

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

MAIEMURZHON IMAMOV,

Petitioner,

v.

Case No. 2:26-cv-2204

J.L. JAMISON, in his official capacity as
Warden, FDC Philadelphia, et al.,

Respondents.

**PETITIONER'S REPLY TO RESPONDENTS'
RESPONSE IN OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

Petitioner Maieimurzhon Imamov, by and through undersigned counsel, respectfully submits this Reply to Respondents' Response in Opposition to Petition for Writ of Habeas Corpus (ECF No. 5). Respondents' filing confirms what hundreds of federal district courts have already concluded: the Government's attempts to avoid providing noncitizens with individualized bond hearings under 8 U.S.C. § 1226(a) lack merit, regardless of which subsection of § 1225 the Government invokes.

Respondents now argue that Mr. Imamov's detention is authorized by § 1225(b)(1), the expedited removal provision, rather than § 1225(b)(2). This repackaging of the Government's position changes nothing. The expedited removal process concluded for Mr. Imamov more than three years ago when he received a positive credible fear determination and was placed into standard removal proceedings under 8 U.S.C. § 1229a. Since that time, his detention has been governed by § 1226(a), which entitles him to an individualized bond hearing. The overwhelming consensus of federal district courts supports this conclusion, as Respondents themselves acknowledge in their own filing.

ARGUMENT

I. SECTION 1225(b)(1) DOES NOT AUTHORIZE MR. IMAMOV'S CONTINUED DETENTION AFTER A POSITIVE CREDIBLE FEAR FINDING

A. The Expedited Removal Process Concluded When Mr. Imamov Received a Positive Credible Fear Determination

Respondents' central argument is that Mr. Imamov's detention is authorized by 8 U.S.C. § 1225(b)(1) because he was "initially processed for expedited removal" when he entered the United States without inspection in December 2022. Resp. at 1. But this argument ignores what happened next: Mr. Imamov expressed a fear of return to Russia, was referred for a credible fear interview,

received a positive credible fear determination, and was placed into standard removal proceedings under 8 U.S.C. § 1229a. Resp. at 6. At that point, the expedited removal process under § 1225(b)(1) terminated.

The statute makes this plain. Section 1225(b)(1)(B)(ii) provides that if an alien is found to have a credible fear of persecution, "the alien shall be detained for further consideration of the application for asylum." 8 U.S.C. § 1225(b)(1)(B)(ii). That "further consideration" occurs in removal proceedings under § 1229a, not in the expedited removal track. Once an individual passes credible fear screening and is placed into § 1229a proceedings, the expedited removal process is over. The individual is no longer being "processed for expedited removal"; rather, the individual is in standard removal proceedings, where detention is governed by § 1226.

As the Supreme Court explained in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), § 1226 governs detention of individuals who are "already in the country" pending the outcome of removal proceedings, while § 1225 governs those at the border during the inspection process. *Id.* at 289. Mr. Imamov is not at the border. He is not undergoing inspection. He has been living in Philadelphia, Pennsylvania for more than three years, residing at 211 Erica Place, Apt. D, attending his immigration court hearings, and complying with all conditions of release. He is precisely the type of individual whose detention is governed by § 1226(a).

B. Respondents' Parole Termination Theory Does Not Restore § 1225(b)(1)

Authority

Respondents argue that because Mr. Imamov was paroled under § 1182(d)(5) and that parole subsequently terminated, he "returned to his detention status at the time of his parole," namely mandatory detention under § 1225(b)(1). Resp. at 1-2, 5. This argument conflates two distinct statutory frameworks and has been rejected by the vast majority of courts to consider it.

The parole termination provision, 8 U.S.C. § 1182(d)(5)(A), states that after parole terminates, the individual "shall . . . be dealt with in the same manner as that of any other applicant for admission." But this provision does not specify *which* detention authority applies. It simply restores the individual's status as an applicant for admission. The question of which statutory provision governs that person's *detention* is a separate inquiry that depends on whether the individual is in expedited removal proceedings or standard § 1229a proceedings.

Mr. Imamov is in standard removal proceedings under § 1229a. He has been in those proceedings since January 2023, when DHS itself placed him there after his positive credible fear determination. The termination of his parole does not retroactively restore the expedited removal process that DHS already abandoned. His detention is governed by § 1226(a).

C. The Overwhelming Majority of Federal District Courts Have Rejected the Government's Position

Respondents' own footnote 1 concedes that "multiple district courts in this jurisdiction have rejected this argument." Resp. at 1 n.1. That is a striking understatement. In *Demirel v. FDC Philadelphia*, No. 2:25-cv-05488 (E.D. Pa. Nov. 18, 2025), Judge Diamond catalogued 288 district court decisions addressing this issue, of which 282 rejected the Government's position. That is a 98% rejection rate. The number has only grown since then.

The cases Respondents themselves cite in footnote 1 confirm this consensus. Every single case listed, including *Villarreal Torres v. Jamison*, No. 26-cv-2000 (E.D. Pa. Apr. 7, 2026) (Wolson, J.); *Talabadze v. Rose*, No. 26-cv-360 (E.D. Pa. Jan. 30, 2026) (Perez, J.); *Seminario-Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026) (Kearney, J.); and seven others, rejected the Government's position. This Court should do the same.

Multiple judges in this district have specifically addressed and rejected the § 1225(b)(1) theory Respondents advance here. *See, e.g., Kashranov v. Jamison*, No. 2:25-cv-05555 (E.D. Pa. Nov. 14, 2025) (Wolson, J.) (holding that the present participle "seeking" in § 1225(b)(2)(A) connotes "ongoing and continuous action" at the border, and that a person living in the United States is not "seeking admission"); *Lopes de Andrade v. Rose*, No. 2:26-cv-00603 (E.D. Pa. Feb. 12, 2026) (Costello, J.) (holding that § 1225 governs the border inspection process, not interior detention of individuals in § 1229a proceedings); *Traore v. Noem*, No. 2:26-cv-00851 (E.D. Pa. Feb. 17, 2026) (Goldberg, J.) (applying *Mathews v. Eldridge* due process analysis and ordering bond hearing).

D. The Government's Reliance on *Thuraissigiam* Is Misplaced

Respondents rely heavily on *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020), for the proposition that applicants for admission, "even those paroled elsewhere in the country for years pending removal, are 'treated' for due process purposes 'as if stopped at the border.'" Resp. at 2 (quoting *Thuraissigiam*, 591 U.S. at 139). But *Thuraissigiam* addressed the scope of habeas review available to individuals *in expedited removal proceedings*, not the detention authority applicable to individuals in standard § 1229a removal proceedings. Mr. Imamov is not in expedited removal. He has been in standard removal proceedings for over three years. *Thuraissigiam* does not control.

E. Matter of Q. Li Is Not Binding and Has Been Rejected Post-Loper Bright

To the extent Respondents rely on the BIA's decision in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), that decision is not binding on this Court. Following the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), which overruled *Chevron* deference, federal courts must exercise their own independent judgment in interpreting statutes

rather than deferring to agency interpretations. *Id.* at 392. The BIA's interpretation of the INA's detention provisions is entitled to no deference.

Moreover, *Matter of Q. Li* itself acknowledged that "for years Immigration Judges have conducted [§ 1226(a)] bond hearings for aliens who entered the United States without inspection." 29 I. & N. Dec. at 71. The BIA's abrupt reversal of decades of settled practice does not change the statutory text, and it has been rejected by the overwhelming majority of Article III courts that have considered it.

F. The Government's Own Regulatory History Contradicts Its Current Position

When the Government itself implemented IIRIRA in 1997, it expressly stated that noncitizens "who are present [in the United States] without having been admitted or paroled" would be "eligible for bond and bond redetermination" under § 1226(a). 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). This was the Government's own contemporaneous interpretation of the very statute it now reads differently. That prior interpretation, adopted at the time the statute was enacted, is strong evidence that § 1226(a) governs the detention of individuals like Mr. Imamov who entered without inspection and are in standard removal proceedings.

II. EVEN IF SECTION 1225 APPLIED, DUE PROCESS REQUIRES AN INDIVIDUALIZED BOND HEARING

Respondents' constitutional argument rests almost entirely on the plenary power doctrine, citing a string of cases for the proposition that Congress and the Executive Branch have broad power over immigration. Resp. at 7-8. But plenary power does not mean unlimited power, and it does not eliminate the constitutional requirement of due process before the Government may deprive an individual of physical liberty. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("[T]he

Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

The three-factor balancing test of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighs decisively in Mr. Imamov's favor:

First, the private interest at stake is "the most elemental of liberty interests, the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Mr. Imamov has been detained at FDC Philadelphia since April 3, 2026, separated from his community and his pending asylum case.

Second, without any individualized hearing, there is no mechanism to assess whether Mr. Imamov poses a flight risk or danger to the community. The risk of erroneous deprivation of liberty is therefore at its highest. Mr. Imamov has resided at a known Philadelphia address, attended his immigration court hearings, and reported to ICE as directed. An individualized hearing would allow the Government to present any evidence of flight risk or danger, and would allow Mr. Imamov to demonstrate that he merits release.

Third, the Government's interest is minimal. Bond hearings are routine proceedings that Immigration Judges conduct daily. The administrative burden is negligible. And if the Government has evidence that Mr. Imamov poses a flight risk or danger, it can present that evidence at a hearing and seek continued detention.

The Third Circuit has recognized that prolonged detention without a bond hearing raises serious due process concerns. *See German Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203 (3d Cir. 2020) (holding that prolonged mandatory detention requires a due process bond hearing). The Government cannot avoid this constitutional mandate by invoking the plenary power doctrine.

A. Respondents' Reliance on the Plenary Power Doctrine Is Unavailing

Respondents cite *Shaughnessy v. United States*, 345 U.S. 206 (1953), *Fiallo v. Bell*, 430 U.S. 787 (1977), and similar cases for the broad proposition that Congress has plenary power over immigration. Resp. at 7. But these cases addressed the substantive standards for admission and exclusion, not the procedural protections required before the Government may imprison someone indefinitely. The Supreme Court has never held that the plenary power doctrine permits indefinite detention without any process whatsoever. To the contrary, *Zadvydas* held that "the Due Process Clause applies to all 'persons' within the United States" regardless of immigration status. 533 U.S. at 693.

B. The Canon of Constitutional Avoidance Supports Petitioner's Reading

Even if the statutory text were ambiguous, the canon of constitutional avoidance requires this Court to adopt the reading that avoids serious constitutional problems. *Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Construction Trades Council*, 485 U.S. 568, 575 (1988) ("[W]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such construction is plainly contrary to the intent of Congress."). Reading § 1225(b)(1) to mandate indefinite detention without any hearing for individuals in standard § 1229a removal proceedings raises grave due process concerns that are avoided by recognizing that § 1226(a) governs their detention.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Declare that Mr. Imamov's detention is governed by 8 U.S.C. § 1226(a);
3. Order that Mr. Imamov receive an individualized bond hearing before an

Immigration Judge within fourteen (14) days of this Court's Order;

4. Order that at the bond hearing, the Government bear the burden of justifying Mr. Imamov's continued detention by clear and convincing evidence; and

5. Grant such other and further relief as this Court deems just and proper.

Dated: April 8, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2026, a true and correct copy of the foregoing Petitioner's Reply to Respondents' Response in Opposition to Petition for Writ of Habeas Corpus was served upon the following by the means indicated:

VIA CM/ECF ELECTRONIC FILING:

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

VIA UNITED STATES FIRST-CLASS MAIL:

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