

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

SARDOR ILGORJON UGLI TUKHTAEV,

Petitioner,

Case No. _____

v.

J.L. JAMISON, WARDEN OF DETENTION FACILITY,
in his official capacity; FIELD OFFICE DIRECTOR,
PHILADELPHIA ERO FIELD OFFICE, in his/her
official capacity; TODD LYONS, Acting
Director, U.S. Immigration and Customs
Enforcement, in his official capacity;
MARKWAYNE MULLIN, Secretary,
U.S. Department of Homeland Security, in
his official capacity; U.S. DEPARTMENT
OF HOMELAND SECURITY; PAMELA BONDI,
Attorney General of the United States, in
her official capacity,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

INTRODUCTION

Petitioner Sardor Ilgorjon Ugli Tukhtaev (“Petitioner”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful detention by the United States Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”).

Petitioner is a native and citizen of Uzbekistan who entered the United States and was placed in removal proceedings. He was released from custody on an Order of Release on Recognizance (Form I-220A), confirming his classification under 8 U.S.C. § 1226(a). Following the Board of Immigration Appeals’ decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the government has unlawfully reclassified Petitioner under 8 U.S.C. § 1225(b)(2) and subjected him to mandatory detention without a bond hearing.

This reclassification violates the plain text of the Immigration and Nationality Act (“INA”), Petitioner’s Fifth Amendment right to due process, the Administrative Procedure Act (“APA”), and decades of settled regulatory practice. Over 300 federal courts have rejected the government’s position in *Q. Li* and *Yajure Hurtado*. Petitioner seeks immediate release from custody or, in the alternative, a bond hearing before an Immigration Judge with the burden of proof on the government.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, which grants federal district courts jurisdiction to hear habeas corpus petitions from persons “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The Supreme Court has repeatedly confirmed that § 2241 jurisdiction extends to noncitizens

challenging the legality of their immigration detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

Venue is proper in this district because Petitioner is detained under the jurisdiction of the Philadelphia, Pennsylvania ERO Field Office. See 28 U.S.C. § 2241(a).

PARTIES

Petitioner Sardor Ilgorjon Ugli Tukhtaev is a native and citizen of Uzbekistan, bearing Alien Registration Number  He is currently detained by ICE under the jurisdiction of the Philadelphia, PA ERO Docket Control Office.

Respondent J.L. Jamison is the Warden of the Detention Facility is the custodian of Petitioner at his current place of detention and is sued in his official capacity.

Respondent Field Office Director, Philadelphia ERO Field Office, is the ICE officer responsible for Petitioner's detention in this area and is sued in his or her official capacity.

Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is responsible for the administration and enforcement of immigration detention and is sued in his official capacity.

Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. He is the head of the department responsible for immigration enforcement and is sued in his official capacity.

Respondent U.S. Department of Homeland Security is the federal agency responsible for immigration enforcement and detention.

Respondent Pamela Bondi is the Attorney General of the United States. She oversees the Executive Office for Immigration Review, which adjudicates immigration cases, and is sued in her official capacity.

LEGAL FRAMEWORK

The INA establishes two distinct statutory frameworks governing the detention of noncitizens, depending on how they entered the United States:

A. Section 1225(b): Applicants for Admission

Section 1225(b) applies to “applicants for admission”—noncitizens who present themselves at a port of entry or who are apprehended within 14 days and 100 miles of the border and have not been admitted. 8 U.S.C. § 1225(b)(2)(A). Under this provision, detention is mandatory and there is no right to a bond hearing.

B. Section 1226(a): Individuals in Removal Proceedings

Section 1226(a) applies to noncitizens who have been admitted to or are otherwise present in the United States and are placed in removal proceedings. 8 U.S.C. § 1226(a). Under this framework, individuals are eligible for bond or conditional release at the discretion of the Attorney General, and Immigration Judges have authority to conduct bond hearings. See 8 C.F.R. § 236.1(d).

C. The 1997 Rule Confirms EWI Individuals Are Under § 1226(a)

In 1997, the former Immigration and Naturalization Service promulgated a rule confirming that individuals who entered without inspection (“EWI”) and were placed in removal proceedings under INA § 240 are detained under § 1226(a), not § 1225(b). See 62 Fed. Reg. 10,323 (Mar. 6, 1997). This rule has been in effect for nearly three decades and has governed the detention of millions of noncitizens.

D. Matter of Q. Li and Yajure Hurtado

In February 2025, the Board of Immigration Appeals issued *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), reversing decades of settled practice by holding that certain noncitizens previously classified under § 1226(a) should instead be treated as “applicants for admission”

under § 1225(b). In March 2025, the BIA extended this holding in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Together, these decisions strip bond eligibility from individuals who had previously been entitled to bond hearings. Over 300 federal district courts have rejected this reclassification as contrary to the statutory text and settled practice.

STATEMENT OF FACTS

Petitioner Sardor Ilgorjon Ugli Tukhtaev is a native and citizen of Uzbekistan. He was placed in removal proceedings before an Immigration Judge and charged under the applicable sections of the INA.

Petitioner was previously released from ICE custody on an Order of Release on Recognizance (Form I-220A), confirming that the government classified him under 8 U.S.C. § 1226(a) at the time of his release. He complied with all conditions of his release.

Petitioner filed an application for asylum (Form I-589) and was granted employment authorization (Form I-765 approval). He has been residing in the community, appearing for all required check-ins and hearings, and poses no flight risk or danger to the community.

Following the BIA's decisions in *Q. Li* and *Yajure Hurtado*, ICE re-detained Petitioner and reclassified him under 8 U.S.C. § 1225(b)(2), subjecting him to mandatory detention without the possibility of a bond hearing. The ICE Online Detainee Locator System confirms that Petitioner is currently detained under the jurisdiction of the Philadelphia, PA ERO Docket Control Office, with his A-Number 

This reclassification occurred despite: (a) Petitioner's prior release under § 1226(a); (b) decades of regulatory practice treating individuals in Petitioner's situation under § 1226(a); and (c) the overwhelming weight of federal court authority rejecting *Q. Li* and *Yajure Hurtado*.

COUNT I
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

Petitioner re-alleges and incorporates by reference all preceding paragraphs.

The INA’s text unambiguously provides that noncitizens in removal proceedings under INA § 240 who have entered the United States—even without inspection—are governed by § 1226(a), not § 1225(b). The government’s reclassification of Petitioner under § 1225(b)(2) pursuant to Q. Li and Yajure Hurtado violates the plain text of the INA.

Furthermore, 8 C.F.R. § 236.1 and the 1997 Rule (62 Fed. Reg. 10,323) confirm that EWI individuals in § 240 proceedings are detained under § 1226(a) and are eligible for bond. The BIA cannot override valid regulations through adjudication. See *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) (courts exercise independent judgment on questions of law).

COUNT II
VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

Petitioner re-alleges and incorporates by reference all preceding paragraphs.

The Fifth Amendment guarantees that no person shall be “deprived of life, liberty, or interest in property, without due process of law.” U.S. Const. amend. V. The Supreme Court has held that this protection extends to all persons within the United States, including noncitizens. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

Petitioner has a constitutionally protected liberty interest in freedom from detention. The government’s retroactive reclassification of Petitioner from § 1226(a) to § 1225(b)(2)—stripping him of bond eligibility without any individualized hearing—violates procedural due process under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The private interest (physical liberty) is at its zenith; the government’s interest is minimal given Petitioner’s prior release and compliance; and the risk of erroneous deprivation is high given the widespread judicial rejection of Q. Li.

COUNT III
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

Petitioner re-alleges and incorporates by reference all preceding paragraphs.

The APA prohibits agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). The government’s reclassification of Petitioner under § 1225(b)(2) based on Q. Li and Yajure Hurtado is arbitrary and capricious because it: (a) reverses decades of settled practice without adequate explanation; (b) contradicts the agency’s own regulations at 8 C.F.R. § 236.1; (c) ignores the 1997 Rule; and (d) has been rejected by over 300 federal courts as contrary to the statutory text.

COUNT IV
VIOLATION OF BOND HEARING REGULATIONS

Petitioner re-alleges and incorporates by reference all preceding paragraphs.

Under 8 C.F.R. § 236.1(d), individuals detained under § 1226(a) are entitled to a bond hearing before an Immigration Judge, at which the government bears the burden of showing by clear and convincing evidence that the individual is a flight risk or a danger to the community. The government’s refusal to provide Petitioner with a bond hearing, based on the unlawful reclassification under § 1225(b)(2), violates these regulations.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

- (a) Order Petitioner’s immediate release from custody;
- (b) Declare that Petitioner is properly classified under 8 U.S.C. § 1226(a) and is entitled to a bond hearing;
- (c) Declare that the retroactive reclassification of Petitioner under 8 U.S.C. § 1225(b)(2) pursuant to Matter of Q. Li and Matter of Yajure Hurtado violates the INA, the Due Process Clause, and the APA;

(d) Permanently enjoin Respondents from reclassifying Petitioner under § 1225(b)(2);

(e) In the alternative, order that Petitioner receive a bond hearing within 14 days before an Immigration Judge, with the burden on the government to justify continued detention by clear and convincing evidence;

(f) Award costs and attorneys' fees as permitted by law; and

(g) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Jonathan J. Sobel

JONATHAN J. SOBEL, ESQUIRE

Attorney I.D. No. 76428

Law Offices of Jonathan J. Sobel

1500 Walnut Street, Suite 900

Philadelphia, PA 19102

Tel: (215) 735 7535

Email: mate89@aol.com

Attorneys for Petitioner

LIST OF EXHIBITS

Exhibit A	Notice to Appear (NTA)
Exhibit B	Order of Release on Recognizance (Form I-220A)
Exhibit C	ICE Online Detainee Locator System Printout
Exhibit D	Form I-589, Application for Asylum
Exhibit E	Form I-765, Employment Authorization Approval
Exhibit F	ICE Detainee Locator – Philadelphia ERO Location
Exhibit G	Notices and Receipts

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 was served upon the following by the means indicated:

VIA CM/ECF ELECTRONIC FILING:

All counsel of record who are registered CM/ECF users will be served by the Court's electronic filing system.

VIA UNITED STATES FIRST-CLASS MAIL:

United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Warden
Detention Facility
700 Arch Street
Philadelphia, PA 19102

Field Office Director
Philadelphia ERO Field Office
1600 Callowhill Street
Philadelphia, PA 19130

Todd Lyons, Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Markwayne Mullin, Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Pamela Bondi, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

/s/ Jonathan J. Sobel
JONATHAN J. SOBEL, ESQUIRE

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

Civil Action No. _____

SARDOR ILGORJON UGLI TUKHTAEV,

Petitioner,

v.

WARDEN OF DETENTION FACILITY, et al.,

Respondents.

**EXHIBIT PACKAGE IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

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EXHIBIT A

Notice to Appear (Form I-862)

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

SARDOR ILGORJON UGLI TUKHTAEV

Respondent:

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 UZBEKISTAN and a citizen of UZBEKISTAN.
3. You arrived in the United States at or near TECATE, CA, on or about September 27, 2023.
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ 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:

900 MARKET STREET, SUITE 504 PHILADELPHIA PA 19107

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

on April 01, 2024 at 03:30 PM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

(A) WATCH COMMANDER

ROGER A PRINDLE

Date: 2023.09.29 02:14:53 -07:00

0481350262 CBP

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

Date: September 29, 2023

San Diego, 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 I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-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) 448-8903.

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.

Upon information and belief, the language that the alien understands is **UZBEK, TAJIK, RUSSIAN, & KOREAN.**

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of 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)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 10/08/2025, 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 _____ 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)

Rebecca Stafford LAS
(Signature and Title of Officer)

Philadelphia, Pennsylvania (Page 1)
Catholic Social Services, Archdiocese of Philadelphia*

Jewish Family
5743 Bartlett St.

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 DHS 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 DHS 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 DHS policy, the information you provide may be shared internally within DHS, 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.

EXHIBIT B

Order of Release on Recognizance (Form I-220A)

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [REDACTED]
 Date: September 28, 2023
 Event No: [REDACTED]

Name: SARDOR ILGORJON UGLI TUKHTAEV

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (~~writing~~) (person) to _____
 (Name and Title of Case Officer)
 at As indicated on the attached OREC G-56 on _____ at _____
 (Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

ROGER A PRINDLE
 Date: 2023.09.29 02:35:04 -07:00
 0481350262 CBP

(Signature of DHS Official)

(A) WATCH COMMANDER

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the UZBEK language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

JOSEPH I. GARCIA

JOSEPH I. GARCIA
 Date: 2023.09.29 02:52:18 -07:00
 0034210429 CBP

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

09/29/2023

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Cancelling Order)

(Date)

Form I-220A (Rev. 08/01/07) N

EXHIBIT C

A-File Jacket Starter (CBP Processing Record)

A-FILE JACKET STARTER

A-File Number: [REDACTED]

CONTROL Name (Last, First, Middle) TUKHTAEV, SARDOR ILGORJON UGLI			Subject # [REDACTED]
Date of Birth [REDACTED]	Age 24	Gender M	EDL # [REDACTED]
Date of Action 09/27/2023	Location Code SDC/FLD	Family # [REDACTED]	
Country of Birth UZBEK		Country of Citizenship UZBEK	
Date, Place, and Time of Last Entry/Attempted Entry 09/27/2023 0406 - TECATE, CA - S OF I-8, E OF CARRIZO GORGE RD/DOCS, W OF			Entry # [REDACTED]
Method of Apprehension Patrol Border		At / Near BLV-32 D - S OF I-8, E OF	Apprehension Date/Time 09/27/2023 0406
Apprehending Agent GONZALEZ JUAN			

Intake Guide (check if completed / required)

- ☐ Family Unit Created (If Necessary)
- ☐ Biometrics Submitted
- ☐ Placed in a Cell
- ☐ FPQ2
- ☐ Record Check or Additional Checks
- ☐ Disposition Categorized
- ☐ CDS
- ☐ A# Issued and e3 Updated

Processing Guide

- ☐ E3 DM Updates
- ☐ Booking
- ☐ Processing Complete Action
- ☐ Subject Manifested or Booked Out



CDS / Disposition Guide

Processing Priority Low Criminal History ☐ Yes ☒ No Prosecution ☐ Yes ☒ No Prosecution Charge ☐ 1324 ☐ 1325 ☐ 1326 ☐ Mat Wit ☐ _____	CDS Classification ☒ FIRA ☐ SOTA ☐ PERA ☐ CRMA ☐ FMUA ☐ SGDA ☐ TGDA CDS Program ☐ CCI ☐ Str_Pros ☐ _____ ☐ _____	Processing Disposition ☐ ER ☐ Reinstate ☐ VR ☐ WA/NTA ☒ NTA Claims Fear? ☐ Yes ☐ No
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EXHIBIT D

Form I-589, Application for Asylum and Withholding of Removal

EXHIBIT E

I-589 Receipt Notice (Form I-797C)

EXHIBIT F

USCIS Account Access Notice for I-589

EXHIBIT G

Notice of Forwarding of Form I-589 to EOIR

U.S. Department of Homeland Security
USCIS Asylum Vetting Center
401 W. Peachtree St. NW, Ste. 2500, Atlanta, Georgia 30308



U.S. Citizenship
and Immigration
Services

Date: September 23, 2025

SARDOR TUKHTAEV



RE: TUKHTAEV, SARDOR, 

Notice of Forwarding of Form I-589 to EOIR

Dear SARDOR TUKHTAEV:

This letter refers to your Form I-589, *Application for Asylum and for Withholding of Removal*, filed with U.S. Citizenship and Immigration Services (USCIS).

DHS records also indicate that you were issued a Form I-862, Notice to Appear (NTA), but your NTA had to be refiled with the immigration court. The asylum office is issuing you a new NTA and forwarding your Form I-589 to the appropriate immigration court. The date that U.S. Citizenship and Immigration Services (USCIS) received your Form I-589 is considered the filing date for purposes of the one-year filing deadline. At this time, you are not required to file another Form I-589 with the immigration court. **WHERE APPLICABLE: The forwarding of your Form I-589 includes the dependents included on your Form I-589 who are listed above.**

Additional information about your case is available by calling the Executive Office for Immigration Review (EOIR) Automated Case Information Hotline at (800) 898-7180 (TDD: 800-828-1120) (nationwide toll-free) or (304) 625-2050 (local toll call) or by checking the EOIR Automated Case Information online system at <https://portal.eoir.justice.gov/InfoSystem>. For a list of immigration court locations, please visit the EOIR website at <https://www.justice.gov/eoir/find-immigration-court-and-access-internet-based-hearings>.

You may remain in the United States until your asylum application is decided. If you wish to leave the United States while your application is pending, you must obtain advance parole or, for Temporary Protected Status (TPS) recipients, approval of Form I-512T, Authorization for Travel by a Noncitizen to the United States (sometimes referred to as MTINA TPS travel authorization), from USCIS or you may be considered to have abandoned your asylum application.

Please include your full name, alien number (A-number) listed above, and your current address on any correspondence with U.S. Citizenship and Immigration Services (USCIS) or the immigration court.

Change of Address:

You must report a change of address to USCIS within 10 days of moving by following the instructions

EXHIBIT H

I-765 Receipt Notice (Form I-797C)

EXHIBIT I

I-765 Approval Notice (Form I-797)

EXHIBIT J

Social Security Administration Ineligibility Letter

Social Security Administration
Important Information

Office Address:
Social Security Administration
SOCIAL SECURITY
UNIT 4
9300 ASHTON RD
PHILADELPHIA, PA 19114-3531
Phone: 866-331-7840
Date: October 5, 2023

SARDOR TUKHTAEV

This notice is not proof of ineligibility for a Social Security number or card.

We cannot issue you a Social Security card or update your Social Security Number at this time because:

Your documents show that you are not allowed to work in the U.S. and you do not have a valid reason to get a non-work Social Security number. Because we are not able to give you a Social Security card, we did not verify your documents with the issuing agency(ies).

Please contact us when:

You can give us the document(s) we need.

You can come in for a personal interview.

Your alien status changes, or is renewed, so you can work in the U.S.

If You Disagree

If you think you should get a Social Security number or card based on what you have given us, you can ask us to review your case. Someone who did not look at your first application will review it. Please contact us to ask for a review.

If You Want an Interpreter to Help You

We provide free interpreter services to help you conduct your Social Security Business. These interpreter services are available whether you talk to us by phone or in the Social Security office. Call our toll-free number, 1-800-772-1213, press 3 if you need an interpreter in Spanish, and stay on until the representative answers. An interpreter who speaks Spanish will be contacted to help with your call. If your business cannot be completed by phone, we will make an appointment for you at a local Social Security office and arrange for an interpreter to be there at the time of your visit.

Need More Help?

1. Visit www.ssa.gov for fast, simple and secure online service.
2. Call us at 1-800-772-1213, weekdays from 8:00 am to 7:00 pm. If you are deaf or hard of hearing, call TTY 1-800-325-0778. Please mention this letter when you call.
3. You may also call your local office at 866-331-7840.

SOCIAL SECURITY
UNIT 4

Form SSA-L676(02-2022)

EXHIBIT K

ICE Detainee Locator – Philadelphia ERO Location

3/25/26, 4:02 PM

search

 Official Website of the Department of Homeland Security



Report Crimes: Email or Call 1-866-DHS-2-ICE

[Home](#) | [Who We Are](#) | [What We Do](#) | [Newsroom](#) | [Information Library](#) | [Contact ICE](#)

[< BACK TO RESULTS](#)

Facility Page

Detention Information For:

SARDOR ILGORJON UGLI TUKHTAEV

Country of Birth: Uzbekistan

A-Number: 

Current Detention Facility:

Call ICE For Details

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

PHILADELPHIA, PA, DOCKET CONTROL
OFFICE

[Privacy](#) - [Terms](#)

<https://locator.ice.gov/odls/#/details>

1/3

Ex. K-001

3/25/26, 4:02 PM

search

Phone Number: (215) 656-7164

[BACK TO SEARCH >](#)

Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)

[Privacy Notice](#)

External Links

[Bureau of Prisons Inmate Locator](#)

<https://locator.ice.gov/odls/#/details>

2/3

Ex. K-002

3/25/26, 4:02 PM

search



[DHS.gov](#)[USA.gov](#) [OIG](#) [Open](#) [FOIA](#) [Metrics](#) [No](#) [Site](#) [Site Policies & Plug-Ins](#)
[Gov](#) [Fear](#) [Map](#)
[Act](#)

<https://locator.ice.gov/odls#/details>

3/3

Ex. K-003

PROOF OF SERVICE

I, Robert Bond, Esquire, hereby certify that on March 25, 2026, I caused a true and correct copy of the foregoing Exhibit Package in Support of Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 to be served upon the following:

United States Attorney's Office

Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Via CM/ECF and U.S. Mail

Warden, Detention Facility

[Address to be confirmed upon identification
of current detention facility]
Via U.S. Mail

Field Office Director

Philadelphia ERO Field Office
1600 Callowhill Street
Philadelphia, PA 19130
Via U.S. Mail

Todd Lyons, Acting Director

U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536
Via U.S. Mail

Markwayne Mullin, Secretary

U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528
Via U.S. Mail

Pamela Bondi, Attorney General

U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Via U.S. Mail

Respectfully submitted,

/s/ Robert Bond

ROBERT BOND, ESQUIRE

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SARDOR ILGORJON UGLI TUKHTAEV

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jonathan J. Sobel, Esquire, 1500 Walnut Street, Suite
900, Philadelphia, PA 19102 215 735 7535

DEFENDANTS

J.L. JAMISON, WARDEN OF DETENTION FACILITY, in
his/her official capacity; FIELD OFFICE DIRECTOR,

County of Residence of First Listed Defendant PHILADELPHIA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney's Office

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2241

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

March 26, 2026

SIGNATURE OF ATTORNEY OF RECORD

/s/Jonathan J. Sobel, Esquire

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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

SARDOR ILGORJON UGLI TUKHTAEV,

Petitioner,

Case No. _____

v.

WARDEN OF DETENTION FACILITY, et al.,

Respondents.

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2026, upon consideration of the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, filed by Petitioner Sardor Ilgorjon Ugli Tukhtaev, and any response thereto, it is hereby ORDERED as follows:

1. Petitioner's Petition for Writ of Habeas Corpus is GRANTED.
2. Respondents shall RELEASE Petitioner from custody immediately, subject to reasonable conditions of supervision as this Court may impose.
3. In the alternative, if the Court does not order immediate release, Respondents shall provide Petitioner with a bond hearing before an Immigration Judge within fourteen (14) days of the date of this Order, at which the Government shall bear the burden of justifying continued detention by clear and convincing evidence.
4. Respondents are ENJOINED from reclassifying Petitioner under 8 U.S.C. § 1225(b)(2) or otherwise altering his detention classification to circumvent this Order.
5. Respondents are ENJOINED from transferring Petitioner outside this judicial district pending final resolution of this matter.
6. The Clerk of Court shall serve this Order on all parties via CM/ECF.

SO ORDERED.

United States District Judge

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

SARDOR ILGORJON UGLI TUKHTAEV,

Petitioner,

Case No. _____

v.

WARDEN OF DETENTION FACILITY, et al.,

Respondents.

**MEMORANDUM OF LAW IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

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8 U.S.C. § 1226(a)	passim
28 U.S.C. § 2241	1, 3
28 U.S.C. § 2243	9, 10
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Administrative Decisions

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<i>Matter of Yajure Hurtado</i> , 29 I&N Dec. 216 (BIA 2025)	passim

INTRODUCTION

Petitioner Sardor Ilgorjon Ugli Tukhtaev (“Petitioner”), by and through undersigned counsel, Jonathan J. Sobel, Esquire, respectfully submits this Memorandum of Law in support of his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Petitioner is a native and citizen of Uzbekistan who was placed in removal proceedings and released from ICE custody on an Order of Release on Recognizance (Form I-220A)—confirming his classification under 8 U.S.C. § 1226(a). Following the Board of Immigration Appeals’ decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), ICE re-detained Petitioner and reclassified him under 8 U.S.C. § 1225(b)(2), subjecting him to mandatory detention without a bond hearing.

This reclassification violates the plain text of the INA, the Fifth Amendment’s Due Process Clause, and settled regulatory practice. As demonstrated below, the statutory text unambiguously places individuals like Petitioner under § 1226(a). Over 300 federal courts have agreed. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, a bond hearing with the burden on the government.

STATEMENT OF FACTS

Petitioner Sardor Ilgorjon Ugli Tukhtaev is a native and citizen of Uzbekistan. He was placed in removal proceedings before the Immigration Court and charged under the applicable sections of the Immigration and Nationality Act.

Upon his apprehension, the government classified Petitioner under 8 U.S.C. § 1226(a) and released him on an Order of Release on Recognizance (Form I-220A). See Exhibit B. This classification was consistent with decades of settled practice under which individuals in removal proceedings under INA § 240—including those who entered without inspection—are detained and processed under § 1226(a).

Petitioner complied with all conditions of his release. He filed an Application for Asylum (Form I-589) and was approved for Employment Authorization (Form I-765). He resided in the community, appeared for all required check-ins and court dates, and demonstrated that he poses neither a flight risk nor a danger to the community.

Following the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado*, ICE re-detained Petitioner and reclassified him under 8 U.S.C. § 1225(b)(2). The ICE Online Detainee Locator System confirms Petitioner is currently in ICE custody under the jurisdiction of the Philadelphia, PA ERO Docket Control Office. See Exhibit F. As a result of this reclassification, Petitioner has been denied a bond hearing and is subject to mandatory detention.

ARGUMENT

I. THE PLAIN TEXT OF THE INA REQUIRES PETITIONER'S DETENTION UNDER § 1226(a)

A. Section 1225(b) Applies Only to Applicants for Admission

The INA draws a clear statutory line between two categories of noncitizens. Section 1225(b) governs “applicants for admission”—noncitizens who present themselves at a designated port of entry seeking permission to enter, or who are apprehended in the immediate border zone and have not been admitted. 8 U.S.C. § 1225(b)(2)(A). Under this framework, detention is mandatory and there is no right to a bond hearing.

Section 1226(a), by contrast, governs noncitizens who are already present in the United States and have been placed in removal proceedings under INA § 240. 8 U.S.C. § 1226(a). Under this provision, individuals may be released on bond or conditional parole, and Immigration Judges have authority to review custody determinations.

The Supreme Court has recognized this distinction. In *Jennings v. Rodriguez*, 583 U.S. 281, 298–99 (2023), the Court observed that § 1225 and § 1226 “cover different categories of

aliens,” with § 1225 applying to those seeking admission and § 1226 applying to those already within the country who are placed in removal proceedings.

Petitioner was not apprehended at a port of entry seeking admission. He was placed in removal proceedings under INA § 240 and was released under § 1226(a) on an I-220A. The government’s own actions confirmed his classification under § 1226(a). The subsequent reclassification under § 1225(b)(2) has no basis in the statutory text.

B. The 1997 Rule Confirms EWI Individuals Are Under § 1226(a)

In 1997, the former Immigration and Naturalization Service promulgated a binding regulation confirming that individuals who entered without inspection and were placed in removal proceedings under INA § 240 are detained under § 1226(a), not § 1225(b). 62 Fed. Reg. 10,323 (Mar. 6, 1997). The regulation explains that once removal proceedings are initiated, the noncitizen is no longer an “applicant for admission” but rather a person already within the United States subject to § 1226.

This rule has been in continuous effect for nearly three decades. It has governed the detention and bond eligibility of millions of noncitizens. The BIA’s decisions in *Q. Li* and *Yajure Hurtado* effectively repeal this regulation through adjudication—a course of action that is impermissible under administrative law principles.

Multiple federal courts have recognized the binding force of the 1997 Rule. See, e.g., *Toure v. Bondi*, No. 3:26-cv-00323, at *12–14 (M.D. Pa. Feb. 27, 2026) (finding that the 1997 Rule confirms § 1226(a) governs EWI individuals in § 240 proceedings and granting habeas petition).

C. The BIA Cannot Override Valid Regulations Through Adjudication

Following the Supreme Court’s decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), courts must exercise their “independent judgment” in interpreting statutes and

may not defer to agency interpretations that conflict with the statutory text. *Id.* at 392. The BIA’s interpretation in *Q. Li and Yajure Hurtado*—that EWI individuals in § 240 proceedings are actually “applicants for admission” under § 1225(b)—contradicts the plain statutory text, the 1997 Rule, and decades of practice.

The BIA is bound by the Attorney General’s regulations. It may not effectively repeal 8 C.F.R. § 236.1 through case-by-case adjudication. Where, as here, a regulation clearly addresses the issue and places the individual under § 1226(a), the BIA has no authority to reach a contrary result. Over 300 federal courts have now rejected the *Q. Li/Yajure Hurtado* framework for precisely this reason.

II. PETITIONER’S DETENTION WITHOUT A BOND HEARING VIOLATES DUE PROCESS

A. The Mathews v. Eldridge Framework

The Fifth Amendment provides that “[n]o person shall be . . . deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. This protection extends to all persons within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), courts evaluate procedural due process claims by weighing three factors: (1) the private interest affected; (2) the risk of erroneous deprivation through the procedures used, and the probable value of additional safeguards; and (3) the Government’s interest.

B. Application to Petitioner

First, the private interest at stake—physical liberty—is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner is detained in government

custody without any individualized determination that he poses a flight risk or a danger to the community.

Second, the risk of erroneous deprivation is exceptionally high. The government reclassified Petitioner from § 1226(a) to § 1225(b)(2) based solely on the BIA's categorical pronouncement in *Q. Li*—a decision that over 300 federal courts have found to be legally wrong. No individualized hearing occurred. The government did not examine whether Petitioner poses any risk that would justify his continued detention.

Third, the government's interest in detention without process is minimal. Petitioner had previously been released under § 1226(a) and complied with all conditions. He has an approved employment authorization, community ties, and a pending asylum case. The government has identified no basis—beyond the blanket *Q. Li* reclassification—for his detention.

Under *Mathews*, these factors overwhelmingly favor requiring at minimum a bond hearing where the government bears the burden of justifying continued detention by clear and convincing evidence.

III. PETITIONER IS ENTITLED TO IMMEDIATE RELEASE

Release from unlawful custody is “the historic purpose of the writ.” *Thuraissigiam v. DHS*, 591 U.S. 103, 118 (2020). The habeas statute itself commands that “[t]he court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.” 28 U.S.C. § 2243.

The Supreme Court has confirmed that “[h]abeas corpus is at its core a remedy for unlawful executive detention,” and that “[t]he typical remedy for a habeas petition is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Where the petitioner demonstrates that his detention is unlawful, the court has full authority to order release.

Here, Petitioner's detention is unlawful because: (1) the statutory text requires his classification under § 1226(a); (2) the 1997 Rule confirms this classification; (3) the BIA's contrary position in *Q. Li* has been rejected by the vast majority of federal courts; and (4) the reclassification violates the Due Process Clause. Accordingly, Petitioner is entitled to immediate release.

In the alternative, should this Court decline to order immediate release, Petitioner requests a bond hearing within 14 days before an Immigration Judge, with the burden on the government to demonstrate by clear and convincing evidence that Petitioner is a flight risk or a danger to the community.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from custody. In the alternative, Petitioner requests that this Court order a bond hearing within 14 days, with the burden on the government to justify continued detention by clear and convincing evidence.

Respectfully submitted,

/s/ Jonathan J. Sobel

JONATHAN J. SOBEL, ESQUIRE

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing, a true and correct copy of the foregoing Memorandum of Law in Support of Petition for Writ of Habeas Corpus was served upon the following by the means indicated:

VIA CM/ECF ELECTRONIC FILING:

All counsel of record who are registered CM/ECF users will be served by the Court's electronic filing system.

VIA UNITED STATES FIRST-CLASS MAIL:

United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Warden
Detention Facility
700 Arch Street
Philadelphia, PA 19106

Field Office Director
Philadelphia ERO Field Office
1600 Callowhill Street
Philadelphia, PA 19130

Todd Lyons, Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Markwayne Mullin, Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Pamela Bondi, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

/s/ JONATHAN J. SOBEL
JONATHAN J. SOBEL, ESQUIRE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Federal Detention Center, 700 Arch Street, Philadelphia, PA 19106

RELATED CASE IF ANY: Case Number: 01A Judge: _____

1. Does this case involve property included in an earlier numbered suit? Yes
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes If yes, attach an explanation.

I certify that, to the best of my knowledge and belief, the within case is / is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts)
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Wage and Hour Class Action/Collective Action
6. Patent
7. Copyright/Trademark
8. Employment
9. Labor-Management Relations
10. Civil Rights
11. Habeas Corpus
12. Securities Cases
13. Social Security Review Cases
14. Qui Tam Cases
15. Cases Seeking Systemic Relief *see certification below*
16. All Other Federal Question Cases. (Please specify): _____

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify): _____
7. Products Liability
8. All Other Diversity Cases: (Please specify) _____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case does / does not have implications beyond the parties before the court and does / does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.