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

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| SUBANBEK PAMIRBEK UULU,<br><br>Petitioner,<br><br>v.<br><br>JAMAL L. JAMISON, Warden, Federal Detention Center in Philadelphia; BRIAN McSHANE, Acting Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement; TODD M. LYONS, Acting Director, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; PAMELA JO BONDI, Attorney General of the United States, *in their official capacities*,<br><br>Respondents. | Case No: |

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

Petitioner Subanbek Pamirbek uulu (A[redacted] ("Petitioner"), by and through undersigned counsel, hereby challenges his unlawful detention, which relies entirely on an incorrect statutory classification. Petitioner is not an individual seeking admission at the border today; rather, he is a long-term resident who entered the United States in March 2024 and has continuously resided in the interior for approximately two years. He subsequently filed a Form I-589 Application for

Asylum, which remains pending before the Immigration Court, and obtained an Employment Authorization Document, pursuant to which he has been lawfully employed as a delivery driver. Despite his continuous presence in the United States, his pending asylum application, his lawful employment, and his full compliance with all immigration obligations, Respondents have detained him under 8 U.S.C. § 1225(b) — a provision textually limited to noncitizens actively seeking admission at the border — even though Petitioner has long since ceased seeking admission and has been a permanent fixture of the Philadelphia community.

## INTRODUCTION

1. Petitioner, a citizen of Kyrgyzstan, entered the United States in March 2024 and has been continuously present in the country for approximately two years. He was not apprehended at or near the border at the time of his detention; he has long since settled in the interior of the United States as a resident of Philadelphia, Pennsylvania.
2. Following his arrival in the United States, Petitioner timely filed a Form I-589, Application for Asylum and for Withholding of Removal, with the Philadelphia Immigration Court. The Immigration Court scheduled a hearing on his asylum claim, which remains pending.
3. Since his arrival, Petitioner has established significant ties to the United States. He has been continuously present in the country, maintains a fixed residence in Philadelphia, Pennsylvania, obtained an Employment Authorization Document, and has been working as a delivery driver. He has fully complied with every immigration obligation imposed upon him, including timely filing his Form I-589. These actions reflect his consistent compliance with United States law and his meaningful integration into the community.

4. On March 19, 2026, Petitioner was taken into custody by Immigration and Customs Enforcement ("ICE") in Philadelphia, Pennsylvania, and is currently detained at the Federal Detention Center ("FDC") in Philadelphia, Pennsylvania.

5. The circumstances of Petitioner's detention are particularly troubling and mirror those condemned by this Court in *Yskakuulu v. Jamison*, 2:26-cv-909 (E.D. Pa. Feb. 17, 2026). In *Yskakuulu*, this Court granted habeas relief and ordered the immediate release of a noncitizen who had been subjected to improper detention by ICE. *Id.* at 1–2. Similarly, Petitioner here was detained within the United States and not at or near the border. Nevertheless, Respondents have treated Petitioner as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b), without eligibility for a bond hearing.

6. Petitioner has no criminal history and has never failed to appear for any immigration proceeding or appointment. He was actively pursuing his pending asylum application at the time of his detention.

**PETITIONER'S DETENTION UNDER 8 U.S.C. § 1225(B) IS UNLAWFUL**

7. Despite the pendency of his asylum application, Petitioner remains detained without bond. The basis for this continued detention is a misapplication of the statute. Although Petitioner has long resided in the interior of the United States, ICE is detaining him under 8 U.S.C. § 1225(b). By classifying a long-term resident noncitizen as an "applicant for admission" seeking entry at the border, Respondents have categorically denied him the opportunity for a bond hearing. This detention does not stem from a border encounter; it stems from the arrest of an individual living and working in the United States while voluntarily complying with USCIS procedures.

8. Respondents' invocation of 8 U.S.C. § 1225(b) rests on a fundamental legal error. That statute is textually and structurally limited to noncitizens seeking admission at the border or

apprehended immediately upon entry. It does not grant DHS the authority to reach into the interior of the country and retroactively apply mandatory detention to an individual who entered long ago and has since continuously resided in the United States. Petitioner's arrest did not occur at the border; it occurred in the interior of the United States, in Philadelphia, Pennsylvania. By treating a long-time resident as an "arriving alien" standing at the threshold of entry, Respondents are relying on an incorrect statutory classification to deny Petitioner his statutory right to a bond hearing.

9. This Court has repeatedly and unequivocally rejected the Government's attempt to apply mandatory detention under § 1225(b) to noncitizens who have long resided in the United States. Most recently, in *Yskakuulu v. Jamison*, this Court granted habeas relief and ordered the immediate release of a noncitizen who had been paroled into the United States for humanitarian reasons and detained at a routine check-in appointment. *Id.* at 1–2. The Court held that the Petitioner was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because Section 1225(b)(2)(A) requires that a noncitizen be both an applicant for admission *and* actively seeking admission, and a person who has lived in the United States for an extended period is no longer actively seeking admission. *Id.* at 3 (citing *Kashranov v. Jamison*, 2:25-cv-5555, Memorandum, at *6 (E.D. Pa. Nov. 14, 2025)). The Court reiterated that noncitizens who have been in the United States for an extended period are not subject to mandatory detention under § 1225(b)(2)(A) because that Section applies only to noncitizens who are both an "applicant for admission" and "seeking admission." *Id.* at 3–4.

10. Similarly, in *Leiva Pinto v. Jamison*, 2:26-cv-646 (E.D. Pa. Feb. 4, 2026), this Court held that when an applicant for admission is apprehended after being present in the United States for a prolonged period, they are not actively "seeking admission" at the time of their arrest, so

Section 1225(b)(2) does not govern their detention. *Id.* at 5–6. Instead, the Court found that detention is governed by Section 1226(a), which grants the Attorney General discretion to detain or release a noncitizen on bond while removal proceedings are pending. *Id.* The Court ordered the immediate release of the petitioner and joined "the hundreds of other courts that have found DHS's mandatory detention policy violates the INA and the Due Process Clause of the Fifth Amendment." *Id.* at 3.

11. In *Yskakuulu*, this Court also specifically incorporated its reasoning from *Picon v. O'Neill*, 2:25-cv-6731, (E.D. Pa. Dec. 15, 2025), and the reasoning of *Vasquez-Rosario v. Noem*, 2:25-cv-7427, (E.D. Pa. Jan. 26, 2026). *Yskakuulu* at 3. In *Leiva Pinto*, the Court likewise relied on its prior decisions in *Rodrigues Pereira v. O'Neill*, 2:25-cv-6543, (E.D. Pa. Dec. 8, 2025); *Gramajo De Leon v. Jamison*, 2:25-cv-7199, (E.D. Pa. Dec. 23, 2025); *Hussain v. O'Neill*, 2:26-cv-35, (E.D. Pa. Jan. 8, 2026); and *Kourouma v. Jamison*, 2:26-cv-182, (E.D. Pa. Jan. 15, 2026). *Leiva Pinto* at 2 n.2.

12. In *Kashranov*, this Court held that Section 1225(b)(2) does not govern the detention of a noncitizen who entered the United States without admission but had long resided in the interior. The Court found that such individuals are detained under Section 1226(a) and have due process rights, including a right to an individualized detention and a bond hearing. *Kashranov*, at *5–6. The same principle was reaffirmed in *Cantu-Cortes v. O'Neill*, 2:25-cv-6338, (E.D. Pa. Nov. 13, 2025), where the Court held that a noncitizen residing in the interior was not actively "seeking admission" and therefore Section 1225(b)(2) did not apply.

13. The *Yskakuulu* Court further rejected the Government's argument that the expiration of parole returns a noncitizen to the status of an "applicant for admission" subject to mandatory detention under § 1225(b). The Court held that even assuming, *arguendo*, that the expiration of parole

returned the petitioner to the status of an arriving alien who was also seeking admission, the petitioner had lived in the United States for almost twenty-two months since his parole expired and was therefore no longer actively "seeking admission." *Yskakuulu* at 3. The Court emphasized that "seeking admission" describes active and ongoing conduct—physically attempting to come into the United States, typically at a border or port of entry—and not a static legal classification. *Id.* (quoting *Kashranov*, at *6).

14. This reasoning applies with even greater force to Petitioner. Petitioner entered the United States in March 2024 and has resided here continuously for approximately two years — far longer than the petitioner in *Yskakuulu*. Moreover, in *Leiva Pinto*, where the petitioner had resided in the United States for approximately twenty-eight years, this Court likewise granted habeas relief and ordered immediate release. Additionally, Petitioner has a pending asylum application and has been lawfully employed in the United States. If the petitioners in *Yskakuulu* and *Leiva Pinto* were not subject to mandatory detention under § 1225(b)(2), then Petitioner's detention under that provision is *a fortiori* unlawful.

15. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the Board of Immigration Appeals held that Immigration Judges lack bond jurisdiction where the Department of Homeland Security classifies a noncitizen's detention as arising under 8 U.S.C. § 1225(b). Nothing in *Matter of Q. Li* purports to resolve whether § 1225(b) lawfully applies to noncitizens entered and released into the United States, released into the interior, and later arrested by ICE. Nevertheless, as applied in practice, *Matter of Q. Li* has resulted in Immigration Judges declining to exercise bond jurisdiction once DHS invokes § 1225(b), without adjudicating whether that detention provision properly governs the circumstances of such interior arrests.

16. Respondents' legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice of instead applying 8 U.S.C. § 1226(a), which allows for release on conditional parole or allows for an Immigration Judge to consider bond requests or make bond redeterminations.

17. Because Petitioner has been continuously residing in the United States since March 2024 and was pursuing his pending asylum application at the time of his arrest, his detention is governed, if at all, by 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole and requires an individualized custody determination. ICE's refusal to provide such process violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

18. Petitioner has not been afforded an individualized custody determination or the opportunity to seek release on bond. Because DHS's asserted detention framework forecloses bond jurisdiction as a matter of nationwide administrative practice, Petitioner lacks any meaningful administrative forum in which to challenge the legality of his detention.

19. Petitioner respectfully requests that this Court order his immediate release from custody, consistent with the relief granted by this Court in *Yskakuulu*, *Leiva Pinto*, and the numerous other cases in this District. As this Court stated in *Yskakuulu*, "it should come as no surprise to Respondents that they have violated [Petitioner's] constitutional right to due process and that they must release him from detention immediately." *Yskakuulu* at 4. In the alternative, should the Court determine that immediate release is not warranted, Petitioner respectfully requests that the Court direct Respondents to provide him with a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a) within seven days, at which the Government bears the burden of

proving by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight.

## PARTIES

20. Petitioner Subanbek Pamirbek uulu is a citizen of Kyrgyzstan who resided at [redacted] prior to his detention. Petitioner entered the United States in March 2024 and has resided continuously in the country for approximately two years. He obtained an Employment Authorization Document from USCIS and has been employed as a delivery driver. Petitioner has a pending Form I-589 Application for Asylum before the Philadelphia Immigration Court.

21. Respondents are the federal officials responsible for Petitioner's custody and the enforcement of the immigration detention laws, including: Jamal L. Jamison, Warden of the Federal Detention Center in Philadelphia; Brian McShane, Acting Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement; Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary of the Department of Homeland Security; and Pamela Jo Bondi, Attorney General of the United States. Respondents are all sued in their official capacities.

## JURISDICTION

22. This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to individuals who are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(1), (3). This action also arises under 28 U.S.C. § 1331, as it presents federal questions under the Constitution and

the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 1570. Relief is further available pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, and the Suspension Clause of the United States Constitution, art. I, § 9, cl. 2.

23. Petitioner is currently detained within this District at the Federal Detention Center in Philadelphia, Pennsylvania. Jurisdiction and venue are therefore proper in this Court. See *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

24. Although the INA limits the Court's jurisdiction over certain immigration matters, none of the jurisdiction-stripping provisions identified by the Government bar this Court's review. As this Court recently confirmed in *Leiva Pinto*, each of these provisions is inapplicable. *Leiva Pinto* at 3–5.

25. Section 1252(a) does not strip this Court of jurisdiction because Petitioner is not challenging a discretionary decision. See *Kashranov*, at *4 (citing *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001)); *Cantu-Cortes*, at *1; *Leiva Pinto* at 3–4.

26. The jurisdiction-stripping provision of 8 U.S.C. § 1226(e) does not bar this Court's review. Section 1226(e) limits judicial review only with respect to discretionary judgments regarding detention or release. It does not foreclose constitutional challenges to the statutory framework governing detention. The Supreme Court has made clear that § 1226(e) does not preclude jurisdiction where a petitioner challenges the extent of the Government's detention authority under the statutory framework as a whole. *Jennings*, 583 U.S. at 296. Similarly, § 1226(e) poses no bar to a constitutional challenge to the legislation authorizing detention without bail. *Demore v. Kim*, 538 U.S. 510, 517 (2003).

## VENUE

27. The Eastern District of Pennsylvania has consistently recognized habeas jurisdiction over challenges to the statutory authority for civil immigration detention. This Court has exercised § 2241 jurisdiction over habeas petitions filed by noncitizens detained at the Federal Detention Center in Philadelphia, found that their detention was governed by 8 U.S.C. § 1226(a), and ordered Respondents to provide individualized bond hearings or release petitioners from custody. See *Yskakuulu* at 1–2. The circumstances of the instant case are materially identical.
28. Venue is also proper in this District pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, and agencies of the United States acting in their official capacities, a substantial part of the events and omissions giving rise to Petitioner's claims occurred within this District, and Petitioner is currently detained at the Federal Detention Center within the Eastern District of Pennsylvania. The immediate custodian responsible for Petitioner's confinement is located within this District. Accordingly, venue properly lies in this Court.

## REQUIREMENTS OF 28 U.S.C. § 2243

29. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).
30. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. Habeas corpus is "perhaps the most important writ known to

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).

## LEGAL FRAMEWORK

31. The Immigration and Nationality Act ("INA") prescribes three basic detention frameworks applicable to noncitizens encountered by the Department of Homeland Security during the removal process.

32. First, 8 U.S.C. § 1226 governs the detention of noncitizens placed in standard removal proceedings before an Immigration Judge ("IJ") under 8 U.S.C. § 1229a. As this Court explained in *Leiva Pinto*, Section 1226 authorizes the detention of noncitizens pending a decision on whether the noncitizen is to be removed from the United States, but unlike a noncitizen detained under Section 1225, a noncitizen detained under Section 1226 may be released while they await a decision on removal. *Leiva Pinto* at 5 n.9 (citing *Kashranov*, at *1). Immigration authorities make the initial custody determination, after which the noncitizen may request a bond hearing before an immigration judge, and the noncitizen may secure release if they can demonstrate they pose no flight risk and no danger to the community. *Id.* See also 8 C.F.R. §§ 1003.19(a), 1236.1(d).

33. Second, the INA provides for mandatory detention under 8 U.S.C. § 1225(b), which applies exclusively to noncitizens seeking admission at a port of entry or apprehended at or shortly after entry, before they have been admitted or paroled into the United States. As this Court explained in *Leiva Pinto*, Section 1225(b)(2)(A) provides that "in the case of an alien who is an applicant for admission, if the examining officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." *Leiva*

*Pinto* at 5 n.10. This requires that a noncitizen be both an applicant for admission *and* actively seeking admission. *Yskakuulu* at 3; *Kashranov*, at *6.

34. Third, the INA authorizes detention under 8 U.S.C. § 1231(a) for noncitizens subject to a final order of removal.

35. This case concerns the misapplication of § 1225(b) to a noncitizen who entered the United States, has long resided in the interior, was placed into standard removal proceedings, and was detained in Philadelphia, Pennsylvania, while pursuing his pending asylum application. Section 1226(a) governs Petitioner's custody.

36. Petitioner entered the United States in March 2024 and has continuously resided in the interior for approximately two years. He obtained an Employment Authorization Document issued by USCIS and has been employed as a delivery driver. He has been placed into standard removal proceedings with a pending asylum application before the Philadelphia Immigration Court.

37. Following his arrival in the United States, Petitioner was placed into removal proceedings under § 1229a, and jurisdiction vested with the Philadelphia Immigration Court. An Individual Hearing was scheduled on his asylum claim, which remains pending.

38. Noncitizens who have entered the United States, resided in the interior for an extended period, and been placed into § 1229a removal proceedings are, by statute, governed by the detention framework set forth in § 1226(a). Nothing in the INA authorizes DHS to treat such individuals as subject to mandatory detention under § 1225(b). This Court has confirmed this principle in numerous decisions. See *Yskakuulu* at 1–3; *Leiva Pinto* at 5–6; *Kashranov*, at *5–6; *Cantu-Cortes*, at *2.

39. The *Yskakuulu* Court specifically rejected the Government's reliance on 8 U.S.C. § 1182(d)(5)(A) to argue that expiration of parole returns a noncitizen to the status of an

"applicant for admission" subject to mandatory detention. The Court found that § 1182(d)(5)(A) contains "no language in the text about a parolee returning to the position of an 'applicant for admission' at the threshold of entry, as § 1225(b) describes." *Yskakuulu* at 3.

40. The Supreme Court has confirmed that § 1225(b)'s mandatory detention regime applies at the Nation's borders and ports of entry, where the government determines admissibility in the first instance. *Jennings*, 583 U.S. at 287. By contrast, § 1226(a) applies broadly to noncitizens "pending a decision on whether the alien is to be removed from the United States," including individuals charged as inadmissible and placed into § 1229a proceedings.

41. Federal courts have repeatedly held that DHS may not detain noncitizens who have long resided in the interior of the United States under § 1225(b). Rather, such individuals fall squarely within § 1226(a) and are entitled to an individualized custody determination. See, e.g., *Hyppolite v. Noem*, 1:25-cv-04304, (E.D.N.Y. Oct. 6, 2025). The same reasoning applies here. Petitioner entered the United States, has long resided in the interior, obtained authorization to work, and was placed into standard removal proceedings with a pending asylum application. ICE therefore lacks statutory authority to detain him under § 1225(b).

42. The *Yskakuulu* Court also expressly rejected the Fifth Circuit's recent opinion in *Buenrostro-Mendez v. Bondi*, No. 25-20496, (5th Cir. Feb. 6, 2026), finding it neither binding on this Court nor persuasive, and contrary to traditional principles of statutory interpretation. *Yskakuulu* at 3. As *Kashranov* explained, treating the phrases "applicant for admission" and "seeking admission" as identical would render one entirely meaningless, which is the very definition of surplusage. *Kashranov*, at *6–7.

43. Because Petitioner is neither an arriving alien seeking admission nor subject to a final order of removal, his continued detention under any framework other than § 1226(a) is *ultra vires.* Accordingly, Petitioner's detention is not authorized by statute, and habeas relief is warranted.

## EXHAUSTION OF ADMINISTRATIVE REMEDIES

44. Exhaustion of administrative remedies is not required in this case. 28 U.S.C. § 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. See *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *Hernandez v. Gonzales*, 424 F.3d 42, 49 (1st Cir. 2005).

45. Exhaustion would be futile. As this Court recognized in *Leiva Pinto* and *Yskakuulu*, the Board of Immigration Appeals ("BIA") issued precedential decisions adopting a broad reading of 8 U.S.C. § 1225(b)(2) and holding that an immigration judge has no authority to consider a bond request from any individual who entered the United States without admission. See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). Because immigration judges are bound by the BIA's holdings in *Yajure Hurtado* and *Q. Li*—and therefore, must deny requests for bond hearings from detainees like Petitioner—it would be futile for Petitioner to request a bond hearing before an immigration judge. *Leiva Pinto* at 5.

46. Accordingly, this Court has joined the overwhelming number of courts who have waived the exhaustion requirement in identical circumstances. See *Yskakuulu* at 1–3; *Leiva Pinto* at 5; *Kashranov*, at *4.

## CLAIMS FOR RELIEF

### CLAIM ONE

**Detention Violates the Immigration and Nationality Act (INA)**

47. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

48. The Government is unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b), despite the fact that § 1225(b) governs detention arising in connection with the inspection and admission process. Petitioner is not such an individual. He entered the United States in March 2024 and has resided continuously in the interior of the United States for approximately two years. He was not apprehended at the border or during any contemporaneous effort to enter the country; he was detained on March 19, 2026, in Philadelphia, Pennsylvania. The statutory framework and decades of established agency practice make clear that individuals who entered long ago and were not apprehended at or near the border are detained, if at all, under 8 U.S.C. § 1226(a), which provides for discretionary custody and guarantees the right to an individualized bond hearing before a neutral decisionmaker.

49. This Court has repeatedly and decisively rejected the Government's attempt to apply mandatory detention under § 1225(b) to noncitizens who have long resided in the United States. In *Yskakuulu*, this Court held that a noncitizen who had been in the United States for an extended period was not subject to mandatory detention under § 1225(b)(2)(A) because that Section applies only to noncitizens who are both an "applicant for admission" and "seeking admission." *Yskakuulu* at 3. In *Leiva Pinto*, this Court held that when an applicant for admission is apprehended after being present in the United States for a prolonged period, they are not actively "seeking admission" at the time of their arrest, so Section 1225(b)(2) does not govern their detention. *Leiva Pinto* at 5–6; *Kashranov*, at *6; *Cantu-Cortes*, at *2.

50. Courts have recognized that the right to a bond hearing under § 1226 is grounded in due process. As this Court explained in *Kashranov*, “when the Government detains an alien under

Section 1226, the alien has due process rights, including a right to an individualized detention and a bond hearing." *Kashranov*, at *5; *Cantu-Cortes*, 2025, at *2; *Leiva Pinto* at 6.

51. Because Petitioner is not subject to detention under § 1225(b), his continued detention without access to a custody redetermination hearing violates the INA, exceeds DHS's statutory authority, and is unlawful. Petitioner is entitled to habeas relief, including immediate release, or in the alternative, a constitutionally compliant bond hearing under 8 U.S.C. § 1226(a).

**CLAIM TWO**

**Violation of the Due Process Clause of the Fifth Amendment**

52. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

53. Petitioner's continued detention without a bond hearing or individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. The government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), even though he has resided in the United States continuously since March 2024, has a pending asylum application, has been lawfully employed as a delivery driver pursuant to an Employment Authorization Document, is deeply embedded in his community, and was detained in Philadelphia, Pennsylvania.

54. Treating Petitioner as an "applicant for admission" and subjecting him to indefinite, mandatory detention without procedural safeguards is arbitrary, punitive, and contrary to the basic guarantees of due process.

55. As the Supreme Court explained in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. As this Court reiterated in *Yskakuulu*, the Due Process Clause of the Fifth Amendment "extends to 'all persons' within the United States, including [non-citizens], whether their presence here is

lawful, unlawful, temporary, or permanent." *Yskakuulu* at 3–4 (quoting *Zadvydas*, 533 U.S. at 693). Even where the government possesses authority to detain individuals for immigration purposes, such detention must bear a reasonable relation to its asserted purpose and be accompanied by adequate procedural protections. See *Demore v. Kim*, 538 U.S. 510, 531 (2003). Here, Petitioner's detention is not reasonably related to any legitimate immigration purpose because he is not a recent entrant, has longstanding ties to the United States, and DHS cannot justify treating him as if he had just arrived under an expedited removal framework.

56. This Court has found that ICE's mandatory detention of noncitizens without a bond hearing violates the Due Process Clause. In *Leiva Pinto*, this Court held that because ICE's mandatory detention without a bond hearing violates the INA and the Due Process Clause of the Fifth Amendment, habeas relief is warranted. *Leiva Pinto* at 6 (citing *Kashranov*, at *8). In *Yskakuulu*, this Court found that the Respondents violated the petitioner's constitutional right to due process and ordered his immediate release from detention. *Yskakuulu* at 4. The government provides no mechanism for Petitioner to contest his detention or seek release, resulting in effectively indefinite detention without process, which the Supreme Court has repeatedly condemned. See *Zadvydas*, 533 U.S. at 690–92.

57. Petitioner’s case presents an even stronger claim for due process relief than many of the cases in which this Court has already granted habeas petitions. Petitioner entered the United States in March 2024 and has resided here continuously for approximately two years, has a pending Form I-589 Application for Asylum, has no criminal history, has been lawfully employed as a delivery driver pursuant to an Employment Authorization Document, and was detained in Philadelphia, Pennsylvania. The circumstances of his arrest — detained in the interior of the

United States while actively pursuing his immigration proceedings — underscore the absence of any flight risk or danger to the community.

58. Accordingly, Petitioner's continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner's immediate release, or, at a minimum, a prompt bond hearing with the government bearing the burden to justify continued detention by clear and convincing evidence.

**CLAIM THREE**

**Violation of the Suspension Clause of the U.S. Constitution**

59. Petitioner incorporates by reference all preceding paragraphs. The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, guarantees that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." Petitioner's continued detention, without access to judicial review or a mechanism to challenge the legality of custody, violates this constitutional guarantee.

60. The Supreme Court has long held that habeas relief remains available to noncitizens seeking to challenge unlawful executive detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). The writ cannot be withdrawn where, as here, the Executive detains an individual without statutory authority and without due process safeguards. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

61. Because Petitioner's detention without access to meaningful judicial review of his custody constitutes an effective suspension of the writ of habeas corpus, this Court must exercise jurisdiction and grant relief. Petitioner respectfully requests an order directing his immediate release, or, in the alternative, a prompt individualized custody hearing at which the government must justify continued detention by clear and convincing evidence.

**REQUEST FOR IMMEDIATE RELEASE**

62. Petitioner respectfully submits that the appropriate remedy is immediate release from custody, not merely an order directing Respondents to conduct a bond hearing. Where, as here, the statutory basis for detention is itself unlawful, the constitutional defect cannot be cured by the administrative process that flows from the unlawful classification. Ordering a bond hearing before an immigration judge would not remedy the violation because the immigration court's bond jurisdiction is defined and constrained by the same erroneous DHS classification that underlies Petitioner's detention. An immigration judge conducting a bond hearing under a § 1225(b) framework would still be operating within a legal structure that this Court has found to be inapplicable to Petitioner's circumstances.

63. This Court has recognized that immediate release is the appropriate remedy where the Government lacks statutory authority to detain a petitioner. In *Yskakuulu v. Jamison*, this Court granted habeas corpus and ordered the immediate release of the petitioner without conditioning relief on the outcome of a bond hearing. *Yskakuulu* at 4. Similarly, in *Leiva Pinto v. Jamison*, this Court ordered the immediate release of the petitioner because the Government's detention under § 1225(b) lacked legal authority. *Leiva Pinto* at 6–7. The same result is warranted here.

64. The record before this Court demonstrates that ordering yet another bond hearing would not remedy the constitutional violation at issue. As reflected in the Declaration of Jorge E. Artieda, Esq., a former attorney with U.S. Immigration and Customs Enforcement and former Special Assistant United States Attorney, submitted as an exhibit to the Petition, immigration judges have recently begun systematically denying bond in post-habeas cases based on generalized and speculative findings of flight risk, even where respondents demonstrate strong community ties, lack of criminal history, and viable forms of relief from removal. Mr. Artieda explains

that, based on more than two decades of experience in immigration enforcement and detention litigation, this pattern represents a dramatic shift in bond adjudications, in which immigration judges increasingly rely on abstract rationales — such as the speculative nature of relief applications, lack of financial sponsorship, or immigration status violations common to all detained individuals — to deny bond without meaningful individualized analysis.

65. Petitioner's record demonstrates that a bond hearing would not remedy the constitutional violation here. During his entire period of continuous residence in the United States — through the pendency of his Form I-589 asylum proceedings before the Philadelphia Immigration Court, his lawful employment pursuant to an Employment Authorization Document, and his full compliance with every immigration obligation — the Government never moved for detention and never asserted that he posed a flight risk or a danger to the community. The Government's own uncontroverted prior conduct reflects an implicit determination that Petitioner does not warrant detention. A bond hearing before an Immigration Judge operating under the systemic pressures described by Mr. Artieda cannot be expected to produce a constitutionally reliable result consistent with Petitioner's established record of compliance and community ties.

66. Petitioner's case illustrates precisely the systemic problem Mr. Artieda describes. Despite the existence of substantial evidence demonstrating that Petitioner is neither a danger to the community nor a flight risk — including his unbroken record of compliance with all immigration obligations during his extended continuous residence in the United States, his pending asylum application, his valid Employment Authorization Document, his employment as a delivery driver, his stable residence in Philadelphia, Pennsylvania, and his complete absence of criminal history — immigration judges have in analogous post-habeas cases

continued to issue bond denials grounded in categorical, speculative reasoning rather than concrete, individualized assessment. These categorical denials — which rely on generalized assumptions about noncitizens sharing Petitioner's immigration posture rather than on the specific evidence before the court — are precisely what the Due Process Clause forbids. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 531 (2003).

67. Under these circumstances, simply ordering another bond hearing would not cure the constitutional defect. Courts have recognized that where the record demonstrates that the existing detention framework cannot reliably safeguard a detainee's liberty interest, habeas relief in the form of immediate release is appropriate. The purpose of habeas review is not to require repetitive and unreliable administrative proceedings, but to ensure that unlawful detention ceases. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). Where Petitioner's extended continuous residence in the United States has left undisturbed his established record of compliance, and where the administrative framework now systematically forecloses meaningful review through a combination of *Matter of Q. Li*'s jurisdictional bar and the pattern of categorical bond denials described by Mr. Artieda, remanding for a bond hearing would only prolong Petitioner's unlawful detention without addressing the underlying constitutional violation.

68. Accordingly, the appropriate remedy is not another bond hearing, but Petitioner's immediate release from custody under reasonable conditions of supervision. Petitioner's extended continuous residence in the United States, his unbroken compliance with every immigration obligation, his lawful employment, his stable residence in Philadelphia, and his complete absence of criminal history all demonstrate that he poses no flight risk and no danger to the community. Nothing in the record — not his asylum proceedings, not his employment history,

and certainly not the circumstances of his March 19, 2026 detention in Philadelphia — provides any basis for his continued detention. Furthermore, because DHS's invocation of § 1225(b) precludes bond jurisdiction before immigration judges as a categorical matter under current BIA precedent, see *Matter of Q. Li*; *Matter of Yajure Hurtado*, there is no administrative forum in which Petitioner can meaningfully present his case for release. This Court should give effect to what the Government's own prior conduct has already established: that Petitioner is not a danger and not a flight risk, and that his continued detention serves no legitimate immigration enforcement purpose that could not be adequately addressed through conditions of supervised release. The only forum capable of remedying Petitioner's unlawful detention is this Court. Habeas corpus exists precisely for this situation. Ordering Petitioner's immediate release is therefore both legally compelled and consistent with the remedies granted by this Court in analogous cases.

## PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
2. Issue an order prohibiting Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings;
3. Grant the Petition for a Writ of Habeas Corpus and hold that Petitioner's continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;

4. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration detention, as continued detention without constitutionally adequate procedures is unlawful;
5. In the alternative, should the Court determine that release is not immediately warranted, order Respondents to provide Petitioner with a constitutionally adequate individualized bond hearing within seven (7) days, at which the Government bears the burden of proving dangerousness or flight risk by clear and convincing evidence;
6. Order that if Respondents fail to provide such a hearing within the specified time, or fail to meet their burden of proof, Petitioner must be immediately released from custody;
7. Temporarily enjoin the Government from re-detaining Petitioner for seven (7) days following his release from custody;
8. If the Government pursues re-detention after the seven-day period, order that it must first provide Petitioner with a bond hearing at which a neutral immigration judge shall determine whether detention is warranted pending the resolution of his removal proceedings;
9. Pending a bond hearing, enjoin the Government from removing, transferring, or otherwise facilitating the removal of Petitioner from the Eastern District of Pennsylvania;
10. Upon Petitioner's release, order Respondents to return all of Petitioner's personal belongings confiscated upon his detention, including identification documents; and
11. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on March 26, 2026.

**COUNSEL FOR PETITIONER**

/s/ *Harun Taskin*
Harun Taskin
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*/s/ Michael Henry*
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**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom the Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Verified Petition are true and correct to the best of my knowledge.

Respectfully submitted on March 26, 2026.

**COUNSEL FOR PETITIONER**

/s/ Harun Taskin
Harun Taskin, Esq.
**Pro Hac Vice Pending*
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JS 44 (Rev. 03/24)

# 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

SUBANBEK PAMIRBEK UULU

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

**(c)** Attorneys *(Firm Name, Address, and Telephone Number)*
Harun Taskin, Esq. - Kent Law Partners LLC
1701 E Woodfield Rd, Suite 820 Schaumburg, IL 60173
312-724-5555 htaskin@kentlawpartners.com

## DEFENDANTS

JAMAL L. JAMISON et al.,

County of Residence of First Listed Defendant _____
*(IN U.S. PLAINTIFF CASES ONLY)*
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

## 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)*
*(For Diversity Cases Only)*

| | 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**
- ☐ 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

**REAL PROPERTY**
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

**TORTS**

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

**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

**FORFEITURE/PENALTY**
- ☐ 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

**BANKRUPTCY**
- ☐ 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

**OTHER STATUTES**
- ☐ 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

## 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 U.S.C. § 2241

Brief description of cause:
Request for release from detention on behalf of alien detainee subjected to unlawful mandatory detention.

## 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
3/25/2026

SIGNATURE OF ATTORNEY OF RECORD
*/s/: Harun Taskin and Michael S. Henry*

**FOR OFFICE USE ONLY**

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

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

**DESIGNATION FORM**

Place of Accident, Incident, or Transaction: Philadelphia, Pennsylvania

***RELATED CASE IF ANY:*** Case Number:_____ 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? If yes, attach an explanation. Yes ☐

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.

**ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)**

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.

# DECLARATION OF JORGE E. ARTIEDA

I, Jorge E. Artieda, declare as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

## I. PROFESSIONAL BACKGROUND AND QUALIFICATIONS

**1.** I am an attorney licensed to practice law in the Commonwealth of Virginia and am admitted to practice before the United States District Courts for the Eastern and Western Districts of Virginia.

**2.** I have over two decades of experience in immigration law and federal law enforcement, including:

a. Service as a prosecutor in New York City;

b. Service as legal counsel to Immigration and Customs Enforcement (ICE) Headquarters in Washington, D.C.;

c. Service as Assistant Chief Counsel for ICE in Virginia;

d. Service as a Special Assistant United States Attorney in Virginia; and

e. For the past decade, private practice as an immigration attorney specializing in detention and removal defense, including routine representation of detained individuals in bond proceedings before Immigration Judges in the Eastern District of Virginia.

**3.** I am proud of my years of service as a government attorney. My time working within the City of New York, Immigration and Customs Enforcement, and as a federal prosecutor was among the most meaningful work of my career. I remain grateful for the opportunity to have served the public in those capacities and continue to hold deep respect for the dedicated public servants who work within these institutions to faithfully administer our immigration laws.

**4.** Based on this extensive experience on both sides of immigration enforcement and litigation, I am intimately familiar with the standards, practices, and norms governing bond determinations in immigration proceedings in this district.

## II. PURPOSE OF THIS DECLARATION

**5.** I submit this declaration to provide the Court with direct, firsthand observations of a dramatic and systematic change in bond hearing outcomes that have occurred over the past three weeks in immigration proceedings in Virginia and Maryland, particularly before Immigration Judges assigned to the detained docket.

**6.** This declaration is based on: (a) my personal observations of bond hearings I have attended; (b) my review of written bond decisions issued to clients; (c) communications with numerous immigration attorneys practicing in this district; and (d) my professional knowledge of historical bond practices in this jurisdiction spanning more than a decade.

**7.** I authorize any attorney representing detained individuals in habeas corpus proceedings or emergency motions for immediate release to use and file this declaration in support of their clients' cases.

## III. THE SEISMIC SHIFT: SYSTEMATIC DENIAL OF BOND IN POST-HABEAS CASES

**8.** Beginning in or around the first week of January 2026, I began observing what can only be described as a seismic shift in bond hearing outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings by this Court and other judges in the Eastern District of Virginia.

**9.** Prior to this shift, while bond amounts had increased in recent months, bond was *routinely granted* in post-habeas cases where individuals demonstrated: (a) lack of significant criminal history; (b) strong family ties in the United States; (c) lengthy residence in the country; (d) viable claims for relief from removal; and (e) community support including stable housing and employment prospects.

**10.** Beginning approximately three weeks ago, this pattern *abruptly and uniformly ceased*. In numerous cases I have personally observed or learned about from colleagues, Immigration Judges have denied bond in circumstances that, weeks earlier, would have resulted in bond being set.

**11.** In my professional observation, the consistency, timing, and uniformity of these denials cannot be readily explained by coincidence, changes in individual case facts, or independent judicial decision-making. The pattern appears systematic and suggests coordinated institutional direction.

## IV. THE REASSIGNMENT OF IMMIGRATION JUDGES CHOI AND DONOSO-STEVENS

**12.** What I believe to be compelling evidence of possible institutional coordination occurred in early January 2026, when two Immigration Judges who had been assigned to the Annandale detained docket for years—Immigration Judge Raphael Choi and Immigration Judge Karen Donoso-Stevens—were abruptly reassigned to the non-detained docket.

**13.** Prior to their reassignment from the detained docket, these judges were conducting what appeared to be meaningful individualized bond assessments in

post-habeas cases. They were granting bond in appropriate cases and, critically, had begun questioning—*on the record*—the government's blanket detention positions and the Department of Justice's insistence on maintaining detention under circumstances that appeared not to justify continued custody.

**14.** The timing and circumstances of their reassignment are, in my view, extraordinary. Judges who appeared to be fulfilling their duty to conduct individualized bond assessments and who were openly questioning government positions were removed from the very docket where such assessments are most critical.

**15.** Since their reassignment, the Immigration Judges who replaced them on the detained docket have, based on my observations, *systematically denied bond* in post-habeas cases. This pattern suggests that the reassignment may not have been administrative happenstance but rather a deliberate effort to ensure predetermined outcomes—continued detention—regardless of individual circumstances.

## V. PRETEXTUAL AND LEGALLY INSUFFICIENT RATIONALES FOR DENYING BOND

**16.** Over the past three weeks, Immigration Judges have, in my observation, relied on a remarkably narrow and predictable set of rationales to deny bond—rationales that appear to bear little relationship to genuine individualized risk assessment and that would not have been deemed sufficient to justify denial just weeks earlier.

**17.** These rationales, which I believe to be pretextual, include but are not limited to:

a. Treating the absence of a financial sponsor as dispositive of flight risk, even when other equities (family ties, length of residence, employment history, community support) overwhelmingly favor release;

b. Finding that a sponsor who is not a *financial* sponsor is insufficient, despite no legal requirement that sponsors provide financial guarantees;

c. Treating the fact that an individual did not seek relief from removal until after being detained as evidence of lack of intent to comply with immigration proceedings;

d. Finding that applications for relief under INA § 240A(b) (cancellation of removal) are "speculative" and therefore do not mitigate flight risk, despite the fact that all immigration relief applications involve some degree of uncertainty and merit assessment;

e. Characterizing unlawful entry into the United States—*by itself*—as establishing flight risk, a rationale that would render bond impossible for the vast majority of detained individuals;

f. Treating the accumulation of unlawful presence (which is a civil violation, not a crime) as evidence of danger or disregard for the law;

g. Finding that unauthorized employment—a status violation shared by millions of undocumented immigrants—constitutes a significant negative factor warranting denial of bond;

h. Treating minor discrepancies in addresses listed on various documents as evidence of "deceitfulness," even when such discrepancies are readily explained and do not reflect any intent to mislead;

i. Questioning the accuracy of tax returns and suggesting "underreporting" based on subjective assessments of lifestyle (such as photographs showing children at Disneyland or a respondent in a vehicle), without any actual evidence of fraud or misrepresentation;

j. Imposing on respondents the burden of proving that they *will* appear for future court proceedings—an impossible burden that requires proving a negative—even though many respondents have never failed to appear for any prior proceeding because *they have never been required to appear* until being placed in removal proceedings; and

k. Dismissing applications for cancellation of removal as "pro forma" when they have not been fully completed or developed, even though detained individuals often lack access to the resources and legal support necessary to perfect such applications while in custody.

**18.** In my professional assessment, these rationales do not appear to be grounded in legitimate risk assessment. They appear to be pretexts designed to ensure denial of bond regardless of the individual facts of each case.

**19.** The rationales being employed to deny bond appear to depart significantly from the standards articulated in BIA precedent governing bond determinations.

**20.** The rationales I have observed over the past three weeks—treating unlawful entry alone as establishing flight risk, dismissing relief applications as inherently "speculative," requiring financial sponsorship as a prerequisite, and treating any immigration violation as dispositive—appear to represent a departure from these precedential standards. BIA case law requires that Immigration Judges consider the *specific circumstances* of each case and weigh multiple factors in reaching bond

determinations. The systematic application of categorical exclusions based on status violations common to the detained population does not appear consistent with the individualized, fact-specific analysis that BIA precedent mandates.

## VI. OBSERVATIONS FROM JANUARY 14 and JANUARY 28, 2026, DETENTION DOCKET

**21.** On January 14 and January 28, 2026, I personally observed bond hearings before Immigration Judge Gardey at the Annandale Immigration Court. What I witnessed confirmed the systematic pattern of denial that has emerged over the past three weeks.

**22.** Multiple cases that would have resulted in bond being set just weeks earlier were denied. The denials were based on the same rationales I have described above: lack of financial sponsors, unauthorized work, the "speculative" nature of relief applications, and immigration violations that are endemic to the detained population.

**23.** In each instance I observed, the Immigration Judge appeared to apply factors that, if consistently applied, would make bond impossible for virtually any detained individual in removal proceedings. There did not appear to be meaningful individualized assessment. The hearings appeared to be perfunctory exercises designed to create a veneer of due process while ensuring predetermined outcomes.

**24.** The cases I observed on the above dates, involved individuals with no criminal history, or only minor criminal history unrelated to violence or flight. These individuals had family members present in court, stable housing, employment prospects, and pending applications for relief. Under the standards that prevailed in this district for years—and indeed, as recently as three weeks ago—these individuals would have been granted bond.

## VII. CORROBORATION FROM THE IMMIGRATION LEGAL COMMUNITY

**25.** My observations are not isolated. In recent weeks, I have communicated with numerous immigration attorneys practicing all over the United States who handle detention cases. These conversations have confirmed that the pattern I have observed is widespread and consistent.

**26.** Colleagues have reported the same experience: clients who were granted federal habeas relief and ordered § 1226(a) bond hearings are now being systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier.

**27.** These attorneys have described bond hearings as appearing to be "pro forma" exercises where the outcome seems predetermined. Meaningful individualized

review appears to have been replaced by boilerplate language and cookie-cutter denials.

**28.** The consistency of these reports across multiple practitioners, representing different clients before different Immigration Judges, suggests that this is not a matter of individual judicial discretion or case-specific circumstances. It appears to be a coordinated institutional effort.

## VIII. PROFESSIONAL ASSESSMENT AND CONCLUSION

**29.** Based on my two decades of experience in immigration law, including my service within the ICE, the pattern of events over the past three weeks—the abrupt reassignment of judges who were granting bond and questioning government positions, the immediate and uniform shift to systematic denial of bond, and the reliance on a narrow set of rationales across multiple judges and cases—suggests what appears to be a coordinated effort by the Executive Office for Immigration Review (EOIR) and the Department of Justice to undermine federal habeas relief.

**30.** In my professional judgment, this apparent coordination is the most plausible explanation for what I and my colleagues have observed. Independent adjudication does not typically produce this level of uniformity in outcome and reasoning across multiple judges and cases in such a compressed timeframe.

**31.** The bond hearings being provided to individuals who have been granted federal habeas relief do not appear to be genuine adjudications. They appear to be illusory remedies—proceedings designed to create the appearance of due process while ensuring that individuals remain detained indefinitely.

**32.** What I have witnessed over the past three weeks appears to be a systematic effort to nullify the constitutional protections that federal courts have recognized and enforced through habeas corpus. It appears to be a deliberate campaign to render meaningless the bond hearings that this Court and others have ordered.

**33.** I am profoundly concerned by what I have witnessed. As an attorney who has dedicated my career to the fair administration of immigration law—having served both as a government attorney enforcing those laws and as a private practitioner defending individuals subject to them—I find what appears to be a coordinated effort to undermine judicial authority and deny due process to be deeply troubling and inconsistent with the values I learned and embraced during my years of public service.

**34.** The individuals affected by this systematic denial of bond are not abstractions. They are human beings with families, with children, with jobs, with lives in this country. They have been found by federal courts to be entitled to bond hearings.

They are now being denied those hearings in any meaningful sense, held in detention not because they pose a danger or a flight risk, but because, in my observation, the Executive Branch appears to have decided to circumvent federal court orders through institutional means.

**35.** I submit this declaration in the hope that it will assist courts in understanding the reality of what appears to be occurring in immigration proceedings in this district and in ensuring that the constitutional right to habeas corpus is not rendered meaningless.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January 2026, in Arlington, Virginia.

Jorge E. Artieda, Esq.
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