

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SHODIEV, JAVOHIR

Alien Number: 

Petitioner,

v.

THE GEO GROUP, INC., Operator of the
Moshannon Valley Processing Center;
LYONS, TODD, Director (Acting) of the U.S.
Immigration and Customs Enforcement;
JOYCE, WILLIAM, U.S. Immigration and
Customs Enforcement, (Acting) Field Office
Director;
BONDI, PAMELA, Attorney General of the
United States, in their official capacities;

Respondents.

Case No. 3:26-CV-00435

**PETITION FOR WRIT OF
HABEAS CORPUS**

**FILED
WILLIAMSPORT**

FEB 20 2026

PER EA
DEPUTY CLERK

INTRODUCTION

Petitioner Javokhir Shodiev, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and states as follows:

1. Petitioner is a nineteen-year-old citizen of Uzbekistan who is presently detained at the Moshannon Valley ICE Processing Center, 555 GEO Drive, Philipsburg, Pennsylvania, within the jurisdiction of this Court.

2. He challenges the constitutionality of his continued civil immigration detention under the Fifth Amendment's Due Process Clause. His incarceration is the direct and immediate result of a defective removal order entered on December 18, 2025, in which the Immigration Judge ordered him removed to Uganda or, in the alternative, Honduras—countries to which he has no legal, familial, cultural, or meaningful relationship.

3. Petitioner has never resided in Uganda. He has no family, lawful status, linguistic familiarity, or community ties there. His only presence in Honduras was brief transit during migration to the United States; he did not establish residence, lawful status, or durable connections in that country. Nevertheless, he was ordered removed to those nations under the Asylum Cooperative Agreement framework at a time when DHS had already discontinued the practice of removing Uzbek nationals to those destinations.

4. Petitioner is only nineteen years old. Until his detention, he had never parted from his mother or immediate family. He had never lived independently in a foreign country and lacks the maturity, resources, and support network necessary to survive safely in unfamiliar nations on entirely different continents. Removal to Uganda or Honduras—countries with which he has no meaningful ties—may expose him to instability, exploitation, and danger to his physical and emotional well-being, particularly given his youth and absence of life experience.

5. He remains confined solely because of that legally unstable removal order, even though a timely appeal has been filed. His continued detention, premised upon removal to countries wholly unrelated to him and potentially dangerous in light of his youth and vulnerability, violates substantive and procedural due process.

JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within the Middle District of Pennsylvania and challenges the legality of his detention.

2. Federal courts retain habeas jurisdiction to review constitutional challenges to immigration detention. Zadvydas v. Davis, 533 U.S. 678 (2001). Petitioner does not seek review

of the merits of the removal order itself, but instead challenges the constitutionality of his continued confinement.

PARTIES

1. Petitioner Javokhir Shodiev is an alien detainee currently held in the custody of the Government at the Moshannon Valley Processing Center, operated by The GEO Group, Inc., located at 555 GEO Drive, Philipsburg, Pennsylvania.

2. Respondent The GEO Group, Inc. is the private corporation that operates the Moshannon Valley Processing Center under contract with the U.S. Department of Homeland Security and has immediate custody of Petitioner.

3. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), a component of the U.S. Department of Homeland Security, and is responsible for the detention and removal of noncitizens, including Petitioner. He is sued in his official capacity.

4. Respondent William Joyce is the Acting Field Office Director for ICE Enforcement and Removal Operations in the relevant district and exercises operational control over Petitioner's detention. He is sued in his official capacity.

5. Respondent Pamela Bondi is the Attorney General of the United States and is ultimately responsible for the administration and enforcement of the immigration laws. She is sued in her official capacity.

6. To the extent the Court determines that any named Respondent is not a proper party to this proceeding, Petitioner respectfully requests leave to amend or dismiss such

Respondent without prejudice in the interest of judicial efficiency. Petitioner's primary objective is immediate and effective habeas relief from unlawful detention.

FACTUAL BACKGROUND

1. Petitioner is a native and citizen of Uzbekistan. On or about November 20, 2023, Petitioner and his family entered the United States without admission or inspection. Upon encounter with U.S. authorities, they expressed fear of returning to Uzbekistan and were placed into removal proceedings.

2. During their journey to the United States, the family transited through Honduras. Petitioner did not reside in Honduras, did not establish legal status there, and has no family, lawful ties, or durable connections to that country. Honduras was merely a transit point during migration.

3. On October 24, 2025, Petitioner was detained by ICE during an enforcement operation targeting unrelated individuals. The arrest occurred without a judicial warrant. He was taken into custody and transferred to the Moshannon Valley ICE Processing Center, where he remains detained.

4. On December 18, 2025, an individual hearing was conducted before the Immigration Court. At that hearing, the Department of Homeland Security made an oral motion to pretermitt Petitioner's asylum application under the Asylum Cooperative Agreement provisions. DHS further requested that Petitioner be ordered removed to Uganda or, in the alternative, Honduras.

5. The Immigration Judge granted the government's oral motion the same day, without affording counsel adequate time to prepare a full evidentiary and legal defense to the

applicability and legality of the Asylum Cooperative Agreement framework. The Court ordered Petitioner removed to Uganda or, alternatively, Honduras. A timely appeal of that removal order was promptly filed.

6. Petitioner is nineteen years old. Until his detention, he had never been separated from his mother and immediate family. He has never lived in Uganda. He has no legal status, family, cultural ties, or linguistic familiarity with Uganda. His only connection to Honduras was brief transit during migration. He remains detained solely because of the December 18, 2025 removal order.

LEGAL FRAMEWORK AND ARGUMENT

1. The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. Civil immigration detention implicates the most fundamental liberty interest protected by the Constitution—freedom from physical restraint. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Even in the immigration context, “freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” Id.

2. Although Congress possesses broad authority over immigration, that authority is subject to constitutional limits. Immigration detention must bear a reasonable relation to its permissible regulatory purpose and may not become punitive, arbitrary, or excessive in relation to that purpose. Zadvydas, 533 U.S. at 690; Demore v. Kim, 538 U.S. 510, 527 (2003).

3. Petitioner’s continued detention violates both procedural and substantive due process.

A. SUBSTANTIVE DUE PROCESS

1. Civil immigration detention is justified only to ensure appearance at proceedings and to effectuate removal. Once detention ceases to serve those purposes, it becomes unconstitutional. Zadvydas, 533 U.S. at 699.
2. Here, detention is premised on a removal order directing removal to Uganda or Honduras under the Asylum Cooperative Agreement framework. However, DHS had already discontinued the practice of removing Uzbek nationals to those countries at the time of the order. Removal under that framework is therefore not realistically foreseeable.
3. When removal is not practically attainable in the reasonably foreseeable future, continued detention is constitutionally impermissible. Id. at 701. The Supreme Court in Zadvydas emphasized that the government may not detain noncitizens indefinitely where removal lacks a meaningful likelihood of execution.
4. Petitioner's detention is the direct consequence of a removal order whose operative legal foundation has materially eroded. Because the designated removal destinations are not viable under existing DHS practice, his detention no longer serves the statutory purpose of effectuating removal. It has become arbitrary confinement.
5. Moreover, Petitioner has no criminal history rendering him a danger to the community, and there has been no individualized finding that he presents a flight risk. Absent individualized justification, prolonged civil detention raises serious constitutional concerns. See Chavez-Alvarez v. Warden York Cnty. Prison, 783 F.3d 469 (3d Cir. 2015); Diop v. ICE/Homeland Sec., 656 F.3d 221 (3d Cir. 2011).
6. In Diop, the Third Circuit held that detention under the immigration statutes becomes constitutionally problematic when it is unreasonably prolonged and not accompanied

by adequate procedural safeguards. *Id.* at 232. The Court emphasized that due process demands an individualized assessment once detention crosses the line from brief regulatory custody into extended confinement.

7. Here, Petitioner's incarceration is not meaningfully advancing removal, and it rests on an unstable legal foundation. Continued detention under these circumstances violates substantive due process.

B. PROCEDURAL DUE PROCESS

1. Procedural due process requires notice and a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

2. At the individual hearing on December 18, 2025, DHS made an oral motion to pretermitt Petitioner's asylum application under the Asylum Cooperative Agreement and requested removal to Uganda or Honduras. The Immigration Judge granted the motion the same day, without affording counsel sufficient time to prepare a comprehensive evidentiary and legal response.

3. A same-day adjudication of a dispositive oral motion deprived Petitioner of a meaningful opportunity to marshal country-condition evidence, challenge the applicability of the ACA framework, or demonstrate the legal and factual defects in removal to those third countries.

4. When a removal order is entered through procedurally deficient means, continued detention based upon that order compounds the due process violation. Detention cannot be insulated from constitutional review simply because it flows from immigration proceedings; if the underlying process was constitutionally deficient, the resulting deprivation of liberty is tainted.

C. DETENTION HAS BECOME EXCESSIVE AND PUNITIVE IN EFFECT

1. Civil detention must remain regulatory rather than punitive. Foucha v. Louisiana, 504 U.S. 71 (1992). When detention becomes excessive in relation to its stated purpose, it violates due process.

2. Petitioner is nineteen years old. He had never previously been separated from his mother and immediate family prior to detention. He has no ties to the designated third countries. His incarceration in a remote detention facility far from family imposes severe emotional and psychological hardship.

3. Detention that serves no realistic removal objective, lacks individualized justification, and continues during the pendency of appellate review transforms civil custody into punitive confinement.

4. The Third Circuit has repeatedly emphasized that prolonged detention without adequate procedural safeguards or individualized review raises grave constitutional concerns. Chavez-Alvarez, 783 F.3d at 475–78. Where removal is legally uncertain and detention becomes extended, due process requires either release or a meaningful bond hearing with the burden on the government.

D. CONTINUED DETENTION DURING PENDENCY OF APPEAL IS CONSTITUTIONALLY SUSPECT

1. Petitioner promptly filed a timely appeal of the December 18, 2025 removal order. His removal is not imminent. Because removal cannot lawfully proceed until appellate review is complete, detention lacks immediacy or necessity.

2. When the government detains an individual during protracted appellate proceedings based on a legally contested removal order—particularly one resting on a discontinued framework—due process requires heightened scrutiny.

3. The Constitution does not permit the government to warehouse a nineteen-year-old asylum applicant in civil detention while litigating the legality of removal to countries with which he has no meaningful connection.

E. BALANCING THE LIBERTY INTEREST

1. The Mathews v. Eldridge balancing framework further demonstrates the constitutional violation. Petitioner's private interest—freedom from physical restraint—is at its apex. The risk of erroneous deprivation is substantial, given that the removal order rests on a procedurally deficient and legally questionable foundation. The government's interest in continued detention is minimal where removal is not reasonably foreseeable and no individualized danger finding has been made.

2. Under any constitutional balancing test, continued detention is excessive and unjustified.

3. For these reasons, Petitioner's confinement violates both substantive and procedural due process, and habeas relief is warranted.

F. DETENTION IS THE DIRECT RESULT OF A DEFECTIVE REMOVAL ORDER

1. Petitioner's incarceration flows directly from the December 18, 2025 removal order. Absent that order, he would not remain confined.

2. Civil immigration detention must bear a reasonable relation to its regulatory purpose. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). When detention is premised upon a removal order entered under a discontinued or legally defective framework, it ceases to serve its lawful purpose and becomes arbitrary.

3. Because DHS had already discontinued removal of Uzbek nationals to Uganda and Honduras under the Asylum Cooperative Agreement framework, removal under that scheme is not realistically foreseeable. Detention premised on such an order violates substantive due process.

G. DENIAL OF MEANINGFUL OPPORTUNITY TO BE HEARD

1. The Fifth Amendment guarantees a meaningful opportunity to be heard. Reno v. Flores, 507 U.S. 292 (1993).

2. The government made an oral motion to pretermitt Petitioner's asylum application during the individual hearing. The Immigration Judge granted that motion immediately, without providing sufficient time for counsel to gather evidence, present expert testimony, or submit comprehensive briefing.

3. The same-day adjudication of a dispositive motion deprived Petitioner of a fair opportunity to present his case. A removal order entered under such circumstances cannot constitutionally justify prolonged detention.

H. ARBITRARY DESIGNATION OF THIRD COUNTRIES

1. Petitioner is a citizen of Uzbekistan. He has no ties to Uganda. His only presence in Honduras was brief transit during migration. He has no lawful status, family support, or community in either country.

2. The Due Process Clause prohibits arbitrary governmental action. County of Sacramento v. Lewis, 523 U.S. 833 (1998). Ordering a nineteen-year-old young man to unfamiliar countries with no meaningful ties—under a discontinued administrative framework—is fundamentally irrational.

I. YOUTH AND HUMANITARIAN CONSIDERATIONS

1. Petitioner is only nineteen years old. He recently reached adulthood and had never been separated from his mother and family prior to detention.

2. Immigration detention is civil in nature. When detention disregards youth, vulnerability, and humanitarian realities—and rests upon a legally unstable removal order—it becomes excessive and punitive in effect.

J. CONTINUED DETENTION PENDING APPEAL

1. Petitioner promptly and timely filed an appeal of the December 18, 2025 removal order. His continued incarceration during the pendency of that appeal is directly attributable to the defective order.

2. Detention must have a reasonably foreseeable endpoint tied to lawful removal. Zadvydas, 533 U.S. at 699. Removal under a discontinued Asylum Cooperative Agreement framework is not reasonably foreseeable.

3. Accordingly, continued detention violates the Fifth Amendment.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment;
- (3) Issue a writ of habeas corpus under 28 U.S.C. § 2241;
- (4) Order Respondents to immediately release Petitioner from custody; and
- (5) Grant such other relief as this Court deems just and proper.

Respectfully submitted,



JAVOHIR SHODIEV
Petitioner

Dated: February 13, 2026.