Slip Op. at 3–5 (W.D. Mich. Jan. 15, 2026). In *Kozubaev*,

the court squarely rejected the government's attempt to detain a paroled asylum seeker under § 1225(b)(2), holding instead that "§ 1226(a), not § 1225(b)(2)(A), governs noncitizens... who have resided in the United States and were already within the United States when apprehended." *Id.* at 3. Finding that continued detention without a bond hearing violated the Fifth Amendment, the court ordered the government to provide a bond hearing under § 1226(a) within five business days or immediately release the petitioner. *Id.* at 5. That rationale applies squarely here. The government provides no mechanism for Petitioner to contest his detention or seek release, resulting in effectively indefinite detention without process, which the Supreme Court has repeatedly condemned. See *Zadvydas*, at 690–92; *Clark v. Martinez*, 543 U.S. 371, 386–87 (2005).

83. 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

84. 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 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.

85. The Supreme Court has long held that habeas relief remains available to noncitizens seeking to challenge unlawful executive detention. See *INS v. St. Cyr*, at 289, 301 (“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).
86. 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. As the United States District Court for the Western District of Oklahoma recently held in *Maldonado v. Noem*, DHS’s attempt to apply 8 U.S.C. § 1225(b) to noncitizens apprehended in the interior exceeds the limits of the INA. The court made clear that § 1225(b)(2)(A) applies only when a noncitizen is actively “seeking admission,” and that detention of noncitizens already present in the United States while awaiting Immigration Court proceedings is governed by 8 U.S.C. § 1226(a), which entitles them to a bond hearing or release. 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.

87. 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

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

89. 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 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.

90. 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.

91. 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 an order prohibiting Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings;
3. Issue an Order requiring Respondents to show cause as to why Petitioner should not be released immediately, or in the alternative afforded a bond hearing before a neutral Immigration Judge, at which the government bears the burden to prove by clear and convincing evidence that continued detention is justified based on danger to the community or risk of flight;
4. Declare that Petitioner's continued detention without access to a bond hearing violates the Immigration and Nationality Act, its implementing regulations, and the Due Process Clause of the Fifth Amendment to the United States Constitution;
5. Enjoin Respondents from re-detaining Petitioner absent lawful statutory authority and constitutionally sufficient procedures;
6. 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);
7. Grant such other and further relief as the Court deems just and proper in equity and under the circumstances.

Respectfully submitted on February 8, 2026.

/s/ Harun Taskin

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ATTORNEY FOR PETITIONER

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 the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom the 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 February 8, 2026.

/s/ Harun Taskin

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