

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

BAKHRONOV, UKTAM

Petitioner,

v.

GRANT, SCARLET, Warden of the
Cimarron Correctional Facility;
CORECIVIC, INCORPORATED,
Operator of the Cimarron Correctional Facility;
NOEM, KRISTI, Secretary of the U.S.
Department Homeland Security; and
BONDI, PAMELA, Attorney General of the
United States, in their official capacities,

Respondents.

Case No. CW-26-246-J

**PETITION FOR WRIT OF
HABEAS CORPUS**

FILED

FEB 11 2026

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY JB DEPUTY

INTRODUCTION

1. Petitioner UKTAM BAKHRONOV is a citizen and native of the Republic of Uzbekistan who has been held in immigration detention at the Cimarron Correctional Facility ("CCF") in Cushing, Oklahoma. Petitioner's detention has become arbitrary, punitive, and constitutionally unlawful, and violates both statutory and constitutional limitations on federal civil detention.

2. As detailed below, Petitioner suffers from significant mental health deterioration, acute anxiety, depression, sleep disturbance, and physical decline, all of which have been exacerbated by his prolonged imprisonment in a facility ill-equipped to address his worsening medical and psychiatric needs. Absent intervention from this Court, Petitioner faces continued unlawful detention, further deterioration of his health, and irreparable harm.

3. Petitioner therefore respectfully asks this Court to find that his continued civil

detention violates the U.S. Constitution, the Immigration Nationality Act, and binding judicial precedent, and to order his immediate release, or, in the alternative, to order Respondents to provide a constitutionally adequate bond hearing before a neutral adjudicator where the government bears the burden of proving by clear and convincing evidence that continued confinement is justified.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, because Petitioner challenges the legality of his federal civil detention; under 28 U.S.C. § 1331, because the case arises under federal law; and under the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. Habeas corpus remains available to those in immigration custody who challenge the lawfulness of detention. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001).

3. This Court may grant relief under the habeas corpus statutes, the Declaratory Judgment Act, 28 U.S.C. § 2201, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

1. Venue is proper in the Western District of Oklahoma because Petitioner is detained at CCF in Cushing, Oklahoma, within this District.

2. Venue is proper in this District because the Respondents—the parties with immediate custody over Petitioner—are subject to this District’s personal jurisdiction. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

1. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the 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).

2. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

1. Petitioner UKTAM BAKHRONOV is a citizen and native of the Republic of Uzbekistan who is currently detained at the Cimarron Correctional Facility in Cushing, Oklahoma. He is in the physical custody of Respondents and under their direct control. Petitioner has been detained by ICE following his apprehension by immigration authorities. Petitioner has no criminal history in the United States, has longstanding ties to his community, and has diligently pursued all forms of relief available to him under the Immigration and Nationality Act. Petitioner remains in indefinite detention without a constitutionally adequate custody review or any meaningful opportunity to seek release.

2. Respondent KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security (“DHS”), oversees Immigration and Customs Enforcement

(“ICE”) and the Customs and Border Protection (“CBP”) and is responsible for the implementation and enforcement of immigration laws, including detention authority. She is a legal custodian of the Petitioner. Respondent Secretary has ultimate authority over the agency’s detention operations and policies, including the statutory and regulatory framework that governs Petitioner’s continued confinement. Respondent Secretary has the power to order Petitioner’s release, modify detention conditions, or terminate his placement at the facility.

3. Respondent PAMELA BONDI, in her official capacity as Attorney General of the United States, is responsible for oversight of the Department of Justice and the Executive Office for Immigration Review (EOIR), which adjudicates Petitioner’s removal case. She is a legal custodian of Petitioner. Respondent Attorney General supervises immigration judges and the Board of Immigration Appeals (“BIA”), whose actions and delays have contributed to the indefinite and uncertain nature of Petitioner’s custody.

4. Respondent SCARLET GRANT is the Warden of the Cimarron Correctional Facility (“CCF”) in Cushing, Oklahoma, where Petitioner is presently confined. In her official capacity, Respondent Grant exercises day-to-day authority over the facility and over Petitioner’s physical custody, conditions of confinement, and access to medical and mental health care. She is a proper respondent to this habeas action because she has immediate custody of Petitioner and the authority to effectuate his release pursuant to an order of this Court.

5. Respondent CORECIVIC, INC. is a private corporation that owns and operates the Cimarron Correctional Facility pursuant (upon information and belief) to a contract with the federal government. CoreCivic is responsible for the administration, management, and operation of the facility, including the policies and practices governing detention conditions, medical and mental health services, and daily confinement of immigration detainees. CoreCivic acts under

color of federal law and exercises direct control over Petitioner's confinement, making it a proper respondent in this action.

STATEMENT OF FACTS

1. Petitioner is a native and citizen of the Republic of Uzbekistan who entered the United States having fled his country of origin in search of asylum from political persecution involving severe harm and abuse.

2. Petitioner has a Form I-589 Application for Asylum and for Withholding of Removal pending before the Immigration Court. From the initiation of his removal proceedings through the present, Petitioner has diligently pursued his claims for protection and relief. He has appeared at every master calendar hearing and complied with all scheduling orders issued by the Immigration Court. At no point has Petitioner failed to appear, delayed proceedings, or otherwise contributed to any prolongation of his case. His conduct throughout the pendency of his proceedings reflects consistent compliance, good faith participation, and respect for the authority of the immigration court.

3. During the period of his residence in the United States, Petitioner was properly authorized by DHS, through the U.S. Citizenship and Immigration Services ("USCIS"), to be lawfully employed in the United States, and he received an Employment Authorization Document based on his pending asylum application, and he thereafter secured lawful employment, worked continuously, supported himself through legitimate means, complied with all applicable laws, and did not rely on public assistance or impose any burden on the public fisc.

4. Petitioner was detained by ICE following a civil apprehension by immigration authorities. Importantly, his apprehension was not the result of any criminal arrest. He was

subsequently transferred to CCF, where he remains detained. His apprehension was solely a civil immigration enforcement action. He was taken into ICE custody without any allegation of criminal conduct.

5. Petitioner has now been continuously detained for a prolonged and indefinite period, with no end to his confinement in sight. Despite the passage of significant time in custody, there has been no individualized determination demonstrating that continued detention is necessary or justified. As detention lengthens, the deprivation of liberty grows increasingly severe, while the government's asserted interests remain speculative and unsupported.

6. Petitioner's mental health has deteriorated severely during his confinement. He suffers escalating anxiety, panic episodes, depressive symptoms, inability to sleep, and diminished appetite. His physical health has likewise deteriorated—he experiences recurrent headaches, rapid and acute weight loss, worsening stomach pain, and symptoms consistent with severe stress.

7. Despite repeated requests, Petitioner has not received consistent mental health treatment or adequate medical care inside CCF. His condition places him at heightened risk of self-harm and long-term psychological trauma.

8. Conditions at CCF are punitive, not civil, in nature. Petitioner spends most days in near-solitary confinement, with limited outdoor access, inadequate recreation, minimal mental health support, and chronic exposure to noise, stress, and violence and intimidation among detainees.

9. These conditions are indistinguishable from, and in some respects more restrictive than, those imposed on sentenced criminal inmates. They bear no reasonable relationship to any legitimate civil detention purpose such as ensuring court appearance or protecting public safety.

Instead, they operate to punish Petitioner for his immigration status alone, in violation of the Fifth Amendment.

10. ICE has failed to consider reasonable alternatives to detention, despite mandatory statutory and regulatory obligations to periodically reassess custody for parolees and asylum seekers.

11. Petitioner's continued detention serves no legitimate governmental purpose. His detention is arbitrary and in violation of due process.

12. Continued detention of Petitioner is not only unlawful but irrational and counterproductive. Allowing Petitioner to pursue his asylum application while living in the community would advance, rather than undermine, the purposes of the immigration system. Outside of detention, Petitioner would be able to lawfully work, support himself, secure appropriate medical and mental health care, and contribute productively to society—rather than remaining a financial and administrative burden on the public through prolonged detention in a private correctional facility. Detention under these circumstances is excessive, unnecessary, and punitive, and release is the least restrictive means consistent with due process and statutory objectives.

13. There is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future. His asylum application remains pending, and removal is legally barred while his claims for protection are adjudicated. Continued detention under these circumstances cannot be justified as facilitating removal and therefore exceeds the narrow purposes permitted under Zadvydas v. Davis.

14. Release would also materially improve Petitioner's ability to meaningfully participate in his asylum proceedings. Continued confinement—particularly in conditions that

exacerbate his mental health deterioration—impairs his capacity to consult with counsel, gather evidence, and prepare testimony in support of his claims. Fundamental fairness and due process require that Petitioner be afforded a realistic opportunity to present his case, an opportunity that is undermined by prolonged civil detention under punitive conditions.

LEGAL FRAMEWORK

1. Immigration detention is civil, not criminal, and is strictly limited by the Due Process Clause. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

2. Prolonged or indefinite detention without adequate procedural safeguards raises grave constitutional concerns. In Zadvydas, the Supreme Court held that government detention “violates the [Due Process] Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special justification outweighs the individual's liberty interest.” 533 U.S. at 701.

3. Due process prohibits the government from detaining a noncitizen for a prolonged or indefinite period absent a showing—by clear and convincing evidence—that the individual poses a danger or flight risk. See Zadvydas v. Davis, 533 U.S. 678, 690 (holding that an allegation of detainee’s danger or flight risk “must also be accompanied by some other special circumstance, such as mental illness, that helps to create the danger”).

4. Civil detainees may not be subject to punitive conditions of confinement. The Supreme Court holds that civil detention violates due process if conditions are intended to punish or are excessive in relation to their legitimate governmental purpose. Bell v. Wolfish, 441 U.S. 520, 535 (1979).

5. Under Zadvydas, removal detention becomes presumptively unconstitutional after six months unless removal is significantly likely in the reasonably foreseeable future. 533 U.S. at 701.

6. ICE must consider less restrictive alternatives and provide periodic custody reviews. Federal regulations require DHS to reassess detention on an ongoing basis and to consider release when continued detention is not justified. 8 C.F.R. § 241.4; see also Zadvydas, 533 U.S. at 700 (detention must remain reasonably related to its purpose).

7. Where liberty is at stake, due process demands an individualized determination of whether continued detention is necessary to serve a legitimate governmental purpose. Zadvydas, 533 U.S. 678, 690 (2001).

8. Civil immigration detention is constitutionally permissible only to the extent it serves a legitimate regulatory purpose, such as ensuring appearance at proceedings or preventing danger to the community. Where the government cannot demonstrate that detention meaningfully advances either interest, continued confinement becomes punitive in effect and unconstitutional in fact.

9. The Supreme Court has further cautioned that “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” United States v. Salerno, 481 U.S. 739, 755 (1987). This principle applies with equal force in the civil immigration context where, as here, the individual poses no demonstrable threat.

10. Due process requires that, when detention becomes prolonged, the government—not the detainee—bear the burden of justifying continued confinement by clear and convincing evidence. Absent such proof, detention violates fundamental principles of liberty protected by the Fifth Amendment.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

1. Petitioner re-alleges and incorporates the above paragraphs.
2. Respondents have not demonstrated—let alone by clear and convincing evidence—that Petitioner poses a danger or flight risk that would justify continued imprisonment.
3. Petitioner is subjected to punitive conditions, inadequate medical and mental health care, and an environment that is indistinguishable from penal confinement.
4. Petitioner’s worsening psychological and physical health, coupled with Respondents’ failure to provide adequate treatment, magnifies the constitutional violation.
5. Continued confinement in the face of such a finding severs detention from its purported civil purposes and renders it excessive in relation to any legitimate governmental interest. See *Bell v. Wolfish*, 441 U.S. 520, 538 (1979).
6. Petitioner presents no risk of flight. Prior to detention, he lived openly in the United States, maintained stable residence, worked lawfully pursuant to government authorization, complied with all immigration requirements, and appeared for all scheduled proceedings.
7. Nor does Petitioner pose any danger to the community. He has no criminal history, no history of violence, and no adverse conduct while in the United States. Civil detention may not be justified by speculation or generalized concerns untethered to individualized evidence.
8. Petitioner’s documented mental health deterioration constitutes a special circumstance that intensifies the constitutional injury caused by prolonged detention. Rather than

justifying confinement, Petitioner's psychological vulnerability underscores the excessiveness and disproportionality of continued incarceration in a facility incapable of providing adequate care.

9. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1231 and Implementing Regulations

1. Petitioner re-alleges and incorporates the above paragraphs.
2. Under the INA and its implementing regulations, the government must conduct periodic custody reviews and consider less restrictive alternatives to detention. Respondents have failed to do so.
3. Respondents' failure to reassess custody, failure to provide medical treatment, and reliance on blanket detention policies violate 8 U.S.C. § 1231 and 8 C.F.R. § 241.4.
4. Respondents have also failed to meaningfully consider alternatives to detention, such as parole, supervision, or conditions of release, as required by statute and regulation. This failure reflects reliance on categorical detention practices rather than the individualized custody determinations mandated by law.
5. For these reasons, Petitioner's continued detention violates 8 U.S.C. § 1231 and the corresponding regulations.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause within three days under 28 U.S.C. § 2243;

- (3) Declare Petitioner's detention unconstitutional under the Fifth Amendment and unlawful under 8 U.S.C. § 1231 and 8 C.F.R. § 241.4;
- (4) Issue a writ of habeas corpus ordering Petitioner's immediate release or, in the alternative, a constitutionally adequate bond hearing where the government bears the burden of proving by clear and convincing evidence that continued detention is justified;
- (5) Order, in the alternative, Petitioner's immediate release under appropriate conditions of supervision pending resolution of his immigration proceedings;
- (6) Grant any other relief the Court deems just and proper.

Respectfully submitted,



UKTAM BAKHRONOV
Petitioner

Dated: February 4, 2026.