

**IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLORADO**

Civil Action No. 26-cv-00519-DDD-NRN

RUSLAN SALIKHOV,

Petitioner,

v.

KRISTINOEM, Secretary, U.S. Department of Homeland Security,
JUAN BALTASAR, Warden, Denver Contract Detention Facility,
GEORGE VALDEZ, Director, Denver Field Office, United States Immigration and Customs
Enforcement,¹

Respondents.

**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
(ECF No. 1) AND ORDER TO SHOW CAUSE (ECF No. 4)**

Petitioner presented at a United States port of entry just over two years ago, as an applicant for admission who was seeking admission. As such, he was subject to mandatory detention under 8 U.S.C. § 1225(b). He was subsequently paroled into the United States, but only for one year—after that, his parole terminated automatically. He received written notice of that termination date when he was initially paroled, and Immigration and Customs Enforcement (“ICE”) recently informed him of the termination again in writing.

By statute, Petitioner’s parole is *not* regarded as an admission into the United States, and upon termination of parole he is to be “returned to the custody from which he was paroled.” 8

¹ George Valdez, Acting Director of Immigration and Customs Enforcement’s (“ICE”) Denver Field Office, is substituted as a Respondent pursuant to Fed. R. Civ. P. 25(d).

U.S.C. § 1182(d)(5)(A). That is, now that his parole has terminated, Petitioner is once again subject to mandatory detention under § 1225(b)—just as he was when he initially presented at the port of entry.

Petitioner’s detention is lawful, and the petition should be denied.

BACKGROUND

Many of the key facts are not in dispute. Petitioner is a native and citizen of Russia, who presented himself at the United States border in early 2024. *See* ECF No. 1 ¶¶ 3, 21-22; Ex. A (Declaration of Jasper Manacop), ¶¶ 4-5. ICE determined that he was inadmissible pursuant to § 1182(a)(7)(A)(i)(I) (immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document), and processed him for expedited removal proceedings under § 1225(b)(1). *See* Ex. A ¶¶ 5, 8; Ex. B at 2 (Notice to Appear (“NTA”)).

Petitioner was served with an NTA on February 5, 2024. *See* Ex. B. The NTA stated, of Petitioner, “[y]ou are an arriving alien”² who “applied for admission at PROGRESO TX on 2024-01-24.” *Id.* at 2. Petitioner later conceded removability as charged in the NTA. *See* Ex. A ¶ 12. His removal proceedings are ongoing, and his case is set for an individual hearing on the merits of his application on March 6, 2026. *See id.* ¶ 19.

Petitioner filed an application for asylum and withholding of removal on March 13, 2024. *Id.* ¶ 9. Petitioner alleges his asylum claim was still pending when his current detention began. *See* ECF No. 1 ¶¶ 6, 27, 44.

² The INA uses the term “alien” to refer to “any person not a citizen or national of the United States.” 8 U.S.C. § 1101(a)(3).

On March 22, 2024, Petitioner was paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A). *See* ECF No. 1 ¶ 22; Ex. A ¶¶ 10-11; Ex. C (Interim Notice Authorizing Parole issued to Petitioner on March 22, 2024, and signed by him on that same date). Petitioner’s parole was valid for one year—that is, through March 22, 2025. *See* Ex. C. The Interim Notice that Petitioner received and signed states that his parole “will automatically terminate . . . at the end of the one-year period unless ICE provides you with an extension at its discretion.” *Id.* ICE did not provide Petitioner with an extension, and thus Petitioner’s parole automatically terminated on March 23, 2025. *See* Ex. A. ¶ 15.

In December 2025, Petitioner was arrested and held in state custody in Wyoming for traffic-related charges. *See* ECF No. 1 ¶ 5; Ex. 5 ¶ 13. ICE lodged a detainer with the jail, and upon Petitioner’s release from state custody on January 9, 2026,³ he was taken into custody by ICE. *See* ECF No. 1 ¶ 5; Ex. A. ¶¶ 13-14. He is detained pursuant to 8 U.S.C. § 1225(b) pending resolution of his removal proceedings. Ex. A. ¶¶ 14, 17.

On February 23, 2026, ICE issued Petitioner a Notice of Parole Termination. Ex. A ¶ 16; Ex. D. That Notice explained that Petitioner’s parole had been authorized for one year, that “ICE has determined that the purpose of your parole has been accomplished,” that ICE had further determined “there are no other urgent humanitarian reasons or significant public benefit for you to remain paroled,” and that “parole has been terminated.” Ex. D.

ARGUMENT

Petitioner claims that his detention violates due process and the Immigration and Nationality Act (“INA”). *See* ECF No. 1 at 15-17. Specifically, he argues that the mandatory-

³ The petition identifies this date as January 10, 2026. *See* ECF No. 1 ¶ 5. The difference is not material for purposes of deciding the petition.

detention provision in 8 U.S.C. § 1225(b) does not apply to him, despite the fact that he was detained at a port of entry as an applicant for admission. For relief, he seeks immediate release. *See id.* at 18.

Petitioner’s arguments are unavailing. As an arriving alien presented at a port of entry, he is plainly an “applicant for admission” who is subject to mandatory detention under § 1225(b).⁴ The fact of his parole does not change that. As the Supreme Court has held, “aliens who arrive at ports of entry—even those paroled elsewhere in the country for years pending removal—are ‘treated’ for due process purposes ‘as if stopped at the border.’” *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020) (emphasis added). And Petitioner’s parole terminated automatically, consistent with applicable regulations and the two notices he has received.

A. Petitioner is subject to mandatory detention under § 1225(b)

In the INA, Congress determined when certain aliens may or must be detained or removed. As relevant here, 8 U.S.C. § 1225 governs detention and removal of “applicants for admission.” An applicant for admission is an “alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival

⁴ Petitioner could have been detained under *either* § 1225(b)(1) (the provision that governs the inspection and detention of certain aliens who are arriving and inadmissible on various specified grounds, including inadmissibility under § 1182(a)(7), *see* 8 U.S.C. § 1225(b)(1)(A)(i)-(iii), *or* § 1225(b)(2), a “catchall” provision that applies to those applicants for admission not covered by Section 1225(b)(1), *see Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Singh v. Andrews*, No. 1:26-cv-00457-DC-SCR, 2026 WL 292649, at *3 (E.D. Cal. Feb. 4, 2026). Which subsection he is now detained under is ultimately immaterial, since detention is mandatory under both. *See, e.g., Richards v. Choate*, No. 1:25-cv-03134-DDD-STV, 2025 WL 4474703, at *4 (D. Colo. Dec. 5, 2025) (Domenico, J.). Because Petitioner alleges that he is illegally detained under § 1225(b)(2)(A), *see, e.g.,* ECF No. 1 at 17 ¶¶ 69, 100-01, Respondents focus primarily on that provision in this response.

...)” 8 U.S.C. § 1225(a)(1). Section 1225(b)(1) governs the inspection and detention of certain aliens who are arriving and inadmissible on various specified grounds, including § 1182(a)(7), the provision under which Petitioner was charged as inadmissible. *See* 8 U.S.C. § 1225(b)(1)(A)(i)-(iii); Ex. B at 1. Section 1225(b)(2) is a “catchall” provision that applies to those applicants for admission not covered by Section 1225(b)(1). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Under Section 1225(b)(2)(A), any “applicant for admission” who is “seeking admission” into the United States and who an immigration officer determines is “not clearly and beyond a doubt entitled to be admitted,” “shall be detained for” removal proceedings under 8 U.S.C. § 1229a. For aliens subject to either § 1225(b)(1) or § 1225(b)(2)(A), detention is mandatory during removal proceedings. Section 1225(b) does not provide for bond hearings during removal proceedings.

Aliens like Petitioner, who are detained at a port of entry, plainly fall into the statutory definition of “applicants for admission.” Indeed, in the NTA that was issued to Petitioner after his encounter at the port of entry, DHS specifically designated Petitioner as “an arriving alien” who “applied for admission” by presenting himself at a port of entry at the United States-Mexico border. *See* Ex. B at 1; Ex. A ¶ 5. Thus, Petitioner’s reliance on cases involving aliens who were never inspected or detained at a port of entry, but rather were encountered within the United States after living in the country for years, *see* ECF No. 1 ¶ 48; ECF No. 1-2 (appendix of cases), is misplaced. Petitioner is an “applicant for admission” under § 1225(b) and thus is subject to mandatory detention.

That Petitioner was afforded temporary parole does not change this result. As the parole statute expressly provides, parole of an alien applying for admission to the United States

shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith *return or be returned to the custody from which he was paroled* and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

8 U.S.C. § 1182(d)(5)(A) (emphases added). Here, after his parole was terminated, Petitioner “returned to his status of ‘applicant for admission’ or ‘arriving alien’ pursuant to statute.”

Depelian v. Baltazar et al., No. 1:25-cv-3765-SKC-TPO, ECF No. 18, at 8-9 (D. Colo. Jan. 20, 2026); *see Thuraissigiam*, 591 U.S. at 139.

Thus, once Petitioner’s parole terminated, he reverted back to the same status he held when he presented himself at the port of entry: an applicant for admission subject to mandatory detention under § 1225(b). *See Depelian*, No. 1:25-cv-3765-SKC-TPO, ECF No. 18, at 8-9 (denying habeas petition presenting facts that are materially similar to this case); *cf. Richards* 2025 WL 4474703, at *1-3 (this Court holding that a lawful permanent resident who was convicted of a crime, left the United States, and then presented at a port of entry was subject to mandatory detention under § 1225(b)). Petitioner’s argument that he cannot be detained pursuant to § 1225(b) because he was “present in the United States” due to his prior parole, ECF No. 1 ¶ 54, fails for this reason.

Petitioner’s suggestion that he was not “seeking admission” is similarly unavailing. He plainly *was* seeking admission to the United States when he presented himself at the port of entry, as noted in the NTA. *See Ex. B* at 1 (noting that Petitioner “applied for admission” at a location at the United States border). Moreover, as Petitioner himself acknowledges, *see ECF No. 1 ¶¶ 6, 27, 44*, he continued to *actively* seek legal status in the United States by applying for and pursuing a claim for asylum, even after he was paroled into the country, *see Singh v. Noem*,

No. CIV 25-1110 JB/KK, 2026 WL 146005, at *35 (D.N.M Jan. 20, 2026) (“[S]eeking can . . . occur in the interior of the United States . . . when an alien who has not been admitted, an applicant for admission, makes some attempt to gain lawful admission, such as filing for an asylum . . .”). Thus, even if the statute did not expressly provide that parole “shall not be regarded as an admission of the alien”—which it does, 8 U.S.C. § 1182(d)(5)(A)—the particular facts of this case make clear that Petitioner is an applicant for admission who is seeking admission to the United States and is subject to mandatory detention under § 1225(b).⁵

Petitioner cites cases holding that “an individual who has been paroled without first having been placed in expedited removal cannot later be designated for expedited removal.” *Id.* ¶ 36. Though Petitioner was initially processed for expedited removal when he first presented at the port of entry, *see* Ex. A ¶ 5, Respondents do not contend that Petitioner is *currently* in expedited removal proceedings. Indeed, the NTA issued to him in February 2024 states that he is “[i]n removal proceedings under section 240 of the [INA]”—that is, 8 U.S.C. § 1229a, the regular removal statute. Ex. B. So the theoretical availability (or unavailability) of expedited removal proceedings for Petitioner is immaterial to deciding the Petition.

⁵ Respondents acknowledge two decisions from other Courts in this district that have held otherwise, but those decisions are not availing. In *Rafibaev v. Noem et al.*, No. 26-cv-00461-PAB, ECF No. 12, the Court addressed *only* whether the petitioner was properly detained under § 1225(b)(1) after parole was terminated; it did not consider the alternative basis for detention that Respondents raise here, § 1225(b)(2)(A), which *also* requires mandatory detention. In *Buitrago Murzi v. Noem*, No. 26-cv-00359-CNS, ECF No. 14, the Court found that the petitioner who was paroled and subsequently re-detained was not an applicant for admission and was necessarily held under § 1226(a). But that decision did not contend with the plain language of § 1182(d)(5)(A), which provides that parole under that section—as Petitioner was—“*shall not be regarded as an admission of the alien*,” and that when parole is terminated, the “alien shall forthwith *return or be returned to the custody from which he was paroled*” (emphases added). Thus, these cases are distinguishable. The Court should reach the same result Judge Crews did in his well-reasoned opinion in *Depelian* and deny the petition.

B. Due process does not compel Petitioner's release.

Petitioner's continued detention does not violate due process. "[T]he Government may constitutionally detain deportable aliens during the limited time necessary for their removal proceedings." *Demore v. Kim*, 538 U.S. 510, 526 (2003). Petitioner suggests that the Court conduct a due-process inquiry as to whether he "needs to be detained," ECF No. 1 ¶ 62, but as discussed below, that is not consistent with due-process principles in this context as set out by the Supreme Court, the Tenth Circuit, and this Court.

The political branches have broad power in the realm of immigration. The Supreme Court "has long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (citing cases). That prerogative flows from the political branches' broad power over immigration, which is "at its zenith at the international border." *United States v. Flores-Montano*, 541 U.S. 149, 152-53 (2004). Thus, "[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned." *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) (citation omitted); accord *Sierra v. Immigration & Naturalization Servs.*, 258 F.3d 1213, 1218 (10th Cir. 2001) (quoting *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950)). As this Court recently explained, "[t]his does not mean that an inadmissible arriving alien has no due-process rights, but 'rather, the applicable statutory process shapes [his] procedural due-process rights.'" *Doe v. Bondi et al.*, No. 1:25-cv-02712-DDD-SBP, 2025 WL 3516292, at *5 (D. Colo. Nov. 4, 2025) (Domenico, J.) (quoting *Gonzalez Aguilar v. Wolf*, 448 F. Supp. 3d 1202, 1212 (D.N.M. 2020), in which the court concluded that

the petitioner, who was detained under 8 U.S.C. § 1225(b)(2)(A), “has no statutory right to release or a bond hearing” and thus “has no due-process right to the relief requested”)); *accord Richards*, 2025 WL 4474703, at *4.

As discussed above, Petitioner is subject to mandatory detention under § 1225(b). This Court has recognized that § 1225(b) does not “implicitly give detained aliens the right to periodic bond hearings during the course of their detention.” *Doe*, 2025 WL 3516292, at *5 (citing *Jennings*, 583 U.S. 281); *accord Nieto v. Ceja et al.*, No. 1:24-cv-02821-DDD-NRN, 2025 WL 4087626, at *6 (D. Colo. June 12, 2025) (Domenico, J.). Nor is detention under § 1225(b) pending removal proceedings indefinite. Such detention has “a definite termination point—the conclusion of removal proceedings.” *Doe*, 2025 WL 3516292, at *5 (citing *Jennings*, 583 U.S. at 299). Relatedly, “[i]nadmissible arriving aliens like the petitioner do not have a cognizable liberty interest in being released on parole as a matter of procedural due process.” *Id.* (citing *Sierra*, 258 F.3d at 1217 (petitioner who was “physically present in the United States for more than twenty years” was nonetheless “legally considered to be detained at the border and hence as never having effected entry into this country”)).

In light of the statute’s mandatory-detention provision, and applying the principles of *Jennings* and *Sierra*, this Court has correctly held that “procedural due process does not afford inadmissible arriving aliens subject to prolonged detention a right to release or a bond hearing prior to the conclusion of removal proceedings.” *Doe*, 2025 WL 3516292, at *6; *accord Richards*, 2025 WL 4474703, at *5; *Nieto*, 2025 WL 4087626.⁶ Petitioner’s due-process claim

⁶ Even if due process did demand such a result for “prolonged detention” (which it does not), Petitioner’s detention is not prolonged. He has been detained for less than two months, *see* Ex. A ¶ 14—far less than the presumptively reasonable six-month detention period identified by the

fails.

C. Petitioner received sufficient notice of the termination of his parole.

The Petition alleges Respondents did not follow proper procedures in terminating Petitioner’s parole—specifically, that the purpose of his parole was not accomplished and that Respondents purportedly did not provide Petitioner adequate notice of its termination. *See* ECF No. 1 ¶¶ 41-47.⁷ These arguments are meritless.

Congress addressed discretionary parole in 8 U.S.C. § 1182(d)(5)(A). That statute vests in the Secretary of Homeland Security discretionary authority to both parole an alien into the United States subject to certain conditions and return the alien to custody “when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served.” 8 U.S.C. § 1182(d)(5)(A). Thus, Congress left revocation of parole to the discretion of the Secretary. *See id.*⁸

As an initial matter, ICE’s discretionary decisions to parole Petitioner—and to terminate that parole—are not judicially reviewable. *See* 8 U.S.C. § 1252(a)(2)(B)(ii) (“[n]otwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision . . . no court shall have jurisdiction to review . . . any . . . decision or action of the Attorney General or the Secretary of Homeland Security the authority for which is specified under this subchapter to be in the discretion of the Attorney General or the Secretary

Supreme Court in a different context (for aliens with final orders of removal), *see Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

⁷ The Petition does not state a claim for this purported failure specifically; Respondents nonetheless address the argument in the interests of completeness.

⁸ That authority is further delegated to other DHS officials by regulation. *See* 8 C.F.R. § 212.5(a) (delegation to, among others, ICE Field Office Directors, Deputy Field Office Directors, “and those other officials as may be designated in writing”).

of Homeland Security” (with a limited exception not applicable here)); *id.* § 1182(d)(5)(A) (providing that the Secretary of Homeland Security “*may . . . in his discretion* parole” an applicant for admission into the United States temporarily, and that the alien shall be returned to custody “when the purposes of such parole shall, *in the opinion of the Secretary of Homeland Security*, have been served”). As the Tenth Circuit has clarified, a constitutional challenge to the *procedures* used in a parole proceeding may be heard in habeas, but a challenge to the *discretionary decision* whether to grant parole may not. *See Sierra*, 258 F.3d at 1217.

Petitioner cites the implementing regulations, found at 8 C.F.R. § 212.5(e), to support his argument that Respondents did not provide him adequate notice of the termination of his parole. *See* ECF No. 1 ¶ 42. Not so. Section 212.5(e) identifies two categories: (1) parole that terminates “automatically *without written notice*” upon the alien’s departure from the country or “at the expiration of the time for which parole was authorized,” 8 C.F.R. § 212.5(e)(1) (emphasis added); and (2) parole that terminates “[o]n notice,” *id.* § 212.5(e)(2). Petitioner falls into the first category. He was granted parole for one year only, and his parole terminated automatically at the expiration of that period. *See* Ex. A ¶¶ 10-11, 15; Ex. C.

Though Petitioner was not entitled to written notice of the automatic termination of his parole, he nonetheless received it—twice over. He received notice of the automatic termination date when he was first paroled in March 2024, *see* Ex. C, and he received notice again on February 23, 2026, confirming that his parole had been terminated, Ex. D. Petitioner is not entitled to relief based on purported lack of notice. *Cf. Depelian*, No. 25-cv-03765-SKC-TPO, ECF No. 18, at 10-11 (finding detention was mandatory under § 1225(b), and where—unlike here—written notice of parole termination *was* required, ICE cured any due-process violation

when they provided the petitioner with written notice of the termination after he was detained).

CONCLUSION

The Petition should be denied and the case dismissed.

Dated: March 5, 2026

Respectfully submitted,

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LENGTH LIMITATION CERTIFICATION

I hereby certify that the foregoing paper complies with the length limitation set forth in DDD Civ. P.S. III(A)(1).

CERTIFICATE OF SERVICE

I certify that on March 5, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Jane Bobet Rejko
United States Attorney's Office