

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

RASHID JAVVAROV,

Petitioner,

v.

MICHAEL ROSE, Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement; JAMAL L. JAMISON, Warden of Philadelphia Federal Detention Center,

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. 2:26-cv-942

INTRODUCTION

1. Petitioner Rashid Javvarov is in the physical custody of Respondents at the Philadelphia Federal Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have unlawfully revoked his parole.

2. On December 24, 2022, Petitioner together with his wife and child, entered the United States unlawfully approximately 25 miles east of the Tecate, California port of entry on foot. They were encountered and detained by U.S. Customs and Border Protection (CBP); at that time CBP was well within their right to place Petitioner in mandatory detention pursuant to 8 U.S.C. § 1225(b). *See* Exhibit A. CBP interviewed Petitioner to review his potential asylum claim and determine whether he presented a security risk or a risk of absconding.

3. Based on Petitioner's individualized facts and circumstances, Petitioner and his family were granted permission to lawfully enter the United States on a temporary basis and given humanitarian parole under 8 U.S.C. § 1182(d)(5) while he pursued his application for asylum.

Additionally, as a condition of his parole he was required to check-in with Immigration and Customs Enforcement (ICE) at regular intervals.

4. Petitioner submitted a timely asylum application with U.S. Citizenship and Immigration Services (USCIS) on June 1, 2023, and thereafter attended all of his ICE check-ins as required by his parole. He obtained employment authorization and a social security card and was otherwise a law abiding and productive member of society. At the time of filing this Petition, his asylum application remains pending and unadjudicated.

5. So far, everything had been done precisely as Congress had directed under federal immigration laws, including 8 U.S.C. §§ 1182(d)(5). That is until February 12, 2026, when Petitioner was arrested by ICE while attending his scheduled ICE check-in in Philadelphia. When ICE took Petitioner into custody that day; in essence, ICE was revoking his parole and now choosing to detain him under § 1225(b). Upon information and belief, Petitioner's arrest was not based on changed circumstances, additional information, or newly discovered security concerns. Rather, Petitioner's arrest in detention is solely part of the current administrations goal of deporting as many people as possible, as quickly as possible.

6. Petitioner, though he followed the law and instruction of the government in lockstep over the three-year period since he entered, has now had his liberty stripped from him without meaningful notice, explanation or rationale.

7. Petitioner's abrupt revocation of his parole and detention violates the Administrative Procedures Act (APA) and the agency's own regulations.

8. Further, Petitioner is currently in Respondents' custody pursuant to 8 U.S.C. § 1225(b) because Respondents allege that Petitioner is an arriving alien, subject to mandatory detention, despite the fact that he was previously paroled into the United States.

9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released immediately.

JURISDICTION

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

11. 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).

12. 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

13. 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 is currently detained.

14. 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

15. 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.*

16. 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

17. Petitioner Rashid Javvarov is a national of Uzbekistan who has been in immigration detention since February 12, 2026, having had his parole unlawfully revoked without notice.

18. Respondent Michael Rose is the Director of the Philadelphia Field Office of ICE’s Enforcement and Removal Operations division. As such, Respondent Rose is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

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.

LEGAL FRAMEWORK

20. 8 U.S.C. § 1182 provides that parole may be granted “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A). After parole has been granted, the Secretary may only revoke parole, when a DHS official with authority decides either that the “the purpose for which parole was authorized” has been “accomplish[ed]” or that “neither humanitarian reasons nor public benefit warrants the continued presence of the

[noncitizen]” in the United States.” *Id.* Several courts have found that, as in the case of grants of parole, *see Jean v. Nelson*, 472 U.S. 846, 853 (1985), Section 1182 requires an individualized case-by-case determination before parole can lawfully be revoked. *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1147 (D. Or. 2025) (revocation of parole was unlawful where there was “no evidence, let alone any opinion or finding” that the purpose of petitioner's parole had been served at the time of the purported termination); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025)(“a decision to revoke parole ‘must attend to the reasons an individual [noncitizen] received parole.’ ”); *Doe v. Noem*, No. 25-1384, 2025 WL 1505688, at *1 (1st Cir. May 5, 2025) (statute suggests that parole may only be terminated on case-by-case basis which “cuts against a finding that *en masse* termination is immune to judicial review.”); *Orellana v. Francis*, No. 25-CV-04212 (OEM), 2025 WL 2402780, at *5 (E.D.N.Y. Aug. 19, 2025) (“Respondents have admittedly failed, as the statute requires, to make a “case-by-case” determination as to the revocation of Petitioner's parole.)

21. The statute states, in pertinent part:

The Secretary of Homeland Security may ... in his discretion parole into the United States temporarily under such conditions as he may prescribe *only on a case-by-case basis* for urgent humanitarian reasons or significant public benefit *any alien* applying for admission to the United States, but *such parole of such alien* 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) (emphasis added).

22. There is no indication that—as required by the statute and regulations—an official with authority made a determination specific to Petitioner that either “the purpose for which [his] parole was authorized” has been “accomplish[ed]” or that “neither humanitarian reasons nor public

benefit warrants [his] continued presence ... in the United States.” As a result, Petitioner’s detention and revocation of his parole violates his rights under the statute and regulations.

23. Further, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who were already paroled into the United States and were residing in the United States at the time they were subsequently re-apprehended.

24. Here, as in similar cases, “because § 1225(b)(1)(A)(iii)(II) applies only to individuals “who have not been ... paroled,” the plain language of the statute clearly and unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention.” *Rivas Rodriguez v. Rokosky*, No. CV 25-17419 (CPO), 2025 WL 3485628, at *2 (D.N.J. Dec. 3, 2025).

FACTS

25. Petitioner incorporates herein by reference paragraphs 1-8, *supra*.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A), (C) Not in Accordance with Law and in Excess of Statutory Authority Unlawful Detention

26. Petitioner restates and realleges all paragraphs as if fully set forth here.

27. Under the Under the Administrative Procedure Act, “[t]he reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be ... not in accordance with law ... [or] in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A), (C).

28. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in

view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

29. By categorically revoking Petitioner’s parole without consideration of his individualized facts and circumstances, Respondents have violated the APA.

30. Respondents have made no finding that Petitioner is a danger to the community.

31. Respondents have made no finding that Petitioner is a flight risk because, in fact, he was arrested shortly after appearing at his final immigration court hearing.

32. By detaining Petitioner categorically, Respondents have further abused their discretion because there have been no changes to his facts or circumstances since the agency made its initial determination to parole him into the United States that support detention. Respondents have already considered Petitioner’s facts and circumstances and determined that he was not a flight risk or danger to the community. There have been no changes to the facts that justify this revocation of his parole.

COUNT II
Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)
Arbitrary & Capricious

33. Petitioner restates and realleges all paragraphs as if fully set forth here.

34. Under the APA, a court must “hold unlawful and set aside agency action ... found to be—arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or “without observance of procedure required by law.” 5 U.S.C. § 706(2). An agency action is “arbitrary and capricious if the agency has relied on factors which Congress has not intended it to

consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicles Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

35. As the Supreme Court has explained, “[a]n agency may not, for example, depart from a prior policy sub silentio or simply disregard rules that are still on the books. And of course the agency must show that there are good reasons for the new policy,” even though it need not convince the court of the merits of its new policy. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009).

36. It is Respondents’ burden to “provide [a] reasoned explanation for [their] action.” *Id.* “A reasonable basis exists where the agency considered the relevant factors and articulated a rational connection between the facts found and the choices made.” *Arrington v. Daniels*, 516 F.3d 1106, 1112 (9th Cir. 2008). Post hoc explanations of agency action by ... counsel cannot substitute for the agency's own articulation of the basis for its decision. Respondents, cannot provide any reason for the change to terminate Petitioner's parole, let alone a “rational basis for its decision. This unexplained inconsistency between agency actions is a reason for holding the decision to be an arbitrary and capricious change.

COUNT III Violation of Due Process

37. Petitioner restates and realleges all paragraphs as if fully set forth here.

38. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

39. Petitioner has a fundamental interest in liberty and being free from official restraint.

40. The government's detention of Petitioner and revocation of his parole without meaningful notice or rationale violates his right to due process.

COUNT IV
Violation of the *Accardi* Doctrine

41. Petitioner restates and realleges all paragraphs as if fully set forth here.

42. Under elementary principles of administrative law, as well as fundamental fairness, agencies are required to follow their own policies. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). According to well-established case law, failure to do so constitutes a violation of the *Accardi* doctrine.

43. Respondents have failed to follow their own rules, statutes, and regulations in the revocation of Petitioner's parole and in detaining Petitioner. By violating the *Accardi* doctrine, Respondents have irreparably injured Petitioner by depriving him of his liberty interests.

COUNT V
Violation of the INA

44. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

45. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) 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 have already been paroled into the United States. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

46. Here, as in similar cases, "because § 1225(b)(1)(A)(iii)(II) applies only to individuals "who have not been ... paroled," the plain language of the statute clearly and

unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention.” *Rivas Rodriguez v. Rokosky*, No. CV 25-17419 (CPO), 2025 WL 3485628, at *2 (D.N.J. Dec. 3, 2025).

47. The application of § 1225(b)(2) 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. Enjoin Respondents from transferring Petitioner out of the jurisdiction of the Eastern District of Pennsylvania;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents **immediately release Petitioner;**
- e. Declare that Petitioner’s detention and revocation of his parole as unlawful; and
- f. Grant any other and further relief that this Court deems just and proper.

Respectfully Submitted,

Date: February 12, 2026

s/Christopher M. Casazza
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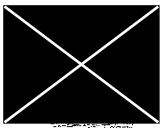
EXHIBITS

- | | |
|---|-----|
| A. Petitioner's Record of Entry and Parole Documentation. | 1-4 |
| B. Petitioner's Asylum Application Receipt Notice. | 5 |

CONTROL Name (Last, First, Middle) JABBAROV, RASHID						
Birthdate [REDACTED]		Age 25	Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Separated <input type="checkbox"/> Widowed <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced		File Number [REDACTED]	
Sex M	Hair BLK	Eyes BRO	Complexion MED	Height 76	Weight 200	Scars or Marks None Visible
U.S. Address/Mail (Number) (Street) (City) (State) (ZIP CODE) [REDACTED]						
Alien's Telephone # [REDACTED]			Date of Action 12/24/2022		Location Code CAO	
City, Province (State) and Country of Birth SAMARKAND, UZBEKISTAN				Country of Citizenship UZBEKISTAN		
Date, Place, Time, and Manner of Last Entry/Attempted Entry 12/24/2022, 0600, 23.5 mile(s) E of TBC, PWA (AFOOT)				Status at Entry PWA Mexico		
Foreign Address/Residence (Number, Street, City, Province (State), Country) [REDACTED]						
Method of Location/Apprehension PB UNKNOWN			(At/Near) TBCATE, CA		Date & Hour 12/24/2022 0715	

U.S. DEPARTMENT OF HOMELAND SECURITY
PAROLED
Until 2-22-2023
Purpose: 212 (d) (5)
12-24-22 SDC OP C305
(Date) (Location) (Officer)
U.S. DEPARTMENT OF HOMELAND SECURITY

FINS #  Subject ID:  Event No 

1. FAMILY NAME (Capital Letters) JABBAROV, RASHID		First Name	Middle Name	2. Age 25	3. Country of Citizenship UZBEKISTAN	
4. Alias				5. Date Apprehended December 24, 2022		6. Office SDC/CAO
7. Birth Date 		8. Birth Place SAMARKAND, UZBEKISTAN				
9. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		10. OSC/WA Served <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain) PAROLE				
11. File Number 		12. Bond Date Posted \$				
13. CINS <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		14 Medical Alert <input type="checkbox"/> No <input type="checkbox"/> Yes (Explain)				
15. TRANSFER DATE		FROM		TO		
A						
B						
C						
16. ADMITTED BY:			19. RELEASED TO: <input type="checkbox"/> V/R <input type="checkbox"/> Deport		22. Rt. Index Print – In	
17. SEARCHED IN BY:			20. RELEASED BY:			
18. DATE ADMITTED:			21. DATE RELEASED:			
24. Remarks: see I-831						
FORM I-385 (08/01/07)				ALIEN BOOKING RECORD UNITED STATES DEPARTMENT OF HOMELAND SECURITY		

U.S. Department of Homeland Security

Continuation Page for Form

I385

Alien's Name
JABBAROV, RASHID

File Number



Date
December 24, 2022

24. REMARK

AS A CONDITION OF YOUR PAROLE YOU ARE TO REPORT TO THE IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) OFFICE NEAR YOUR FINAL DESTINATION WITHIN 60 DAYS OR FACE REMOVAL FROM THE UNITED STATES. VISIT WWW. ICE.GOV/CONTACT/FIELD-OFFICES FOR ADDRESSES.

Signature CARLOS A CAZAREZ
Date: 2022.12.24 16:41:04-08:00
0816852385.CBP

Title



DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

PD G-56

File Number: [REDACTED]

DOB: [REDACTED]

Name: RASHID JABBAROV

Date: 12/24/2022

Home Address: [REDACTED]

Please present this notice to your local ICE office upon request

OFFICE LOCATION	ICE Field Offices are listed on the attached document entitled "ICE Field Offices." Please call 1-888-351-4024 if you need assistance in locating or reporting to your local ICE office.
DEADLINE	You must report your local ICE office within 60 days of release.
REQUEST	ICE Deportation Officer for continued processing and consideration for enrollment in ATD.
REASON FOR APPOINTMENT	You have been released in the discretion of U.S. Customs and Border Protection in the United States and are now required to contact your local ICE Field Office to complete processing. Contacting ICE will ensure that DHS has your address and contact information up to date. Once you contact ICE for the first time, ICE will evaluate how you can meet the continuing filing requirements which may include in-person reporting. Failure to contact the local ICE office may lead to you being taken into custody or placed on additional forms of supervision or monitoring.
BRING WITH YOU	Identification document (birth certificate, government-issued identity documents such as a driver's license or cédula) and all immigration documents.

FAILURE TO CONTACT THE LOCAL ICE OFFICE AS INSTRUCTED MAY RESULT IN YOUR ARREST AND/OR A LOSS OF THE RIGHT TO ANY POSSIBLE RELIEF. THANK YOU FOR YOUR COOPERATION.