UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ALISHER DURDYYEV, A-Number [redacted] Petitioner, v. WARDEN, Elizabeth Contract Detention Facility; JOHN TSOUKARIS, Field Office Director, ICE ERO Newark Field Office; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States, each in his or her official capacity, Respondents.	Civil Action No.:

PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

I. INTRODUCTION

Alisher Durdyyev (A-Number [redacted]), by and through his undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner is a national of Turkmenistan who was lawfully admitted to the United States on August 1, 2016, in F-1 student status for duration of status. He has lived in the United States continuously for nearly nine years. He has a long-pending Application for Asylum and for Withholding of Removal (Form I-589), filed July 25, 2017 under USCIS Receipt Number [redacted], which was set for adjudication by the USCIS Newark Asylum Office on April 14, 2026 at 9:00 a.m.

On that very date — at the Newark Asylum Office where he appeared, with counsel of record, in answer to the Government's own rescheduled interview notice — U.S. Immigration and Customs Enforcement ("ICE") arrested Petitioner. Five days later, he remains in custody at the Elizabeth Contract Detention Facility in Elizabeth, New Jersey. He has not been served with a Notice to Appear. He has not been placed in removal proceedings before the Executive Office for Immigration Review. No Form I-286 Notice of Custody Determination has been issued. He has not been charged, in any forum, with anything. He is held without any operative charging document.

Today, April 19, 2026 — the fifth day of his detention and the one-hundred-twentieth hour since his warrantless arrest — ICE notified undersigned counsel that Petitioner will be transferred to an unspecified facility in Arizona. That transfer, if executed, will forcibly separate Petitioner from his counsel of record, from his family, and from the adjudicatory forum in which his asylum case has been pending for nine years. It will, by design, strip this Court of its

jurisdiction under the immediate-custodian rule of Rumsfeld v. Padilla, 542 U.S. 426 (2004), unless this Court acts first.

Two independent illegalities underlie this Petition. First, Petitioner's continued detention beyond forty-eight hours without a charging document violates 8 C.F.R. § 287.3(d) and exceeds any statutory authority conferred by the Immigration and Nationality Act ("INA"). Detention that serves no removal purpose and rests on no charging instrument is ultra vires. Under Zadvydas v. Davis, 533 U.S. 678 (2001) and Jackson v. Indiana, 406 U.S. 715 (1972), "the nature and duration of commitment [must] bear some reasonable relation to the purpose for which the individual is committed." Jackson, 406 U.S. at 738. Where, as here, no removal proceeding exists, no reasonable relation to any removal purpose exists either.

Second, the Government's planned transfer to Arizona — announced mere hours ago while an emergency petition was being prepared in this District — is a targeted act of counsel-stripping and forum-manipulation that violates the Fifth Amendment's Due Process Clause and Petitioner's statutory right to counsel "at no expense to the Government" under INA § 292, 8 U.S.C. § 1362. The transfer serves no legitimate regulatory purpose; its manifest purpose is to defeat this Court's jurisdiction and to eliminate effective representation.

Petitioner seeks three forms of immediate relief: (1) an emergency Temporary Restraining Order under Federal Rule of Civil Procedure 65(b) prohibiting the Government from transferring Petitioner outside the District of New Jersey pending resolution of this Petition and requiring seventy-two (72) hours' advance written notice to counsel and this Court of any proposed transfer or material change in conditions of confinement; (2) the issuance of a writ of habeas corpus and an order to show cause under 28 U.S.C. § 2243 directing Respondents to file a

return within three (3) days, justifying the lawfulness of Petitioner's detention; and (3) upon full adjudication, a writ of habeas corpus releasing Petitioner from unlawful custody.

II. JURISDICTION AND VENUE

This Court has subject-matter jurisdiction under 28 U.S.C. § 2241, Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause), the Fifth Amendment to the United States Constitution, 28 U.S.C. § 1331, and the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

Venue is proper in the District of New Jersey because Petitioner is presently detained within this District, at the Elizabeth Contract Detention Facility, 625 Evans Street, Elizabeth, New Jersey 07201. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) ("core habeas petitions challenging present physical confinement … jurisdiction lies in only one district: the district of confinement."). The immediate custodian, the Warden of the Elizabeth Contract Detention Facility, is present in this District and within the territorial jurisdiction of this Court.

Under Endo v. United States, 323 U.S. 283 (1944) (cited with approval in Padilla, 542 U.S. at 441), once jurisdiction attaches upon the filing of a petition naming the immediate custodian, subsequent government-initiated transfer of the petitioner outside the District does not defeat this Court's jurisdiction: "when the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the prisoner's release." Padilla, 542 U.S. at 441.

No statutory jurisdiction-stripping provision applies. Petitioner is not in removal proceedings; no final order of removal has been entered; 8 U.S.C. § 1252(a)(5) (petitions for review) does not apply. The jurisdiction-channeling provisions of 8 U.S.C. § 1252(b)(9) and

§ 1252(g) apply only to claims "arising from any action taken or proceeding brought to remove an alien from the United States," and specifically only to "decision[s] or action[s]" to "commence proceedings, adjudicate cases, or execute removal orders." Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999). No such proceeding, decision, or action exists here. Detention without a charging document and transfer to a distant facility are not within the enumerated categories. See id. (enumerating examples of decisions outside § 1252(g), including "decisions to open an investigation, to surveil the suspected violator, [and] to reschedule the deportation hearing").

III. PARTIES

Petitioner: Alisher Durdyyev, A-Number [redacted], born 1982, a citizen and national of Turkmenistan, lawfully admitted to the United States in F-1 nonimmigrant student status on August 1, 2016. Petitioner is presently held in the physical custody of the Warden of the Elizabeth Contract Detention Facility, 625 Evans Street, Elizabeth, New Jersey 07201, under the authority of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Newark Field Office.

Respondents (each in his or her official capacity):

Warden, Elizabeth Contract Detention Facility, 625 Evans Street, Elizabeth, New Jersey 07201. The Warden is the immediate physical custodian of Petitioner and the proper respondent under Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004).

John Tsoukaris, Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Newark Field Office, 970 Broad Street, Newark, New Jersey 07102. Mr. Tsoukaris exercises command authority over the detention and transfer of individuals held within his area of responsibility, including Petitioner.

Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, D.C. 20536. Mr. Lyons exercises national authority over ICE detention and transfer decisions.

Markwayne Mullin, Secretary of the U.S. Department of Homeland Security, 245 Murray Lane SW, Washington, D.C. 20528. Secretary Mullin was sworn into office on March 24, 2026. He has ultimate statutory authority over immigration detention under 6 U.S.C. § 557 and 8 U.S.C. § 1103(a).

Todd Blanche, Acting Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530. Mr. Blanche assumed the office of Acting Attorney General on or about April 2, 2026. The Attorney General retains statutory authority over immigration adjudication and enforcement under 8 U.S.C. § 1103(g).

IV. STATEMENT OF FACTS

1. Petitioner Alisher Durdyyev is a native and citizen of Turkmenistan. He was born in 1982. (Full date of birth redacted pursuant to Fed. R. Civ. P. 5.2(a)(2).)

2. On August 1, 2016, Petitioner was lawfully admitted to the United States at a designated port of entry on an F-1 nonimmigrant student visa. The Department of Homeland Security issued him Form I-94 Admission Number [redacted] with a class of admission of F-1 and an admit-until date of "D/S" (duration of status). A true and correct copy of his CBP I-94 record is attached as Exhibit B.

3. Petitioner has continuously resided in the United States since that August 1, 2016 admission. He has been physically present in this country for nearly nine years. He has never been subject to any removal proceedings before the Executive Office for Immigration Review. He has no criminal record.

4. On July 25, 2017, Petitioner, through prior counsel, filed an affirmative Application for Asylum and for Withholding of Removal (Form I-589) with U.S. Citizenship and Immigration Services ("USCIS"), seeking asylum, withholding of removal, and protection under Article 3 of the Convention Against Torture. That application bears Receipt Number [redacted] and is currently assigned to the USCIS Newark Asylum Office, located at Gateway 3, 100 Mulberry Street, Suite 199, Newark, New Jersey 07102. See Exhibits C and D.

5. Immigration counsel Robert Bond, Esq., has been counsel of record for Petitioner in the underlying affirmative asylum matter since October 20, 2025, when a Form G-28 Notice of Entry of Appearance was filed with USCIS. That Form G-28 is attached as Exhibit E.

6. On October 13, 2021, USCIS scheduled Petitioner's asylum interview for November 10, 2025 at 8:15 a.m. at the Newark Asylum Office. On October 28, 2025, USCIS issued a Form I-797C confirming cancellation of that interview at Petitioner's request. See Exhibit D.

7. On March 4, 2026, USCIS issued a new Form I-797C rescheduling Petitioner's asylum interview for Tuesday, April 14, 2026 at 9:00 a.m. at the Newark Asylum Office, Gateway 3, 100 Mulberry Street, Suite 199, Newark, New Jersey 07102. See Exhibit C.

8. On April 14, 2026, Petitioner appeared at the Newark Asylum Office at the date, time, and place specified by USCIS, in compliance with the rescheduling notice. He appeared with his counsel of record, Robert Bond, Esq.

9. At or about the time and place of Petitioner's scheduled asylum interview on April 14, 2026, officers of U.S. Immigration and Customs Enforcement took Petitioner into custody. Petitioner was not provided with any charging document at the time of arrest. Counsel of record was not provided with any charging document at the time of arrest. See

10. Petitioner was transported from the Newark Asylum Office to the Elizabeth Contract Detention Facility in Elizabeth, New Jersey, and has remained there in ICE custody continuously since April 14, 2026. A copy of the ICE Online Detainee Locator System printout dated April 19, 2026, confirming Petitioner's detention at the Elizabeth Contract Detention Facility, is attached as Exhibit A.

11. As of the filing of this Petition — April 19, 2026 — Petitioner has been detained by ICE for one-hundred-twenty (120) hours without receiving any Notice to Appear, any Form I-286 Notice of Custody Determination, any Form I-213 Record of Deportable / Inadmissible Alien, or any other charging document. See

12. No immigration-court proceeding has been initiated against Petitioner. The Executive Office for Immigration Review has no case pending against Petitioner, whether before an Immigration Judge or the Board of Immigration Appeals. Counsel verified this on April 19, 2026 by querying the EOIR Automated Case Information System using Petitioner's A-Number [redacted]; the system returned "no record found." A true and correct copy of that EOIR system printout is attached as Exhibit F. Because no charging document has been filed and no removal proceeding is pending, no bond-redetermination jurisdiction exists at the Immigration Court. See 8 C.F.R. § 1003.19(a) (bond jurisdiction in Immigration Court attaches only "[c]ustody and bond determinations made by the service following the initial custody determination"—i.e., in a pending proceeding). The consequence is determinative: a bond motion before an Immigration Judge is not merely impractical; it is structurally unavailable. Federal habeas corpus is the only forum in which Petitioner can seek release from this detention, and the accompanying Motion for Temporary Restraining Order is the only mechanism to preserve this Court's jurisdiction before ICE transfers Petitioner beyond it.

13. On April 19, 2026 — today — counsel of record was notified by ICE personnel that Petitioner is scheduled to be transferred to an undisclosed detention facility in the State of Arizona. That transfer, if executed, will remove Petitioner from the State of New Jersey, from the territorial jurisdiction of this Court, from the jurisdiction of the Newark Asylum Office where his affirmative asylum application remains pending, and from the professional geographic range of his counsel of record.

14. Petitioner's counsel of record is physically located in Philadelphia, Pennsylvania. The Newark Asylum Office is physically located in Newark, New Jersey. Transfer to any facility in Arizona would place Petitioner approximately 2,400 miles from his counsel and approximately 2,400 miles from the adjudicatory forum hearing his asylum case.

15. Petitioner is not a flight risk. He has resided continuously in the United States for nearly nine years in F-1 duration-of-status admission. He has an affirmative asylum case pending for nine years — a nine-year demonstration of engagement with, not avoidance of, immigration adjudication. He appeared as scheduled, with counsel, at his USCIS asylum interview on April 14, 2026.

16. Petitioner is not a danger to the community. He has no criminal history. The Government has identified no reason, in any document provided to counsel, for his arrest or continued detention.

17. Petitioner has an urgent and continuing interest in the adjudication of his long-pending asylum application. The Newark Asylum Office scheduled the April 14, 2026 interview as part of a protracted administrative calendar that had been set and reset multiple times over nine years of pendency. Transfer to Arizona would indefinitely disrupt that adjudication.

V. LEGAL FRAMEWORK

The Immigration and Nationality Act does not provide a general, open-ended authority for the Executive Branch to detain a noncitizen without any charging instrument or any pending removal proceeding. Every statutory detention authority in the INA is tethered to a specific procedural posture.

Section 236(a) of the INA, 8 U.S.C. § 1226(a), authorizes detention only "pending a decision on whether the alien is to be removed from the United States." The plain text of the statute presupposes that a removal decision is, at minimum, contemplated and set in motion. Where no Notice to Appear has been issued and no removal proceeding has been initiated, there is no "pending … decision on whether the alien is to be removed." Section 236(a) therefore confers no detention authority here.

Section 235(b) of the INA, 8 U.S.C. § 1225(b), governs "arriving aliens" and expedited removal, and applies by its terms only to individuals seeking admission at a port of entry or apprehended immediately upon clandestine entry. Petitioner was admitted in 2016. He is not an arriving alien. Section 235(b) does not apply.

Section 241(a) of the INA, 8 U.S.C. § 1231(a), authorizes detention only after entry of a final administrative order of removal. No such order has been entered. Section 241(a) does not apply.

Warrantless arrest authority for immigration officers is circumscribed by both statute and regulation. Under 8 C.F.R. § 287.3(d), a noncitizen arrested without warrant "will be examined" by an officer other than the arresting officer, and if the examining officer determines that there is prima facie evidence of removability, "a determination will be made within 48 hours of the arrest … whether the alien will be continued in custody or released on bond or recognizance and

whether a Notice to Appear and warrant of arrest … will be issued." 8 C.F.R. § 287.3(d). The regulation is mandatory. Its forty-eight-hour window is not aspirational — it is the operational limit on detention absent a charging document.

Petitioner has been detained for one-hundred-twenty (120) hours. Counsel has received no Notice to Appear, no Form I-286 Notice of Custody Determination, and no Form I-213 Record of Deportable / Inadmissible Alien. The forty-eight-hour regulatory limit has been exceeded by seventy-two hours, and no charging document has been filed in any forum.

The Due Process Clause of the Fifth Amendment applies to Petitioner with full force. "Once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Petitioner was admitted in 2016 and has resided here for nearly nine years. He is not on the threshold of entry. The entry-fiction doctrine discussed in Department of Homeland Security v. Thuraissigiam, 591 U.S. 103 (2020), has no application to a long-admitted nonimmigrant with a nine-year pendency of affirmative asylum adjudication.

Civil detention must "bear some reasonable relation to the purpose for which the individual is committed." Jackson v. Indiana, 406 U.S. 715, 738 (1972); accord Zadvydas, 533 U.S. at 690 (quoting Jackson). Where detention's stated purpose — ensuring appearance for removal — is not practically attainable because no removal proceeding exists, continued detention "no longer bear[s] [a] reasonable relation to the purpose for which the individual [was] committed." Zadvydas, 533 U.S. at 690 (quoting Jackson, 406 U.S. at 738).

Moreover, even where some detention authority exists, the Due Process Clause imposes substantive and procedural limits. "At the least, due process requires that the nature and duration

of commitment bear some reasonable relation to the purpose for which the individual is committed." Jackson, 406 U.S. at 738. The Third Circuit has held that where detention under § 1226(c) becomes unreasonable, "the Government must put forth clear and convincing evidence that continued detention is necessary." German Santos v. Warden Pike County Correctional Facility, 965 F.3d 203, 213 (3d Cir. 2020).

The statutory right to counsel "at no expense to the Government" under INA § 292, 8 U.S.C. § 1362, is meaningful only if the Government cannot unilaterally destroy its exercise by relocating the detainee across the country. While 8 U.S.C. § 1231(g) authorizes the Attorney General to designate facilities, "If a statute does not explicitly specify a particular authority as discretionary, section 1252(a)(2)(B)(ii) does not bar judicial review of an ensuing agency action." Aguilar v. U.S. Immigration & Customs Enforcement, 510 F.3d 1, 20 (1st Cir. 2007). Section 1231(g) does not specify transfer decisions as committed to discretion; judicial review therefore remains available under APA standards for arbitrary and capricious agency action. 5 U.S.C. § 706(2)(A).

VI. CLAIMS FOR RELIEF

COUNT I — ULTRA VIRES DETENTION

COUNT I — ULTRA VIRES DETENTION IN VIOLATION OF 8 U.S.C. § 1226(a) AND 8 C.F.R. § 287.3(d)

18. Petitioner incorporates the preceding paragraphs as if fully set forth.

19. No provision of the Immigration and Nationality Act authorizes the detention of a noncitizen for one-hundred-twenty hours without a charging document when no removal proceeding is pending. Detention under 8 U.S.C. § 1226(a) is permissible only "pending a decision on whether the alien is to be removed." No such decision is pending.

20. Title 8 C.F.R. § 287.3(d) mandates that within forty-eight hours of a warrantless arrest, the Government make a custody determination and decide whether to issue a Notice to Appear. That regulatory deadline has been exceeded by seventy-two hours. No Notice to Appear has been issued. No Form I-286 custody determination has been issued.

21. Petitioner's detention therefore exceeds the Government's statutory and regulatory authority and is ultra vires. "It is axiomatic that an administrative agency's power to promulgate legislative regulations is limited to the authority delegated by Congress." Bowen v. Georgetown Univ. Hosp., 488 U.S. 204, 208 (1988). Conversely, agency action that exceeds the statutory and regulatory framework is without authority and unlawful.

22. This Court has jurisdiction under 28 U.S.C. § 2241 to grant habeas corpus relief for detention that is ultra vires. See Zadvydas v. Davis, 533 U.S. 678, 687–89 (2001).

COUNT II — SUBSTANTIVE DUE PROCESS VIOLATION

COUNT II — VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE (SUBSTANTIVE DUE PROCESS)

23. Petitioner incorporates the preceding paragraphs as if fully set forth.

24. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens. Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Civil detention "must bear some reasonable relation to the purpose for which the individual is committed." Jackson v. Indiana, 406 U.S. 715, 738 (1972).

25. Where no removal proceeding has been initiated, detention cannot be rationally related to securing a noncitizen's appearance at removal proceedings. There is no removal proceeding to appear at.

26. Petitioner's detention accordingly fails substantive-due-process scrutiny. It is not reasonably related to any permissible regulatory purpose. Jackson, 406 U.S. at 738; Zadvydas, 533 U.S. at 690.

COUNT III — PROCEDURAL DUE PROCESS / RIGHT TO COUNSEL

COUNT III — VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE (PROCEDURAL DUE PROCESS; RIGHT TO COUNSEL)

27. Petitioner incorporates the preceding paragraphs as if fully set forth.

28. The Fifth Amendment Due Process Clause and INA § 292, 8 U.S.C. § 1362, guarantee Petitioner the right to representation by counsel of his choosing at no expense to the Government.

29. Petitioner's counsel of record has represented him before the Newark Asylum Office since October 20, 2025. That representation is documented by a Form G-28 filed with USCIS (Exhibit E).

30. Respondents' proposed transfer of Petitioner to Arizona — approximately 2,400 miles from counsel's office and from the Newark Asylum Office — serves no legitimate governmental interest. It will eviscerate Petitioner's ability to consult with, and be represented by, his counsel of record during the pendency of this Petition and during any related immigration proceedings.

31. The transfer's timing — announced on the day that counsel was preparing an emergency habeas petition — permits the inference that the transfer is designed to defeat this Court's jurisdiction. See Rumsfeld v. Padilla, 542 U.S. 426, 441 (2004) (noting Government-initiated post-filing transfers raise distinct jurisdictional concerns).

32. Under the three-factor Mathews v. Eldridge framework, 424 U.S. 319, 335 (1976), Petitioner's interest in the continued exercise of his right to counsel is substantial; the risk of erroneous deprivation is grave and imminent; and the Government's counterinterest is nonexistent because the Elizabeth Contract Detention Facility has existing capacity and Petitioner is not a flight risk.

COUNT IV — APA VIOLATION

COUNT IV — ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A)

33. Petitioner incorporates the preceding paragraphs as if fully set forth.

34. The Administrative Procedure Act requires this Court to "hold unlawful and set aside agency action, findings, and conclusions found to be … arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

35. Respondents' arrest and continued detention of Petitioner without issuance of any charging document, in violation of 8 C.F.R. § 287.3(d), is not in accordance with law. Respondents' proposed transfer of Petitioner to Arizona while an emergency habeas petition is being prepared in this District is arbitrary and capricious — it serves no rational relation to any legitimate detention purpose and appears designed solely to defeat judicial review.

36. Because § 1231(g) does not specify transfer decisions as committed to discretion, the APA's jurisdictional bar of 5 U.S.C. § 701(a)(2) does not apply, and judicial review is available. See Aguilar v. U.S. Immigration & Customs Enforcement, 510 F.3d 1, 20 (1st Cir. 2007).

VII. REQUIREMENTS OF 28 U.S.C. § 2243

Pursuant to 28 U.S.C. § 2243:

(a) Petitioner is in the custody of the Respondents, and specifically in the immediate physical custody of the Warden of the Elizabeth Contract Detention Facility, 625 Evans Street, Elizabeth, New Jersey 07201.

(b) Respondents detain Petitioner without any charging document. No Notice to Appear has been served. No Form I-286 has been issued. No removal proceeding has been commenced. Petitioner's detention therefore exceeds Respondents' statutory and regulatory authority under 8 U.S.C. §§ 1226(a), 1225, and 1231 and 8 C.F.R. § 287.3(d), and violates the Fifth Amendment.

(c) Petitioner has pursued the only administrative remedy potentially available — an immigration-court bond redetermination hearing under 8 C.F.R. § 1236.1(d) — and finds it unavailable. No bond-redetermination jurisdiction lies at the Immigration Court absent a pending removal proceeding. There is no administrative forum in which Petitioner may presently seek his release.

(d) This Petition is timely. Petitioner has been detained for one-hundred-twenty hours. The Government's announcement of transfer to Arizona, made today, creates imminent irreparable harm.

(e) Petitioner requests that this Court, pursuant to 28 U.S.C. § 2243, "forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted," and that Respondents be required to file a return within three (3) days of service.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(a) ISSUE a Temporary Restraining Order under Federal Rule of Civil Procedure 65(b) prohibiting Respondents from transferring Petitioner outside the District of New Jersey pending resolution of this Petition and requiring seventy-two (72) hours' advance written notice to counsel and this Court of any proposed transfer or material change in conditions of confinement;

(b) ISSUE a writ of habeas corpus and an order to show cause under 28 U.S.C. § 2243 directing Respondents to file a return, within three (3) days of service, justifying the lawfulness of Petitioner's detention;

(c) DECLARE that Petitioner's detention beyond forty-eight (48) hours without a charging document violates 8 C.F.R. § 287.3(d) and exceeds any statutory authority conferred by the Immigration and Nationality Act;

(d) DECLARE that Petitioner's detention without any charging document violates the substantive due-process guarantee of the Fifth Amendment as applied in Jackson v. Indiana, 406 U.S. 715 (1972), and Zadvydas v. Davis, 533 U.S. 678 (2001);

(e) DECLARE that any Government-initiated transfer of Petitioner outside the District of New Jersey during the pendency of this Petition interferes with the right to counsel secured by INA § 292, 8 U.S.C. § 1362, and the Fifth Amendment;

(f) ORDER Respondents to produce Petitioner before this Court or, alternatively, to release Petitioner from custody on his own recognizance or on reasonable conditions of supervision;

(g) IN THE ALTERNATIVE, order Respondents, within seven (7) days, either to file a Notice to Appear commencing removal proceedings against Petitioner and to present him to an

Immigration Judge for a bond redetermination hearing at which the Government bears the burden of proving by clear and convincing evidence that continued detention is necessary, or to release Petitioner from custody;

(h) AWARD reasonable costs, attorney's fees, and litigation expenses under 28 U.S.C. § 2412 and other applicable law; and

(i) GRANT such other and further relief as the Court deems just, proper, and equitable.

Respectfully submitted,

/s/ Jonathan J. Sobel
JONATHAN J. SOBEL, ESQUIRE
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Philadelphia, PA 19102
Phone: (215) 735-7535
Email: mate89@aol.com

Lead Counsel for Petitioner

Dated: April 19, 2026

IX. VERIFICATION OF COUNSEL (L. CIV. R. 11.2)

I, Jonathan J. Sobel, Esq., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted to the Bar of the United States District Court for the District of New Jersey and to the Bar of the Commonwealth of Pennsylvania. I represent Petitioner Alisher Durdyyev in the above-captioned matter.

2. I have read the foregoing Petition for Writ of Habeas Corpus. The factual allegations of the Petition are true and correct to the best of my knowledge, information, and belief, based upon (a) my direct review of the Government documents attached as Exhibits B, C, D, and E; (b) the ICE Online Detainee Locator System record retrieved on April 19, 2026 and attached as Exhibit A; and (c) my personal knowledge of Petitioner's representation and case history.

3. This Verification is executed by counsel pursuant to L. Civ. R. 11.2, which provides that where a petition is verified by "another," rather than the petitioner, the affiant "shall state in the affidavit, declaration, certification or other document … the reasons such person does not make the verification and the affiant's … authority for making it." I make this Verification because Petitioner is presently held in ICE custody at the Elizabeth Contract Detention Facility; because Respondents notified counsel today that Petitioner is imminently to be transferred to an unidentified facility in Arizona; and because the emergency window for filing this Petition does not permit counsel to obtain a verified signature from Petitioner while preserving the Court's jurisdiction under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

4. I further certify pursuant to L. Civ. R. 11.2 that, to the best of my knowledge, the matter in controversy is not the subject of any other pending action in any court or pending arbitration or administrative proceeding. Petitioner's affirmative Application for Asylum and for

Withholding of Removal (Form I-589), USCIS Receipt No. [redacted]), is pending before the USCIS Newark Asylum Office, a non-EOIR administrative adjudication that does not address the legality of Petitioner's physical detention.

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

Executed on April 19, 2026, in Cherry Hill, New Jersey

/s/ Jonathan J. Sobel, Esquire
Counsel for Petitioner

LIST OF EXHIBITS

The following documents are attached as exhibits to this Petition and are incorporated herein by reference:

Exhibit A — ICE Online Detainee Locator System Printout (retrieved April 19, 2026), confirming Petitioner's detention at the Elizabeth Contract Detention Facility.

Exhibit B — Form I-94 Arrival/Departure Record, reflecting Petitioner's lawful admission on August 1, 2016 in F-1 duration-of-status.

Exhibit C — Form I-797C Notice of Action dated March 4, 2026, rescheduling Petitioner's I-589 interview at the Newark Asylum Office for April 14, 2026 at 9:00 a.m.

Exhibit D — Form I-797C Notice of Action dated October 28, 2025, cancelling an earlier-scheduled interview at the Newark Asylum Office.

Exhibit E — Form G-28 Notice of Entry of Appearance, signed October 20, 2025, reflecting Robert Bond, Esq. as counsel of record at USCIS.

Exhibit F — EOIR Automated Case Information System printout (retrieved April 19, 2026), showing that no case involving Petitioner is pending before the Executive Office for Immigration Review (no record found).

CERTIFICATE OF SERVICE

I, Jonathan J. Sobel, hereby certify that on April 19, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus, along with the accompanying Motion for Temporary Restraining Order, Memorandum of Law in Support, Proposed Order, and Civil Cover Sheet, was filed electronically through the Court's CM/ECF system and, pursuant to District of New Jersey Amended Standing Order 2026-02, was simultaneously emailed to emergentimmhabeas@njd.uscourts.gov and to usanj-habeascases@usdoj.gov, and was served upon the following by United States First-Class Mail, postage prepaid:

United States Attorney's Office, District of New Jersey
970 Broad Street, Suite 700
Newark, New Jersey 07102

Warden, Elizabeth Contract Detention Facility
625 Evans Street
Elizabeth, New Jersey 07201

John Tsoukaris
Field Office Director, ICE Newark Field Office
970 Broad Street
Newark, New Jersey 07102

Todd M. Lyons
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Markwayne Mullin, Secretary of Homeland Security
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245 Murray Lane SW
Washington, D.C. 20528

Todd Blanche
Acting Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jonathan J. Sobel, Esquire
Counsel for Petitioner

Dated: April 19, 2026