

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DUISHONBEK YSKAKUULU,

Petitioner,

v.

JAMAL L. JAMISON, *in his official capacity
as the Warden of the Philadelphia Federal
Detention Center*; MICHAEL T. ROSE, *Acting
Field Office Director of Enforcement and
Removal Operations, Philadelphia Field Office,
Immigration and Customs Enforcement*,

Respondents.

Case No.: 2:26-cv-00909

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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

2. Petitioner entered the United States at San Ysidro, California on or around April 22, 2023, with the intent to seek asylum. The Department of Homeland Security (“DHS”) detained Petitioner following his entry and subsequently released him on parole, deeming he was not a flight risk or a danger to the community.

3. Petitioner filed a timely application for asylum, based on his fear of persecution in Russia.

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

5. Despite Petitioner’s compliance, on February 11, 2026, Petitioner was detained at a purported routine “check-in” appointment at the Philadelphia ICE Field Office. ICE agents took him into custody, without providing any reason for his re-detention.

6. Petitioner was transferred to the FDC, where he remains detained today.

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

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

9. By failing to provide such a hearing prior to Petitioner’s re-detention, Respondents have violated Petitioner’s constitutional due process rights. Here, a “post-deprivation hearing” cannot serve as an adequate remedy, where Petitioner has already been erroneously deprived of his liberty. *See E.A.T.-B.*, 2025 WL 2403130 at *6 (ordering immediate release because “a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, 2025 WL 2637663, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (relying on *E.A. T.-B.*).

10. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from Respondents’ custody.

JURISDICTION

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

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

13. 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.

VENUE

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

15. 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 Eastern District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

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

17. Habeas corpus is “perhaps the most important writ known to the 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).

PARTIES

18. Petitioner Duishonbek Yskakuulu is alleged to be a native and citizen of Russian, who has been in immigration detention since February 11, 2026.

19. Respondent Jamal L. Jamison is employed by the Federal Bureau of Prisons as Warden of the Philadelphia Federal Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

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

LEGAL FRAMEWORK

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

22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a); 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

23. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

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

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

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

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

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

29. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to

be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*

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

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

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

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

34. In applying the three *Mathews* factors, the court held that the petitioner had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*, 2025 WL

2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5. As a result, the court ordered the petitioner’s immediate release. *Id.* at *6.

35. Another court in the same district applied a similar analysis in *Ramirez Tesara*. There, the court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of additional safeguards, the court also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at *4 (quoting E.A. T.-B, 2025 WL 2402130, at *4). Finally, the court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the court ordered the petitioner’s immediate release. *Id.* at *5. 44. The *Kumar* and *Ledesama Gonzalez* courts reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at *3–4; 2025 WL 2841574, at *7–9.

36. The decisions in *Ledesama Gonzalez, E.A. T.-B.*, *Ramirez Tesara* and *Kumar* are consistent with many other district court decisions addressing similar situations. *See, e.g., O.F.B.*, 2025 WL 3277677 (ordering immediate release due to lack of pre-deprivation hearing); *Valdez v. Joyce*, 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, -- F. Supp. 3d --, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar); *Rodriguez v. Kaiser*, 2025 WL 2855193 (E.D. Cal. Oct. 8, 2025), at *6 (similar); *Orellana v. Francis*, 2025 WL 2402780 (E.D.N.Y. August 19, 2025) (ordering immediate release due to violation of Administrative Procedure Act when petitioner was not provided hearing upon revocation and re-detention of his parole); *Y-Z-L-H v. Bostock*, 792 F.Supp.3d 1123, (D.Or. July 9, 2025) (similar).

37. The same framework and principles apply here and compel Petitioner's immediate release.

FACTS

38. Petitioner incorporates herein by reference paragraphs 1-7, *supra*.

39. Petitioner is a 50-year-old asylum-seeker, who has continuously resided in the United States since his entry on or around April 22, 2023.

40. Following Petitioner's entry at the southern U.S. border, DHS initially detained him and subsequently released him on humanitarian parole, deeming him to be neither a flight risk nor a danger to the community.

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

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

42. Petitioner subsequently filed a timely application for asylum in 2023, based on his fear of persecution in Russia.

43. Since his entry to the United States, Petitioner has obtained lawful work authorization and works to support his family in Philadelphia. He has continuously resided in Philadelphia since his release by Respondents in 2023.

44. On February 11, 2026, Petitioner was arrested by ICE agents during a purported routine check-in appointment, as he was dutifully complying with the conditions of his release set forth following his entry to the United States.

45. Critically, Petitioner was not provided a particular reason for his re-detention at any point prior to, during or after his arrest. The agents then brought him to FDC, where he remains detained today.

46. Petitioner does not have any criminal contacts and had been compliant with DHS's conditions set forth following his entry and release into the United States in 2023. As such, he is neither a flight risk nor a danger to the community.

47. Prior to his re-detention, Petitioner was scheduled for his hearings before the Philadelphia Immigration Court. He had retained immigration counsel and was dutifully complying with the requirements of his removal proceedings. As he is now detained, his case will be placed on a vastly accelerated detained docket, leaving him little time to prepare his asylum case, and further posing significant challenges regarding working with his immigration counsel, gathering witnesses and obtaining evidence from his home country. If this Court grants his release, his immigration case would revert to the standard, non-detained docket in the Philadelphia

Immigration Court, where he would have a more complete meaningful opportunity to prepare and present his case.

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

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

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

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

IMMEDIATE RELEASE IS WARRANTED

52. The Supreme Court has recognized that “[h]abeas has traditionally been a means to secure *release* from unlawful detention.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107, 140 S.Ct. 1959, 207 L.Ed.2d 427 (2020) (emphasis in original). As such, several decisions from the Third Circuit, including within this District, have ordered immediate release in similar cases. *See e.g., Muev v. O’Neill et al.*, No. 25-cv-07172 (E.D. Pa. Jan. 13, 2026); *Muzafirov v. Jamison et al.*, No. CV 25-7371, 2026 WL 126153 (E.D. Pa. Jan. 16, 2026); *Gavrin v. Jamison et al.*, No. 26-cv-00308 (E.D. Pa. Jan. 27, 2026); *Patel v. O’Neill*, No. 15-cv-02181 (M.D. Pa. Jan. 21, 2026) (report and recommendation); *Samassa v. Lowe*, No. 25-cv-02197, 2025 WL 3653751 (M.D. Pa. Dec. 17, 2025); *Bhatia v. O’Neill, et al.*, No. 25-6809, Dkt. 8 (E.D. Pa. Dec. 10, 2025); *Rodrigues Pereira v. O’Neill, et al.*, No. 25-6543, Dkt. 11 (E.D. Pa. Dec. 8, 2025); *Morocho v.*

Jamison, et al., No. 25-05930, 2025 WL 3296300, at *3 (E.D. Pa. Nov. 26, 2025); *Diallo v. O'Neill, et al.*, 25-06358, Dkt. 10 (E.D. Pa. Nov. 26, 2025); *Patel v. McShane, et al.*, 25-05975 (E.D. Pa. Nov. 20, 2025). The Court should not depart from this norm.

53. Petitioner is now one of the approximately 70,000 people detained by Respondents.¹ Respondents' unlawful behavior is pervasive and defies decision after decision from the Courts. As Petitioner's arrest and detention were blatantly unlawful from the start, the only commensurate and appropriate equitable remedy to even partially restore Petitioner is to immediate release him and enjoin the Government from further similar transgressions. *See e.g., Martinez v. McAleenan*, 385 F. Supp. 3d 349, 373 (S.D.N.Y. 2019).

CLAIMS FOR RELIEF

COUNT I

Violation of Due Process Rights under the Fifth Amendment

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

55. Petitioner has a fundamental interest in liberty and being free from official restraint. *See Zadvydas*, 533 U.S. at 690.

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

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

¹ See ICE's publicly available detention data, available at: <https://www.ice.gov/detain/detention-management>

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

COUNT II

Violation of the INA

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

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

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

PRAYER FOR RELIEF

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

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

- f. Order that upon Petitioner's release, Respondents return all of Petitioner's personal belongings confiscated upon his detention, including identification documents;
- g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any other and further relief that this Court deems just and proper.

DATED this Eleventh Day of February, 2026.

Respectfully Submitted,

s/ Mana Aliabadi, Esq.

Mana Aliabadi, Esquire

Bar No. PA 332256

Palladino, Isbell & Casazza, LLC

1528 Walnut St, Suite 1701

Philadelphia, PA 19102

p. (215) 576-9000

f. (215) 689-3531

mana@piclaw.com

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

DUISHONBEK YSKAKUULU,

Petitioner,

v.

JAMAL L. JAMISON, *et al.*

Respondents.

Case No.: 2:26-cv-00909

EXHIBIT INDEX

A.	DHS Form I-862, Notice to Appear, dated 04/22/2023	1-4
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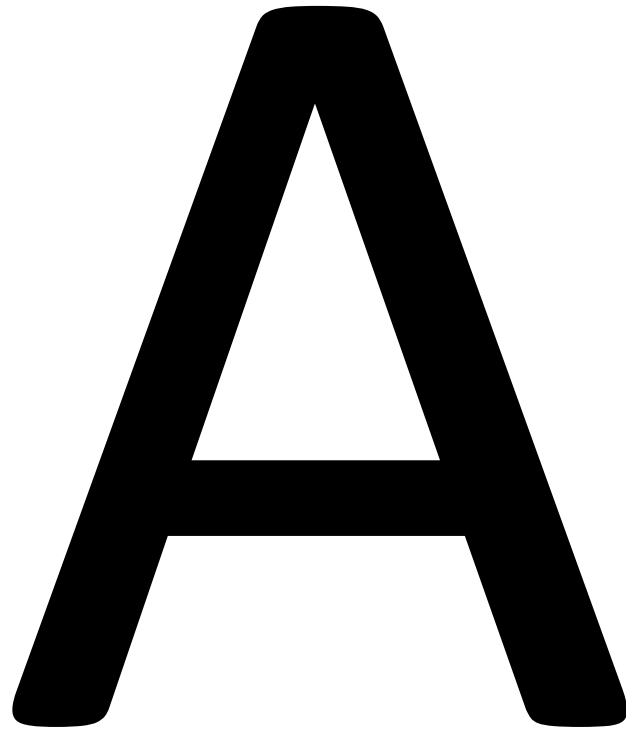
A large, bold, black capital letter 'A' is centered on the page. The letter is composed of thick, solid black strokes. The top bar is horizontal, and the two legs are angled downwards and outwards, meeting at a point at the top. The letter is set against a plain white background.

Exhibit A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Event No: XXXXXXXXXX

Subject ID: XXXXXXXXXX

SIGMA Event: XXXXXXXXXX

File No: XXXXXXXXXX

In the Matter of: YSKAKUULU, DUISHONBEK

Respondent: YSKAKUULU, Duishonbek

currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☒ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of RUSSIA and a citizen of RUSSIA;
3. You applied for admission on 04/22/2023 at SAN YSIDRO, CA, USA;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

201 Varick St. 5TH FL RM 507,
New York, NY, US 10014

(Complete Address of Immigration Court, including Room Number, if any)

on September 11, 2023 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time) BELLAH JR., CAR30431

charge(s) set forth above.

CBP OFFICER 

(Signature and Title of Issuing Officer) (Sign in ink)

Date: April 22, 2023

San Ysidro POE, CALIFORNIA

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in ink)

Date: _____

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on April 22, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt# _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.



(Signature of Respondent if Personally Served) (Sign in ink)

BELLAH JR., CAR30431

CBP OFFICER

(Signature and Title of officer) (Sign in ink)

Privacy Act Statement**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following OHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned OHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and OHS policy, the information you provide may be shared internally within OHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form 1862

Alien's Name YSKAKUULU, DUISHONBEK	File Number SIGMA Ever Event No:	Date April 22, 2023
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

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212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an 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 required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature

BELLAH JR., CAR30431

Title

CBP OFFICER

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DUISHONBEK YSKAKUULU,

Petitioner,

v.

JAMAL L. JAMISON, *et al.*

Respondents.

Case No.: 2:26-cv-00909

[Proposed] ORDER TO SHOW CAUSE

After reviewing the Petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2243, the Court now enters the following orders:

IT IS ORDERED THAT the Respondent "show cause why the writ should not be granted ... within three days unless for good cause additional time, not exceeding twenty days" 28 U.S.C. § 2243;

IT IS ORDERED THAT THE clerk immediately serve a copy of the petition and this order on the United States Attorney's Office for the Eastern District of Pennsylvania via mail or the Court's electronic filing system;

IT IS SO ORDERED.

DATE: _____