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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 NAUFAL KHAMRAEV

12
13 Petitioner,

14 v.

15
16 Warden, Imperial Regional Detention Facility;
17 GREGORY J. ARCHAMBEAULT, Field Office
18 Director, San Diego Field Office, U.S.
19 Immigration and Customs Enforcement; TODD
20 M. LYONS, Director, U.S. Immigration and
21 Customs Enforcement; MARKWAYNE
22 MULLIN, Secretary, U.S. Department of
23 Homeland Security; PAM BONDI, United States
24 Attorney General,

25 Respondents.

26 CASE No. **'26CV2122 CAB VET**

27 **PETITION FOR WRIT OF HABEAS**
28 **CORPUS**

1 **INTRODUCTION**

2 1. Petitioner is currently detained by Immigration and Customs Enforcement (“ICE”)
3 at the Imperial Regional Detention Facility pending removal proceedings.

4 2. Petitioner is an asylum seeker from Uzbekistan. He entered the United States on
5 December 24, 2016.

6 3. Petitioner Naufal Khamraev has a wife and three children.

7 4. On December 14, 2025, Petitioner was detained by ICE officers.

8 5. On June 20, 2023, the Immigration Judge denied Petitioner’s asylum application
9 and ordered removal. On July 17, 2023, Petitioner filed an appeal with the Board of Immigration
10 Appeals. On October 25, 2024, Petitioner filed a legal brief in support of his appeal.

11 6. Petitioner’s record includes only minor, non-violent, traffic-related charges,
12 namely, driving a commercial vehicle with a suspended or revoked license (Class A misdemeanor)
13 and failure to maintain a required brake system (Class B misdemeanor). Such offenses do not
14 demonstrate dangerousness and are insufficient to justify continued detention.

15 7. The Due Process Clause applies to “all ‘persons’ within the United States, including
16 [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.”
17 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from bodily restraint has always been at
18 the core of the liberty protected by the Due Process Clause from arbitrary governmental action.”
19 *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

20 8. Immigration detention is civil and thus is permissible for only two reasons: to ensure
21 a noncitizen’s appearance at immigration hearings and to prevent danger to the community.
22 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Here, Petitioner has no violent criminal history, has
23 complied with all immigration requirements. Petitioner does not present a flight risk or a danger to
24 the community. Under these circumstances, his detention is thus not justified under the
25 Constitution. *See id.*

26 9. Additionally, generally “the Constitution requires some kind of a hearing *before* the
27 State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990)

1 (emphasis added).

2 10. Consistent with these principles, a growing number of district courts have held that
3 individuals who were previously released by DHS are entitled to pre-deprivation hearings before
4 ICE can re-detain them.¹

5 11. Petitioner respectfully seeks a writ of habeas corpus ordering the government to
6 immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest
7 without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve
8 this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer
9 him outside of the District or deport him for the duration of this proceeding.

10 **JURISDICTION AND VENUE**

11 12. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal
12 question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act),
13 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension
14 Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706
15 (Administrative Procedure Act).

16 13. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28
17

18 ¹ See *Jocop v. Albarran*, No. 25-cv-09059-JD, 2025 U.S. Dist. LEXIS 209368, at *5-6 (N.D. Cal.
19 Oct. 23, 2025); *Rodriguez Diaz v. Kaiser*, No. 25-CV-05071-TLT, 2025 WL 3011852, at *43 (N.D.
20 Cal. Sept. 16, 2025); *Leandro v. Albarran*, No. 3:25-cv-10042, 2025 U.S. Dist. LEXIS 228978, at
21 *8-9 (N.D. Cal. Nov. 20, 2025); *Bernal v. Albarran*, No. 25-cv-09772-RS, 2025 U.S. Dist. LEXIS
22 232122 at *21 (N.D. Cal. Nov. 25, 2025); *Andundia-Carillo v. Albarran*, No. 3:25-cv-10380, 2025
23 U.S. Dist. LEXIS 167975, at *8 (N.D. Cal. Dec. 3, 2025); *Paternina v. Albarran*, No. 4:25-cv-
24 10378-YGR, 2025 U.S. Dist. LEXIS 167976, at *8 (N.D. Cal. Dec. 3, 2025); *J.O.L.R. v. Wofford*,
25 No. 1:25-cv-01241-KES-SKO, 2025 U.S. Dist. LEXIS 202706, at *15-16 (E.D. Cal., Oct. 14,
26 2025); *J.C.L.A. v. Wofford*, No. 1:25-cv-01310-KES-EPG, 2025 U.S. Dist. LEXIS 205300, at *12
27 (E.D. Cal., Oct. 17, 2025); *Alvarenga Matute v. Wofford*, No. 1:25-CV-01206-KES-SKO (HC),
28 2025 WL 2996577, at *19 (E.D. Cal. Oct. 24, 2025); *F.M.V. v. Wofford*, No. 1:25-cv-01381-KES-
SAB, 2025 U.S. Dist. LEXIS 217645, at *17-18 (E.D. Cal. Nov. 4, 2025); *Vilela v. Robbins*, No.
1:25-cv-01393-KES-HBK, 2025 U.S. Dist. LEXIS 219172, at *20 (E.D. Cal. Nov. 6, 2025);
J.A.E.M. v. Wofford, No. 1:25-cv-01380-KES-HBK, 2025 U.S. Dist. LEXIS 211728, at *20-21
(E.D. Cal. Oct. 27, 2025); *Sharan S. v. Chestnut*, No. 1:25-cv-01427-KES-SKO, 2025 U.S. Dist.
LEXIS 222923, at *29 (E.D. Cal. Nov. 12, 2025); *Perez v. Albarran*, No. 1:25-cv-01540-DAD-
CSK, 2025 U.S. Dist. LEXIS 224966, at *14 (E.D. Cal., Nov. 14, 2025).

1 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

2 **PARTIES**

3 14. Petitioner, Naufal Khamraev, is a citizen of Uzbekistan. He has a pending appeal
4 before the Board of Immigration Appeals challenging the denial of his application for asylum,
5 withholding of removal, and protection under the Convention Against Torture based on feared past
6 and future persecution in Uzbekistan. He is presently in civil immigration detention at the Imperial
7 Regional Detention Facility, located at 1572 Gateway Road, Calexico, CA 92231.

8 15. Respondent Warden of the Imperial Regional Detention Facility is responsible for
9 the custody and supervision of individuals detained at the Imperial Regional Detention Facility,
10 including Petitioner. He maintains an office and regularly conducts business in this district. He is
11 sued in his official capacity.

12 16. Respondent Gregory J. Archambeault is the Field Office Director of the San Diego
13 Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal
14 Operations. He is responsible for the administration of immigration laws and the execution of
15 immigration enforcement and detention policy within ICE's San Diego Area of Responsibility,
16 including the detention of Petitioner. He maintains an office and regularly conducts business in this
17 district. He is sued in his official capacity.

18 17. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
19 Performing the Duties of the Director of ICE, he is responsible for the administration and
20 enforcement of the immigration laws of the United States; routinely transacts business in this
21 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.
22 Respondent Lyons is sued in his official capacity.

23 18. Respondent Markwayne Mullin is the Secretary of Homeland Security and has
24 ultimate authority over DHS. In that capacity and through her agents, Respondent Noem has broad
25 authority over and responsibility for the operation and enforcement of the immigration laws;
26 routinely transacts business in this District; and is legally responsible for pursuing any effort to
27 detain and remove the Petitioner. Respondent Noem is sued in her official capacity.

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1 19. Respondent Pamela Bondi is the Attorney General of the United States and the most
2 senior official at the Department of Justice. In that capacity and through her agents, she is
3 responsible for overseeing the implementation and enforcement of the federal immigration laws.
4 The Attorney General delegates this responsibility to the Executive Office for Immigration Review,
5 which administers the immigration courts and the BIA. Respondent Bondi is sued in her official
6 capacity.

7 EXHAUSTION

8 20. There is no requirement to exhaust because no other forum exists in which Petitioner
9 can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the
10 constitutionality of an arrest or detention or challenging a policy under the Administrative
11 Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioner
12 will “suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim.”
13 *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be
14 unreasonable.

15 LEGAL BACKGROUND

16 21. The Constitution establishes due process rights for “all ‘persons’ within the United
17 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
18 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533
19 U.S. at 693). These due process rights are both substantive and procedural.

20 22. *First*, “[t]he touchstone of due process is protection of the individual against
21 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
22 exercise of power without any reasonable justification in the service of a legitimate government
23 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

24 23. These protections extend to noncitizens facing detention, as “[i]n our society liberty
25 is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United*
26 *States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from imprisonment—from
27 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty
28

1 that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

2 24. Substantive due process thus requires that all forms of civil detention—including
3 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
4 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-
5 punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration
6 proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also*
7 *Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 531 (2003).

8 25. *Second*, the procedural component of the Due Process Clause prohibits the
9 government from imposing even permissible physical restraints without adequate procedural
10 safeguards.

11 26. Generally, “the Constitution requires some kind of a hearing *before* the State
12 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so
13 even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683
14 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
15 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
16 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

17 **FACTUAL ALLEGATIONS**

18 27. Petitioner is a noncitizen currently detained by Respondents pending his removal
19 proceedings.

20 28. Petitioner entered the United States on December 24, 2016. Upon his entry, the
21 government detained him and later released him into the community on March 21, 2017, on \$5,000
22 bond. This prior release reflects the government’s determination at that time that Petitioner did not
23 pose a flight risk, a danger to the community, or a threat to national security.

24 29. On December 14, 2025, the government re-detained Petitioner, who was 60 years
25 old at the time. Petitioner has been detained for approximately 3.6 months as of today.

26 30. Petitioner has not been provided a bond hearing before a neutral decisionmaker to
27 determine whether his prolonged detention is justified based on danger or flight risk.

1 31. Pursuant to *Matter of Jonathan Javier Yajure Hurtado*, 29 I.&N. Dec. 216 (BIA
2 2025), the Immigration Court lacks jurisdiction to provide Petitioner with a bond hearing to
3 determine whether his detention is justified. There is no statutory or regulatory mechanism by
4 which Petitioner may seek a bond hearing before a neutral decisionmaker.

5 32. Absent intervention by this Court, Petitioner cannot and will not be provided with
6 a bond hearing by a neutral decisionmaker to assess the propriety of Petitioner's continued
7 detention.

8 33. Petitioner is being deprived of his liberty without any permissible justification. The
9 government previously released him on bond because he did not pose sufficient risk of flight or
10 danger to the community to warrant detention.

11 34. Petitioner has no significant criminal history, poses no danger to the community,
12 and has consistently complied with all immigration requirements. Petitioner's record reflects only
13 minor, non-violent, traffic-related offenses, which do not indicate dangerousness or justify
14 continued detention.

15 35. Additional facts that support Petitioner's entitlement to relief are that he is 60 years
16 old and prolonged detention poses heightened physical and mental strain and increases
17 vulnerability to adverse health effects. He also has a wife and three children who have been
18 struggling emotionally. Furthermore, Petitioner is detained unnecessarily at government expense
19 and may continue to be detained for years.

20 36. Petitioner wants to start a new life in the United States and be a law-abiding citizen.
21 Petitioner wants to be there for his family financially, emotionally, and physically.

22 37. In light of these points, I respectfully request that Naufal Khamraev be granted
23 release from detention on bond.

24 **CLAIMS FOR RELIEF**

25 **FIRST CLAIM FOR RELIEF**

26 **Violation of the Fifth Amendment to the United States Constitution (Substantive**
27 **Due Process—Detention)**

1 38. Petitioner repeats and re-alleges the allegations contained in the preceding
2 paragraphs of this Petition as if fully set forth herein.

3 39. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
4 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
5 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
6 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

7 40. Immigration detention is constitutionally permissible only when it furthers the
8 government’s legitimate goals of ensuring the noncitizen’s appearance during removal proceedings
9 and preventing danger to the community. See *id.*

10 41. Petitioner is not a danger or flight risk.

11 **SECOND CLAIM FOR RELIEF**

12 **Violation of the Fifth Amendment to the United States Constitution (Procedural**
13 **Due Process—Detention)**

14 42. Petitioner repeats and re-alleges the allegations contained in the preceding
15 paragraphs of this Petition as if fully set forth herein.

16 43. The Fifth Amendment guarantees noncitizens present in the country with due
17 process rights, including the right not to be deprived of a liberty or property interest without notice
18 and a hearing before a neutral decision-maker.

19 44. Petitioner does not pose a flight risk or danger to the community. He has a protected
20 liberty interest in his continued freedom from detention and is entitled to due process before the
21 government can deprive him of his liberty by detaining him. The Due Process Clause prohibits
22 Petitioner’s detention without a pre-deprivation hearing before a neutral decision-maker in which
23 the government bears the burden of demonstrating that he poses a flight risk or danger to the
24 community.

25 **PRAYER FOR RELIEF**

26 Petitioner respectfully requests that this Court:

27 1. Assume jurisdiction over this matter;

28

- 1 2. Issue a writ of habeas corpus ordering Respondents to immediately release
- 2 Petitioner from custody;
- 3 3. Declare that Petitioner's arrest and detention violates the INA, implementing
- 4 regulations, and Due Process Clause of the Fifth Amendment.
- 5 4. Enjoin Respondents from transferring Petitioner outside this District or deporting
- 6 Petitioner pending these proceedings;
- 7 5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered
- 8 at a custody hearing before a neutral arbiter in which the government bears the
- 9 burden of proving, by clear and convincing evidence, that Petitioner is a flight risk
- 10 or danger to the community;
- 11 6. Award Petitioner his costs and reasonable attorneys' fees in this action as provided
- 12 for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
- 13 7. Grant such further relief as the Court deems just and proper.

14
15 Date: April 3, 2026

Respectfully Submitted,

16 /s/ Magomed Esendirov

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