

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

MAIEMURZHON IMAMOV,

Petitioner,

Case No. _____

v.

JL JAMISON, WARDEN, FDC PHILADELPHIA,
In his official capacity; FIELD OFFICE
DIRECTOR, PHILADELPHIA ERO FIELD
OFFICE, in his or 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;
TODD BLANCHE, Acting Attorney
General of the United States, in his
official capacity,

Respondents.

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

INTRODUCTION

Petitioner Maiemurzhon Imamov, 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 Respondents.

Mr. Imamov is a 21-year-old citizen of Russia who fled his country in 2022 to 

 On December 30, 2022, he presented himself to United States Border Patrol agents near Jacumba, California. He was placed in expedited removal proceedings under INA § 235(b)(1), expressed a fear of return to Russia, and was referred for a credible fear interview. On January 17, 2023, a USCIS asylum officer found Mr. Imamov's fear credible, and a supervisory officer concurred on January 21, 2023. Mr. Imamov was paroled on January 27, 2023, and placed in removal proceedings under INA § 240.

Following his release, Mr. Imamov complied with all conditions. He filed his I-589 Application for Asylum, which was received by USCIS on December 22, 2023. At some point thereafter, Respondents re-detained Mr. Imamov and reclassified him under 8 U.S.C. § 1225(b)(2), stripping him of the bond hearing rights he is entitled to under 8 U.S.C. § 1226(a). He is currently detained at Federal Detention Center Philadelphia.

This reclassification is unlawful. Over 300 federal district courts across the country have rejected the Government's position, adopted in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), that noncitizens who entered without inspection are subject to mandatory detention under § 1225(b)(2) without any right to a bond hearing. Mr. Imamov is entitled to a bond hearing under § 1226(a), and his continued detention

without one violates the Immigration and Nationality Act, the Due Process Clause, and the Administrative Procedure Act.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241, which grants federal district courts jurisdiction to hear habeas corpus petitions from persons held in custody in violation of the Constitution or laws of the United States. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001).

2. This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question) and 5 U.S.C. § 702 (APA waiver of sovereign immunity).

3. Venue is proper in this district under 28 U.S.C. § 2241(a) because Petitioner is detained at FDC Philadelphia, which is located within the Eastern District of Pennsylvania.

PARTIES

4. Petitioner Maiemurzhon Imamov is a citizen of Russia, born on [REDACTED] in Uzbekistan. His Alien Registration Number is [REDACTED]. He is currently detained at Federal Detention Center Philadelphia, located at 700 Arch Street, Philadelphia, Pennsylvania 19106.

5. Respondent Warden of FDC Philadelphia is the custodian of Petitioner and is responsible for his physical detention. The Warden is sued in his official capacity.

6. Respondent Field Office Director, Philadelphia ERO Field Office, U.S. Immigration and Customs Enforcement, is the ICE official with operational authority over Petitioner's detention in this district. The Field Office Director is sued in his or her official capacity.

7. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is responsible for ICE policies governing the detention and classification of noncitizens, including Petitioner. He is sued in his official capacity.

8. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security. DHS is the federal department responsible for immigration enforcement. He is sued in his official capacity.

9. Respondent United States Department of Homeland Security is the federal agency responsible for immigration enforcement, including the detention and classification of noncitizens.

10. Respondent Todd Blanche is the Acting Attorney General of the United States. He oversees the Executive Office for Immigration Review, which adjudicates immigration cases. He is sued in his official capacity.

STATEMENT OF FACTS

11. Maiemurzhon Imamov was born on [REDACTED] in Uzbekistan. He is a citizen of the Russian Federation and holds Russian passport number [REDACTED] issued on [REDACTED]. His parents, Saidzhon Imamov and Manzura Azimova, are originally from Uzbekistan but have Russian citizenship. Mr. Imamov grew up in the Moscow Region of Russia.

12. In 2022, the Russian government announced a military mobilization for its war against Ukraine. [REDACTED]

[REDACTED]

[REDACTED]

Mr. Imamov fled Russia.

13. On December 30, 2022, at approximately 10:16 a.m., Mr. Imamov entered the United States near Jacumba, California, by crossing the international boundary between ports of entry. He immediately turned himself in to U.S. Border Patrol agents of the San Diego Sector.

14. On January 2, 2023, Border Patrol agents at the San Diego processing station took a sworn statement from Mr. Imamov. He stated that he was "escaping the war" and "was about to be drafted to the war." He expressed fear of returning to Russia and stated he would be harmed if returned. He was served with DHS Forms I-867A, I-867B, I-296, and M-444.

15. Mr. Imamov was placed in expedited removal proceedings under INA § 235(b)(1) as an arriving alien without valid entry documents, charged under INA § 212(a)(7)(A)(i)(I). His disposition was classified as "Expedited Removal with Credible Fear."

16. Mr. Imamov was transferred to Adams County Correctional Center in Natchez, Mississippi, to await his credible fear interview.

17. On January 17, 2023, USCIS Asylum Officer Ana I. Gonzalez Barajas of the Houston Asylum Office conducted Mr. Imamov's credible fear interview telephonically from Natchez, Mississippi, with a Russian-language interpreter. The interview was conducted under oath. Mr. Imamov described the threats he faced from 

 The asylum officer found that Mr. Imamov had a credible fear of persecution.

18. On January 21, 2023, Supervisory Asylum Officer J. Lorio reviewed and concurred with the positive credible fear determination.

19. On January 27, 2023, DHS paroled Mr. Imamov into the United States pursuant to an Interim Notice Authorizing Parole. Having passed his credible fear screening, he was placed into full removal proceedings under INA § 240 of the Immigration and Nationality Act.

20. Following his release, Mr. Imamov traveled to his uncle's residence at 
 as indicated in his DHS processing records. He complied with all conditions of his release.

21. On or about December 22, 2023, USCIS received Mr. Imamov's Form I-589, Application for Asylum and for Withholding of Removal, as confirmed by Receipt Notice I-797C.

22. At some point after being placed in removal proceedings, Respondents re-arrested and re-detained Mr. Imamov. He was reclassified from detention under 8 U.S.C. § 1226(a), which provides for individualized bond hearings, to detention under 8 U.S.C. § 1225(b)(2), which the Government contends authorizes mandatory detention without any bond hearing.

23. Mr. Imamov is currently detained at Federal Detention Center Philadelphia, 700 Arch Street, Philadelphia, Pennsylvania 19106. He has been denied a bond hearing before an Immigration Judge.

LEGAL FRAMEWORK

A. The Statutory Distinction Between § 1225 and § 1226

24. The Immigration and Nationality Act establishes two distinct statutory frameworks for the detention of noncitizens in removal proceedings. Section 1225 governs "applicants for admission," while Section 1226 governs noncitizens who have already been admitted or paroled into the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 298 (2018).

25. Under 8 U.S.C. § 1226(a), the Attorney General "may release" a noncitizen on bond or conditional parole pending a decision on removal. This provision entitles noncitizens to individualized bond hearings before an Immigration Judge, during which the Government bears the burden of justifying continued detention.

26. Under 8 U.S.C. § 1225(b)(2)(A), an "applicant for admission" who is not clearly admissible "shall be detained for a [removal] proceeding." The Government interprets this provision as authorizing mandatory detention without any opportunity for a bond hearing.

27. The distinction is dispositive: noncitizens classified under § 1226(a) receive bond hearings; those classified under § 1225(b)(2) do not.

B. The 1997 Rule and the Treatment of Noncitizens Who Entered Without Inspection

28. In 1997, the former Immigration and Naturalization Service promulgated a final rule establishing that noncitizens who entered the United States without inspection and were placed in removal proceedings under § 240 are detained under § 1226(a), not § 1225(b). 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). The 1997 Rule has never been rescinded, amended, or superseded by any subsequent regulation.

29. Consistent with the 1997 Rule, for nearly three decades, the Government detained noncitizens like Mr. Imamov, who entered without inspection, under § 1226(a) and provided them with individualized bond hearings.

C. The BIA's Departure: *Matter of Q. Li* and *Matter of Yajure Hurtado*

30. In 2025, the Board of Immigration Appeals issued two decisions that reversed this longstanding practice. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that certain noncitizens who entered without inspection are "applicants for admission" subject to § 1225(b)(2) and therefore ineligible for bond hearings. In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA extended this holding further.

31. Over 300 federal district courts across the country have rejected the reasoning of *Q. Li* and *Yajure Hurtado*, finding that noncitizens who entered without inspection are properly detained under § 1226(a) and entitled to bond hearings.

COUNT I

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

32. Petitioner incorporates by reference all preceding paragraphs.

33. Mr. Imamov entered the United States without inspection on December 30, 2022. He was placed in removal proceedings under INA § 240. Under the plain text of the INA and the 1997 Rule, he is detained under 8 U.S.C. § 1226(a) and entitled to an individualized bond hearing.

34. Respondents' reclassification of Mr. Imamov under 8 U.S.C. § 1225(b)(2), based on *Matter of Q. Li* and *Matter of Yajure Hurtado*, violates the plain text of the Immigration and Nationality Act, the 1997 Rule (62 Fed. Reg. 10,323), and nearly three decades of consistent agency practice.

35. Section 1225(b) applies only to "applicants for admission." Mr. Imamov is not an applicant for admission. He entered the United States, was processed by DHS, passed a credible fear interview, was paroled, and was placed in removal proceedings under § 240. He is a noncitizen in removal proceedings, not an arriving alien seeking admission.

COUNT II

VIOLATION OF THE DUE PROCESS CLAUSE

36. Petitioner incorporates by reference all preceding paragraphs.

37. The Due Process Clause of the Fifth Amendment protects all "persons" within the United States, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

38. Physical liberty is the most fundamental of all rights. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Detention without a meaningful opportunity to contest the basis for that detention violates due process.

39. Applying the three-factor test of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): (a) Mr. Imamov's private interest in physical liberty is at its apex; (b) the risk of erroneous deprivation is high because the Government has unilaterally reclassified him under a provision that over 300 courts have found inapplicable; and (c) the Government's interest in avoiding the minimal burden of a bond hearing does not outweigh Mr. Imamov's liberty interest.

40. Mr. Imamov's continued detention under § 1225(b)(2) without a bond hearing violates the Due Process Clause of the Fifth Amendment.

COUNT III

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

41. Petitioner incorporates by reference all preceding paragraphs.

42. Respondents' reclassification of Mr. Imamov from § 1226(a) to § 1225(b)(2) is a final agency action that is arbitrary, capricious, an abuse of discretion, contrary to law, and in excess of statutory authority, in violation of 5 U.S.C. § 706(2).

43. The reclassification contradicts the plain text of the INA, the 1997 Rule, and nearly three decades of consistent agency interpretation. The BIA's decisions in *Q. Li* and *Yajure Hurtado* are not entitled to deference. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 413 (2024).

COUNT IV

VIOLATION OF 8 C.F.R. § 236.1

44. Petitioner incorporates by reference all preceding paragraphs.

45. Title 8 C.F.R. § 236.1 implements the bond hearing provisions of 8 U.S.C. § 1226(a). Under this regulation, noncitizens in removal proceedings, including those who entered without inspection, are entitled to a hearing before an Immigration Judge to determine whether they should be released on bond or detained.

46. Respondents have denied Mr. Imamov the bond hearing required by 8 C.F.R. § 236.1 by improperly classifying him under § 1225(b)(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (a) Order the immediate release of Petitioner from Respondents' custody;
- (b) Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;
- (c) Declare that Petitioner is detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2);
- (d) Declare that Respondents' reclassification of Petitioner under § 1225(b)(2) pursuant to Matter of Q. Li and Matter of Yajure Hurtado violates the INA, the Due Process Clause, the APA, and 8 C.F.R. § 236.1;
- (e) In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within fourteen (14) days, at which the Government bears the burden of justifying continued detention by clear and convincing evidence;
- (f) Permanently enjoin Respondents from reclassifying Petitioner under 8 U.S.C. § 1225(b)(2);

(g) Award Petitioner his costs and reasonable attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

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

VERIFICATION

I, Jonathan J. Sobel, Esquire, counsel for Petitioner Maiemurzhon Imamov, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual statements in this Petition are true and correct to the best of my knowledge, information, and belief, based upon my review of documents provided by the Department of Homeland Security, including the Responsive Record produced pursuant to a Freedom of Information Act request, and communications with Petitioner.

Executed on April 5, 2026.

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

Counsel for Petitioner

CERTIFICATE OF SERVICE

I, Jonathan J. Sobel, Esquire, hereby certify that on this 5th day of April, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and all accompanying documents to be served upon the following parties by first-class United States mail, postage prepaid:

JL Jamison, Warden, FDC Philadelphia	700 Arch Street Philadelphia, PA 19106
Field Office Director Philadelphia ERO Field Office U.S. Immigration and Customs Enforcement	900 Market Street, Suite 216 Philadelphia, PA 19107
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
U.S. Department of Homeland Security	245 Murray Lane SW Washington, DC 20528
Todd Blanche, Acting Attorney General U.S. Department of Justice	950 Pennsylvania Avenue NW Washington, DC 20530
United States Attorney Eastern District of Pennsylvania	615 Chestnut Street, Suite 1250 Philadelphia, PA 19106

/s/ Jonathan J. Sobel
Jonathan J. Sobel, 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

MAIEMURZHON IMAMOV

(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

JL JAMISON, WARDEN, FDC PHILADELPHIA,
In his official capacity; FIELD OFFICE

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

April 5, 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
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:_____ 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 / ☐ **XXX 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. **XXX** 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 / ☐ **XXX does not** have implications beyond the parties before the court and ☐ 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:

☐ **XXX** 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.

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

Case No. ____-cv-____

MAIEMURZHON IMAMOV,

Petitioner,

v.

WARDEN, FDC PHILADELPHIA, et al.,

Respondents.

**PETITIONER'S EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

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EXHIBIT A

Interim Notice Authorizing Parole (January 27, 2023)

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

Date: 01/22/2023

In Reference to: A # [REDACTED]

INTERIM NOTICE AUTHORIZING PAROLE

DOB: [REDACTED]

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

IMAMOV, Maiemurzhon

Alien Name

Alien Signature

Date

1-27-23

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☒ In person ☐ Other:

ICE Official Name

(b)(6) (b)(7)(C)

1-27-23

Address: 1270 E. 19th Street, Apt 6L Brooklyn, NY 11230-5404 Phone: (631) 933-4295

Ex. A-001

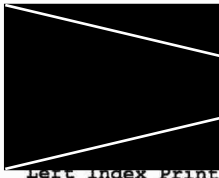
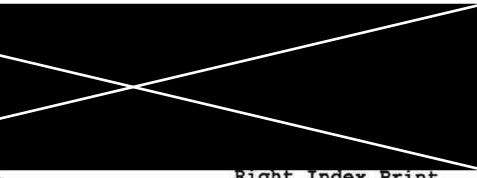
EXHIBIT B

I-213, Record of Deportable/Inadmissible Alien

U.S. Department of Homeland Security

Subject ID

Record of Deportable/Inadmissible Alien

Family Name (CAPS) IMAMOV, MAIEMURZHON		First	Middle
Country of Citizenship RUSSIA	Passport Number and Country of Issue RUSSIA	File Number	
U.S. Address			
Date, Place, Time, and Manner 12/30/2022, 0930, PWA (AFOOT) (b)(7)(E)			
Number, Street, City, Province (State) and Country of Permanent Residence UZBEKISTAN, RUSSIA			
Date of Birth Age: 18	Date of Action 01/02/2023	Location Code SDC/BLV	
City, Province (State) and Country of Birth UZBEKISTAN, RUSSIA	AR ☒	Form: (Type and No.) Lifted ☐ Not Lifted ☐	
NIV Issuing Post and NIV Number	Social Security Account Name		
Date Visa Issued	Social Security Number		
Immigration Record NEGATIVE		Criminal Record None Known	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative	
Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☐ Yes ☐ No	Systems Checks See Narrative	Charge Code Words(s) I7A1
Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS #:			
  			
CREDIBLE FEAR CLAIM			
ARREST COORDINATES: (b)(7)(E)			
CONSEQUENCE DELIVERY SYSTEM:			
Classification: FIRA			
Alien has been advised of communication privileges			
Distribution:			
FILE SDC		Received: January 02, 2023 at 1846 (time) Officer: Expedited Removal with Credible Fear Disposition: Expedited Removal with Credible Fear Examining Officer:	

(b)(7)(C)

Form I-213 (Rev. 08/01/07) Y

Ex. B-001

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name IMAMOV, MAIEMURZHON	File Number 	Date 01/02/2023
-------------------------------------	---	--------------------

FATHER NAME AND ADDRESS:

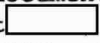
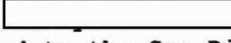
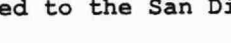
Nationality:RUSSIA IMMAMOV, SAIDZHON
UZBEKISTAN, RUSSIA

MOTHER NAME AND ADDRESS:

Nationality:RUSSIA AZIMOUA, MANZURA
UZBEKISTAN, RUSSIA

RECORDS CHECKED:
 (b)(7)(E)

NARRATIVE:

On December 30, 2022, IMAMOV, MAIEMURZHON, was encountered by Border Patrol Agent 
 During this encounter, IMAMOV was questioned about his citizenship and nationality, and whether he was in possession of any legal documents allowing him to enter or remain in the United States legally. IMAMOV stated that he is a citizen and national of RUSSIA, without proper immigration documents allowing him to enter or remain in the United States legally. Border Patrol Agent  at approximately 10:16 AM, arrested IMAMOV approximately  of Tecate, California, Port of Entry and approximately  of the United States\Mexico International Boundary. IMAMOV was transported to the San Diego Sector for further processing and disposition.

At the station, as a routine step in processing, IMAMOV `S biographical and biometric information were entered into the Department of Homeland Security processing systems. The following numbers are associated with IMAMOV:

A#: 

FINS: 

Signature 	Title BORDER PATROL AGENT
--	------------------------------

(b)(7)(C)

2 of 4 Pages

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name IMAMOV, MAIEMURZHON	File Number [REDACTED]	Date 01/02/2023
[REDACTED]		
The Subject's POC:		
Name: GARUROU ZHAMSHED (FRIEND)		
Address: [REDACTED]		
Phone: [REDACTED] (b)(7)(C)		
IMAMOV was received at the processing station, protocols were observed in compliance with the CBP National Standards on Transport, Escort, Detention, and Search policy. A risk assessment was conducted prior to placing IMAMOV in a holding room. IMAMOV expressed no concerns about being held in the facility. IMAMOV was informed that it is a crime to lie to federal agents, and that he is subject to criminal prosecution under 18 USC 1001 if it is determined that he gave false statements. (b)(7)(E) [REDACTED] (b)(7)(C) On January 2, 2023, Border Patrol Agent [REDACTED] advised IMAMOV of his consulate communication rights. IMAMOV stated that he understood his rights and did want to exercise them. (b)(7)(C) On January 2, 2023, at approximately 4:18 PM, Border Patrol Agent [REDACTED] asked IMAMOV a series of questions via agency forms I-213, I-867A/B, during which time CHI admitted to being a citizen and national of RUSSIA, without proper immigration documents allowing her to enter or remain in the United States legally. IMAMOV further stated that he was not inspected by an Immigration Officer at a designated Port of Entry when he entered the United States illegally on December 30, 2022.		
Signature (b)(7)(C)	[REDACTED]	Title BORDER PATROL AGENT

3 of 4 Pages

U.S. Department of Homeland Security

Continuation Page for Form I213Alien's Name
IMAMOV, MAIEMURZHONFile Number
Date
01/02/2023

IMAMOV stated that he has fear of returning to RUSSIA, and that he has no immigration petition pending on her behalf.

IMAMOV was served with DHS forms I-867A, I-867B, I-296, M444, and a list of free legal services.

IMAMOV is being held in the custody of the Department of Homeland Security pending asylum officer review and Expedited Removal.

Signature

(b)(7)(C)

Title

BORDER PATROL AGENT

4 of 4 Pages

EXHIBIT C

I-867A, Record of Sworn Statement in Proceedings (January 2, 2023)

Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act

U.S. Department of Homeland Security

Office: SAN DIEGO, CA, BORDER PATROL SECTORFile No: [REDACTED]Event No: [REDACTED]Statement by: IMAMOV, MAIEMURZHONIn the case of: MAIEMURZHON IMAMOVDate of Birth: [REDACTED]Gender (select one): ☒ Male ☐ FemaleAt: SAN DIEGO, CA, BORDER PATROL SECTORDate: January 02, 2023Before: LINO MESCIABORDER PATROL AGENT

(Name and Title)

In the RUSSIANlanguage. Interpreter 1402Employed by LIS SOLUTIONS

I am an officer of the United States Department of Homeland Security. I am authorized to administer the immigration laws and to take sworn statements. I want to take your sworn statement regarding your application for admission to the United States. Before I take your statement, I also want to explain your rights, and the purpose and consequences of this interview.

You do not appear to be admissible or to have the required legal papers authorizing your admission to the United States. This may result in your being denied admission and immediately returned to your home country without a hearing. If a decision is made to refuse your admission into the United States, you may be immediately removed from this country, and if so, you may be barred from reentry for a period of 5 years or longer.

This may be your only opportunity to present information to me and the Department of Homeland Security to make a decision. It is very important that you tell me the truth. If you lie or give misinformation, you may be subject to criminal or civil penalties, or barred from receiving immigration benefits or relief now or in the future.

Except as I will explain to you, you are not entitled to a hearing or review.

U.S. law provides protection to certain persons who face persecution, harm or torture upon return to their home country. If you fear or have a concern about being removed from the United States or about being sent home, you should tell me so during this interview because you may not have another chance. You will have the opportunity to speak privately and confidentially to another officer about your fear or concern. That officer will determine if you should remain in the United States and not be removed because of that fear.

Until a decision is reached in your case, you will remain in the custody of the Department of Homeland Security.

Any statement you make may be used against you in this or any subsequent administrative proceeding.

Q. Were you advised of your consulate rights?

A. YES

Q. Do you want to talk to the consulate officer?

A. NO

Q. Do you understand the statement that was just read to you?

A. YES

Q. Do you swear that all statements you are about to make are true and complete?
...(CONTINUED ON I-831)

Initials: I. M

1 of 4 Pages

Ex. C-001

I-867A (08/01/07)

U.S. Department of Homeland Security

Continuation Page for Form I867A

Alien's Name
MAIEMURZHON IMAMOV

File Number

Date
January 02, 2023

A YES

Q. What is your true and correct name?

A. IMAMOV, MAIEMURZHON

Q. Have you ever used any other names?

A. NO

Q. When (date) and where (city, state, country) were you born?

A. Born on [REDACTED] in RUSSIA

Q. Of what countries are you a citizen?

A. RUSSIA

Q. Of what countries are your parents' citizens?

A. RUSSIA

Q. Do you have immigration documents that permit you to enter, reside in, or work in the United States?

A. NO

Q. Do your parents have immigration documents that permit them to enter, reside in, or work in the United States?

A. NO

Q. Have you ever applied for any immigration status to include a visa?

A. NO

Q. Do you have any immigration petitions pending on your behalf?

A. NO

Q. Do you have any family residing in the United States?

A. YES, UNCLE.

Initials: IM

Signature

LINO G MESCIA
Date: 2023.01.02 20:04:45 -08:00
0961787591.CBP

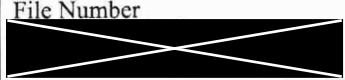
Title

BORDER PATROL AGENT

2 of 4 Pages

U.S. Department of Homeland Security

Continuation Page for Form I867A

Alien's Name MAIEMURZHON IMAMOV	File Number 	Date January 02, 2023
Q. When (DATE & TIME) did you enter the United States this last time? A. 12/30/2022 AT 1016 Q. Were you inspected by an Immigration Officer at a port of entry? A. NO Q. Where (LOCATION) and HOW did you enter the United States this last time? A. I ENTERED THROUGH JACUMBA, I TURNED MYSELF IN TO BORDER PATROL Q. Did you know you were illegally entering the United States? A. YES Q. To what city and state in the United States were you going? A. BROOKLYN, NY Q. Have you ever been arrested, detained, removed, deported, or excluded by the United States immigration Officers? A. NO Q. Have you ever been presented before an Immigration Judge? A. NO Q. Have you ever been arrested by the police in any country? A. NO		
Signature LINO G MESCIA Date: 2023.01.02 20:04:51 -05:00 0961787591.CBP		Initials: <u>IM</u> Title BORDER PATROL AGENT

3 of 4 Pages

**Jurat for Record of Sworn Statement in
Proceedings under Section 235(b)(1) of the Act**

U.S. Department of Homeland Security

Q: Why did you leave your home country or country of last residence?

[Redacted]

Q: Do you have any fear or concern about being returned to your home country or being removed from the United States?

[Redacted]

Q: Would you be harmed if you are returned to your home country or country of last residence?

A: [Redacted]

Q: Do you have any question or is there anything else you would like to add?

A. **NO**

I have read (or have had read to me) this statement, consisting of 4 pages (including this page). I state that my answers are true and correct to the best of my knowledge and that this statement is a full, true and correct record of my interrogation on the date indicated by the above named officer of the Department of Homeland Security. I have initialed each page of this statement (and the corrections noted on page(s) _____).

Signature: _____

bs

Sworn and subscribed to before me at SAN DIEGO, CA, BORDER PATROL SECTOR
on January 02, 2023.

LINO G MESCIA
Date: 2023.01.02 19:22:38 -08:00
0961787591.CBP



LINO G. MESCIA

Signature of Immigration Officer

Witnessed by: _____

NORMAN MARTINEZ

NORMAN MARTINEZ

4 of 4 Pages

Ex. C-004

I-867B (08/01/07)

EXHIBIT D

Credible Fear Interview Transcript (January 17, 2023)

EXHIBIT E

Credible Fear Worksheet and Findings (Form I-870)

EXHIBIT F

Russian Federation Passport, No.



EXHIBIT G

I-797C Receipt Notice for Form I-589 (December 22, 2023)

PROOF OF SERVICE

I, Robert Bond, Esquire, hereby certify that on April 04, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and all accompanying documents and exhibits to be served upon the following parties by first-class United States mail, postage prepaid:

Warden, FDC Philadelphia

700 Arch Street
Philadelphia, PA 19106

Field Office Director

Philadelphia ERO Field Office
900 Market Street, Suite 216
Philadelphia, PA 19107

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

Todd Blanche, Acting Attorney General

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

United States Attorney

Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Respectfully submitted,

/s/ Robert Bond, Esquire

Robert Bond, Esquire
Attorney I.D. No. 308371

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

MAIEMURZHON IMAMOV,

Petitioner,

Case No. _____

v.

WARDEN, FDC PHILADELPHIA, et al.,

Respondents.

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

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<i>Loper Bright Enterprises v. Raimondo</i> , 603 U.S. 369 (2024)	3
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976)	4, 6
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<i>Munaf v. Geren</i> , 553 U.S. 674 (2008)	6
<i>Thuraissigiam v. DHS</i> , 591 U.S. 103 (2020)	6
<i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001)	4, 5, 6

Statutes and Regulations

5 U.S.C. § 706(2)	4
8 U.S.C. § 1225(b)(2)	passim
8 U.S.C. § 1226(a)	passim
8 C.F.R. § 236.1	3
28 U.S.C. § 2243	6
62 Fed. Reg. 10,312, 10,323 (1997)	3

INTRODUCTION

Maiemurzhon Imamov is a 21-year-old Russian citizen who fled his homeland to escape

 After entering the United States on December 30, 2022, he was processed by the Department of Homeland Security, passed a credible fear interview, was paroled, and was placed in removal proceedings under INA § 240. He filed his I-589 asylum application, which was received by USCIS on December 22, 2023.

Despite this history, Respondents have reclassified Mr. Imamov under 8 U.S.C. § 1225(b)(2) and now hold him at Federal Detention Center Philadelphia without any opportunity for a bond hearing. This reclassification is based on 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).

Over 300 federal district courts across the country have rejected the Government's position. These courts have held, correctly, that noncitizens who entered the United States without inspection and are in removal proceedings under § 240 are detained under 8 U.S.C. § 1226(a) and are entitled to individualized bond hearings. This Court should do the same and order Mr. Imamov's immediate release or, in the alternative, a prompt bond hearing at which the Government bears the burden of justifying his continued detention by clear and convincing evidence.

I. THE INA REQUIRES THAT MR. IMAMOV BE DETAINED UNDER § 1226(a)

A. Section 1225 Applies Only to Applicants for Admission

The text of the INA draws a clear line between two categories of noncitizens. Section 1225 governs "applicants for admission," a term defined to include "aliens present in the United

States who have not been admitted." 8 U.S.C. § 1225(a)(1). Section 1226 governs noncitizens who are already in removal proceedings, providing that the Attorney General "may release" them on bond or conditional parole. 8 U.S.C. § 1226(a).

The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281, 298 (2018), confirmed that §§ 1225 and 1226 are "distinct provisions" that apply to different categories of noncitizens. The Court explained that § 1225(b) addresses the "inspection and expedited removal of inadmissible arriving aliens" and the "detention of other aliens," while § 1226 deals with the "general" detention of noncitizens "pending a decision on whether the alien is to be removed."

Mr. Imamov entered the United States without inspection on December 30, 2022. He was initially placed in expedited removal proceedings under INA § 235(b)(1) as an arriving alien. However, after expressing a fear of persecution, he was referred for and passed a credible fear interview on January 17, 2023. A supervisory asylum officer concurred with the positive finding on January 21, 2023. Mr. Imamov was then paroled on January 27, 2023, and placed in full removal proceedings under INA § 240.

Once Mr. Imamov was placed in § 240 proceedings, the expedited removal process was complete. He is no longer an "applicant for admission" subject to § 1225(b). He is a noncitizen in removal proceedings, and his detention is governed by § 1226(a).

B. The 1997 Rule Confirms § 1226(a) Governs

The Government's own regulations confirm that Mr. Imamov falls under § 1226(a). In 1997, the former Immigration and Naturalization Service promulgated a final rule implementing IIRIRA's detention provisions. The rule specifically addressed the treatment of noncitizens who entered without inspection:

An alien who is in exclusion, deportation, or removal proceedings and who entered the United States without inspection . . . is subject to the provisions of [section 1226(a)]. 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997).

This regulation has never been amended, rescinded, or superseded. For nearly three decades, the Government applied this rule consistently, providing bond hearings to noncitizens like Mr. Imamov who entered without inspection and were placed in removal proceedings. The Government cannot now abandon its own longstanding regulatory interpretation without following the notice-and-comment rulemaking process required by the APA.

Under 8 C.F.R. § 236.1, noncitizens detained under § 1226(a) are entitled to custody redetermination hearings before an Immigration Judge. Mr. Imamov has been denied this right.

C. The BIA Decisions in *Q. Li* and *Yajure Hurtado* Are Wrong

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 BIA concluded that noncitizens who entered without inspection are "applicants for admission" subject to mandatory detention under § 1225(b)(2). These decisions are wrong for several reasons.

First, the BIA's interpretation contradicts the plain text of the INA. Section 1225 is titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens" and, by its terms, applies to aliens who are "applicants for admission." A noncitizen who has been processed through the credible fear system, paroled, and placed in § 240 proceedings is no longer seeking admission in the manner contemplated by § 1225.

Second, the BIA's decisions are not entitled to deference. In *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 413 (2024), the Supreme Court overruled *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), and held that courts must exercise independent judgment in determining the best interpretation of a statute. The BIA's reading of §§ 1225 and 1226 is simply wrong, and this Court is not bound by it.

Third, as noted above, over 300 federal district courts have rejected the BIA's reasoning. While several district courts have adopted the Government's position, the overwhelming weight of judicial authority holds that noncitizens who entered without inspection are properly detained under § 1226(a).

Fourth, the BIA's decisions contradict the Government's own 1997 Rule, which has been in effect for nearly three decades and has never been rescinded. An agency may not reinterpret its own regulations through adjudication in a manner that contradicts the plain text of those regulations without engaging in notice-and-comment rulemaking. 5 U.S.C. § 706(2).

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

Even if this Court were to find ambiguity in the statutory scheme, the Due Process Clause of the Fifth Amendment independently requires that Mr. Imamov receive a bond hearing. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), courts evaluate due process claims by examining three factors: (1) the private interest affected; (2) the risk of erroneous deprivation through existing procedures; and (3) the Government's interest.

A. The Private Interest

"Freedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). "[T]he most elemental of liberty interests" is "the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

Mr. Imamov is a 21-year-old man who has been incarcerated at a federal detention center. He fled Russia to escape forced military conscription and sought protection in the United States.

He has no criminal record. He complied with all conditions of his prior release. His interest in liberty is at its apex.

"Commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Jones v. United States*, 463 U.S. 354, 361 (1983). The Due Process Clause applies to all "persons" within the United States, regardless of immigration status. *Zadvydas*, 533 U.S. at 693.

B. Risk of Erroneous Deprivation

The risk of erroneous deprivation is exceptionally high in this case. The Government has unilaterally reclassified Mr. Imamov from § 1226(a) to § 1225(b)(2), stripping him of the bond hearing rights he previously possessed. This reclassification is based on BIA decisions that over 300 federal courts have found to be wrong.

The purpose of a bond hearing under § 1226(a) is precisely to prevent erroneous deprivation of liberty. An Immigration Judge evaluates whether the individual poses a flight risk or danger to the community and determines appropriate conditions of release. Without this hearing, the Government detains Mr. Imamov based solely on its unilateral classification decision, with no individualized assessment of whether detention is necessary or justified.

Moreover, Mr. Imamov's own case history demonstrates the arbitrariness of the reclassification. When DHS initially processed Mr. Imamov in January 2023, it paroled him after he passed his credible fear interview. The Government's own actions showed that it did not consider Mr. Imamov a flight risk or danger. Nothing in the record explains why he should now be subject to mandatory detention without a hearing.

C. The Government's Interest

The Government's legitimate interests in immigration detention are twofold: "ensuring the appearance of aliens at future immigration proceedings" and "preventing danger to the community." *Zadvydas*, 533 U.S. at 690. A bond hearing serves both of these interests by allowing an Immigration Judge to make an individualized determination and to impose appropriate conditions of release.

The Government has no legitimate interest in detaining Mr. Imamov under the wrong statutory provision. "It is always in the public interest to prevent the violation of a party's constitutional rights." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). The minimal administrative burden of providing a bond hearing is vastly outweighed by Mr. Imamov's interest in liberty.

All three *Mathews* factors weigh heavily in favor of Petitioner. Mr. Imamov's continued detention without a bond hearing violates the Due Process Clause.

III. THE COURT SHOULD ORDER IMMEDIATE RELEASE

The appropriate remedy for unlawful detention is release. "The writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody." *Thuraissigiam v. DHS*, 591 U.S. 103, 116 (2020). "The 'quintessential' habeas remedy" is "release from unlawful confinement." *Id.*

Where detention is unlawful, 28 U.S.C. § 2243 directs the court to "dispose of the matter as law and justice require." The Supreme Court has made clear that release is the "default remedy" for unlawful detention. *Munaf v. Geren*, 553 U.S. 674, 693 (2008). This Court should order Mr. Imamov's immediate release from custody.

In the alternative, if this Court determines that a bond hearing is the appropriate remedy rather than outright release, it should order that such a hearing be conducted within fourteen (14) days before an Immigration Judge, at which the Government bears the burden of demonstrating by clear and convincing evidence that Mr. Imamov's continued detention is justified.

CONCLUSION

For the foregoing reasons, Petitioner Maieimurzhon Imamov respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order his immediate release from unlawful detention, and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Jonathan J. Sobel

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Dated: April 5, 2026

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

MAIEMURZHON IMAMOV,

Petitioner,

Case No. _____

v.

WARDEN, FDC PHILADELPHIA, et al.,

Respondents.

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 202__, upon consideration of the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 filed by Petitioner Maiemurzhon Imamov, and the accompanying Memorandum of Law, and for good cause shown, it is hereby ORDERED as follows:

1. Respondents shall IMMEDIATELY RELEASE Petitioner Maiemurzhon Imamov from custody, subject to any reasonable conditions of supervision that this Court deems appropriate.
2. Respondents are PERMANENTLY ENJOINED from classifying or detaining Petitioner under 8 U.S.C. § 1225(b)(2).
3. The Court DECLARES that Petitioner is properly detained under 8 U.S.C. § 1226(a), and that he is entitled to an individualized bond hearing before an Immigration Judge.
4. In the alternative, if immediate release is not ordered, 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 demonstrating by clear and convincing evidence that Petitioner's continued detention is justified.
5. Respondents are ENJOINED from removing or transferring Petitioner from the Eastern District of Pennsylvania pending further order of this Court.
6. Respondents shall file a return to the writ within fourteen (14) days of the date of this Order.

SO ORDERED.

United States District Judge