

FILED

FEB 10 2026

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY UW DEPUTY

ISMOILJON SULTONKULOV

Petitioner,

v.

NOEM, KRISTI, Secretary of the U.S.
Department Homeland Security;
BONDI, PAMELA, Attorney General of the
United States;
LYONS, TODD, Acting Director, Immigration
And Customs Enforcement, in his official capacity;

Respondents.

Case No. **26cv0848-JLS-DEB**

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. PURSUANT to 28 U.S.C. § 2241, and the provision arising out of 8 U.S.C. § 1101, Petitioner respectfully files this suit for writ of habeas corpus, challenging the constitutionality and legality of Petitioner's prolonged civil immigration detention for an extended and indeterminate period without an individualized determination that he poses a danger or flight risk, and without adequate procedural safeguards. His continued incarceration is civil in name only: the conditions of confinement are punitive, his medical and mental health needs are unmet, and his detention bears no reasonable relation to any legitimate governmental purpose.

2. Respondents' actions violate the Due Process Clause of the Fifth Amendment and exceed the limits imposed by the Immigration and Nationality Act ("INA"). Despite Petitioner's compliance with all immigration requirements, his pursuit of bona fide protection-based relief,

his documented and demonstrated medical deterioration, and the availability of readily achievable alternatives to detention, ICE has continued to imprison him based on a blanket detention policy rather than an individualized assessment. Habeas relief is warranted because Petitioner's continued detention is arbitrary, excessive, and unconstitutional, and because no lesser remedy can cure the ongoing deprivation of liberty.

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 Southern District of California because Petitioner is detained at the Imperial Regional Detention Facility in Calexico, California, within this District.

2. Venue is proper in this District because the Respondents—the parties with immediate custody and supervision over the 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 ISMOILJON SULTONKULOV is a citizen and native of the Republic of Uzbekistan who is currently detained at the Imperial Regional Detention Facility (“IRDF”) in Calexico, California. He is in the physical custody of Respondents and under their direct control.

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 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 TODD LYONS is the Acting Director of Immigration and Customs Enforcement ("ICE") and is sued in his official capacity. As Acting Director, Respondent Lyons exercises nationwide authority over ICE's civil immigration detention system, including custody determinations, parole decisions, alternatives-to-detention programs, and the policies governing detention reviews. He is responsible for ensuring that detention decisions comply with the Constitution, federal statutes, and implementing regulations, including the obligation to conduct meaningful, individualized custody assessments and to consider release when detention is no longer justified. Respondent Lyons has the authority to order Petitioner's release, to place him in an alternative-to-detention program, or to otherwise remedy the unlawful conditions and duration of Petitioner's confinement.

STATEMENT OF FACTS

1. Petitioner is a native and citizen of the Republic of Uzbekistan fleeing political persecution.

2. Petitioner entered the United States on or around November 22, 2022. He was processed by CBP.

3. While residing in the United States, Petitioner filed an Application for Asylum and for Withholding of Removal (Form I-589), and his asylum application remains pending.

4. 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.

5. Petitioner was detained, following a civil apprehension by immigration authorities. His apprehension was not the result of any criminal arrest. He was subsequently transferred to CLPS, where he remains detained.

6. Petitioner continues to pursue protection-based relief before the immigration authorities and has fully complied with all requirements placed upon him by DHS.

7. Petitioner's medical and mental health decline is documented, ongoing, and escalating. Since detention, Petitioner has experienced panic attacks, chest tightness, nightmares, suicidal ideation, inability to eat, rapid weight loss, persistent abdominal pain, and migraines, which materially impair daily functioning. Petitioner has submitted repeated written and verbal requests for care, including requests for (1) mental health evaluation, (2) consistent therapy or psychiatric treatment, and (3) appropriate medication management.

8. Despite these requests, Petitioner has not received clinically adequate, consistent treatment. Appointments are sporadic or perfunctory, follow-up is inconsistent, and Petitioner's symptoms remain uncontrolled. The conditions of confinement exacerbate these symptoms, including prolonged isolation-like housing, noise, intimidation, and stressors that are punitive in effect. Absent prompt release or a meaningful custody hearing with authority to order release, Petitioner faces irreparable harm, including heightened risk of self-harm and long-term psychiatric injury.

9. Conditions at IRDF are punitive and harsh. Petitioner is confined to his cell for over 23 hours per day with minimal human interaction, constituting de facto solitary confinement. Outdoor recreation is limited to a small, enclosed concrete yard for one hour, weather permitting. The facility is chronically understaffed, leading to frequent lockdowns. Petitioner has witnessed and been subjected to intimidation and violence from other detainees, and his requests for protective custody have been ignored. The environment is one of constant noise, stress, and fear, with no meaningful programming or mental health support.

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. Throughout Petitioner's detention, ICE has conducted only perfunctory custody reviews, automatically denying release based on a blanket policy applied to all § 1225(b) detainees, without an individualized assessment of Petitioner's flight risk or danger. His pending asylum claim demonstrates his willingness to comply with legal processes, and he has strong community ties, including his U.S. resident mother who is willing to act as a custodian.

12. On January 6, 2026, the Imperial Immigration Court conducted a custody hearing. While the Immigration Judge held she lacked jurisdiction to grant bond under Respondents' current legal interpretation (citing *Matter of Yajure Hurtado*), she conditionally set a bond amount of \$2,000, explicitly stating that such bond would be effective if the case is appealed and is found otherwise on appeal.

13. Petitioner has a stable, verifiable release plan and is prepared to comply with any conditions the Court deems appropriate. If released, Petitioner will reside at 

 with his family, who are committed to provide housing, transportation to court, and support for medical and mental health treatment.

14. Petitioner is also willing to submit to reasonable conditions of supervision, including ICE check-ins, electronic monitoring, home confinement, or any alternative-to-detention program. These readily available alternatives eliminate any conceivable justification for continued incarceration absent an individualized finding—based on evidence—that Petitioner poses a danger or a flight risk.

15. Petitioner is pursuing asylum and withholding of removal together with his immediate family based on a shared narrative of political persecution arising from the same events and actors in Uzbekistan. Their claims arise from a “common nucleus of operative fact.” By detaining Petitioner in a remote facility far from his family, the government has forcibly separated him from his co-applicants and fractured a single, unified protection claim. This separation wastes judicial and administrative resources by requiring duplicative proceedings and creating a substantial risk of inconsistent or contradictory adjudications concerning the same underlying facts and persecution narrative.

LEGAL STANDARD AND ARGUMENT

1. Immigration detention is civil, not criminal, and is strictly limited by the Due Process Clause of the Fifth Amendment. Civil detention may not be punitive and must bear a reasonable relation to a legitimate governmental purpose. Zadvydas v. Davis, 533 U.S. 678, 690 (2001); Bell v. Wolfish, 441 U.S. 520, 535 (1979).

2. While Congress may authorize detention for immigration purposes, “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." Zadvydas, 533 U.S. at 690.

A. JENNINGS DOES NOT BAR AS-APPLIED CONSTITUTIONAL CHALLENGES TO PROLONGED § 1225(B) DETENTION

3. Respondents may contend that detention under 8 U.S.C. § 1225(b) does not require a bond hearing as a matter of statutory interpretation. But that contention resolves only a question of statutory construction and does not foreclose constitutional review.

4. In Jennings v. Rodriguez, the Supreme Court rejected the Ninth Circuit's reading of § 1225(b) to require periodic bond hearings as a matter of statutory interpretation, but it expressly declined to decide whether prolonged detention under § 1225(b) violates the Constitution. 583 U.S. 833, 851 (2018). The Court remanded for consideration of as-applied constitutional challenges.

5. Accordingly, Jennings does not authorize indefinite or unreasonably prolonged civil detention without adequate procedural safeguards. Rather, it leaves intact the longstanding principle that immigration detention is subject to constitutional limits and must be justified under the Due Process Clause as applied to the individual detainee.

B. PROLONGED § 1225(B) DETENTION WITHOUT AN INDIVIDUALIZED HEARING VIOLATES DUE PROCESS

6. Due process requires an individualized assessment of whether continued detention is justified once detention becomes prolonged. The constitutionality of civil detention depends on whether it remains reasonably related to its purpose and whether adequate procedural protections guard against erroneous deprivation of liberty. Zadvydas, 533 U.S. at 700.

7. Courts evaluate what process is due under the balancing framework articulated in Mathews v. Eldridge, 424 U.S. 319, 335 (1976), weighing: the private liberty interest affected; the risk of erroneous deprivation under existing procedures and the value of additional safeguards; and the government's interest.

7. Petitioner's liberty interest is fundamental. He is subjected to physical confinement under conditions indistinguishable from penal incarceration, despite the civil nature of immigration detention.

8. The risk of erroneous deprivation under Respondents' procedures is extraordinarily high. ICE's custody reviews are perfunctory, non-adversarial, and governed by a blanket policy applied to all § 1225(b) detainees, rather than an individualized assessment of flight risk or danger. These reviews provide no meaningful opportunity for Petitioner to secure release, even where circumstances overwhelmingly favor it.

9. Requiring a prompt, individualized custody hearing before a neutral adjudicator would dramatically reduce the risk of error while imposing minimal administrative burden. Such a hearing is a modest safeguard compared to the severe and ongoing deprivation of liberty Petitioner endures.

C. UNDER SOUTHERN DISTRICT OF CALIFORNIA PRECEDENT, PETITIONER'S DETENTION IS
UNREASONABLY PROLONGED

10. Courts in this District recognize that individuals detained under 8 U.S.C. § 1225(b) may bring as-applied due process challenges when detention becomes unreasonably prolonged. In evaluating such challenges, courts consider multiple factors, including: the total length of detention; the anticipated duration of future detention; the conditions of confinement; and whether delays are attributable to the government or the detainee.

11. Application of these factors demonstrates that Petitioner's detention has crossed the constitutional line. His detention has continued for a prolonged and indeterminate period, with no end in sight while his protection-based claims remain pending.

12. The conditions of confinement are punitive and severe, including near-total daily isolation, chronic lockdowns, and an environment that exacerbates Petitioner's serious mental health deterioration.

13. Any delays in adjudication are not attributable to dilatory tactics by Petitioner, but rather to the normal course of immigration proceedings and Respondents' detention policies. Detention cannot be justified on the basis of delays inherent in the government's own system.

D. DUE PROCESS REQUIRES THE GOVERNMENT TO BEAR THE BURDEN AT A CUSTODY HEARING

14. Where civil detention implicates a fundamental liberty interest, due process requires that the government bear the burden of justifying continued confinement.

15. The Ninth Circuit has held that, in immigration custody proceedings implicating prolonged detention, due process requires the government to prove by clear and convincing evidence that continued detention is justified, and to create a contemporaneous record of the hearing. Singh v. Holder, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

16. Here, no such constitutionally adequate hearing has occurred. Indeed, the Immigration Judge expressly found Petitioner suitable for release and conditionally set bond, but declined to grant it solely due to a disputed jurisdictional interpretation—not because Petitioner posed a danger or flight risk.

17. Continued detention in the face of such a finding underscores the arbitrariness of Petitioner's confinement and confirms the necessity of judicial intervention.

E. PETITIONER'S CONDITIONS OF CONFINEMENT AND DENIAL OF MEDICAL CARE INDEPENDENTLY VIOLATE DUE PROCESS

18. Civil detainees may not be subjected to conditions that amount to punishment or that are excessive in relation to a legitimate governmental purpose. Bell v. Wolfish, 441 U.S. at 535.

19. The Ninth Circuit has emphasized that civil detainees are entitled to conditions of confinement that are not punitive in effect and may not be treated more harshly than necessary to accomplish a nonpunitive objective. Jones v. Blanas, 393 F.3d 918, 932 (9th Cir. 2004).

20. Petitioner's confinement—marked by near-solitary conditions, chronic stress, intimidation, and lack of meaningful programming—exceeds what is reasonably necessary to ensure appearance at proceedings and therefore violates due process.

21. Due process further requires constitutionally adequate medical and mental health care for civil detainees. Claims involving denial of such care are evaluated under an objective standard focusing on whether the failure to provide reasonable care created a substantial risk of serious harm. Gordon v. County of Orange, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

22. Respondents' failure to provide consistent and adequate mental health treatment in the face of Petitioner's documented deterioration creates an intolerable risk of irreparable harm and independently renders continued detention unconstitutional.

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

COUNT TWO
Violation of Fifth Amendment Due Process and Parole Regulations
(8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5)

1. Petitioner re-alleges and incorporates the above paragraphs.

2. Respondents have detained Petitioner under 8 U.S.C. § 1225(b) for a prolonged and indeterminate period without providing a constitutionally adequate, individualized custody hearing.

3. Respondents have failed to meaningfully consider parole or less restrictive alternatives to detention, despite statutory and regulatory authority requiring case-by-case determinations and despite Petitioner's compelling humanitarian circumstances.

4. Respondents' reliance on blanket detention policies, rather than individualized assessments, creates an unacceptably high risk of erroneous deprivation of liberty and violates the Due Process Clause of the Fifth Amendment.

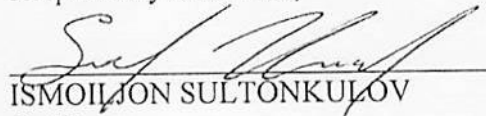
5. For these reasons, Petitioner's continued detention is unlawful and unconstitutional.

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) Grant any other relief the Court deems just and proper.

Respectfully submitted,


ISMOILJON SULTONKULOVI
Petitioner

Dated: February 6, 2026.