


FILED
APR 21 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *GW* DEPUTY

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

TUKHLAEV, ERKIN)
Alien Number: )
)
Petitioner,)
)
v.)
)
IMPERIAL REGIONAL)
DETENTION FACILITY;)
MARIN, DAVID, Director of the)
U.S. Immigration and Customs Enforcement,)
Enforcement and Removal Operations,)
San Diego Field Office;)
LYONS, TODD, Director of the U.S.)
Immigration and Customs Enforcement (Acting);)
MULLIN, MARKWAYNE,)
Secretary of the U.S. Department of)
Homeland Security; and)
BLANCHE, TODD, Attorney General of the)
United States (Acting);)
)
Respondents, in their official capacities.)

Case No. '26 CV2524 JES VET

**PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO 28 U.S.C. §§
2241 and 2243**

INTRODUCTION

Petitioner, through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. §§ 2241 and 2243. Petitioner challenges his detention by Respondents without an individualized bond hearing or meaningful custody determination. Although Petitioner has a pending, nonfrivolous application for asylum and related protection, he does not even have a scheduled individual merits hearing. Yet he has been subjected to mandatory confinement that has grown constitutionally unreasonable under the Fifth Amendment's Due Process Clause.

1. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, mandate a prompt custody redetermination hearing where the government bears the burden of proving by clear and convincing evidence that his continued detention is justified.

2. As Petitioner is proceeding pro se, he respectfully requests that this Honorable Court construe his pleadings liberally and hold them to a less stringent standard than formal pleadings drafted by counsel, consistent with longstanding federal practice. Haines v. Kerner, 404 U.S. 519, 520-21 (1972). Petitioner submits this filing in good faith and to the best of his ability under the constraints of detention and indigence.

JURISDICTION AND VENUE

3. This action arises under the Constitution and laws of the United States and therefore presents a federal question within the jurisdiction of this Court. 28 U.S.C. § 1331.

4. This Court has jurisdiction over the Respondents because they are officials of the United States Government responsible for the Petitioner's custody and are subject to the Court's personal jurisdiction inasmuch as they exercise custody and control over Petitioner within the territorial boundaries of this District.

5. Venue is proper in this District under 28 U.S.C. § 1391(e) because (1) the Petitioner is confined within the Southern District of California at the Imperial Regional Detention Facility in Calexico, California, and (2) a substantial part of the events or omissions giving rise to his claims occurred in this District, and no real property is involved in this action.

PARTIES

6. Petitioner Erkin Tukhlaev is an alien detainee currently held in the custody of the Respondents at the Imperial Regional Detention Facility, located at 1572 Gateway Road, Calexico, CA 92231.

7. Respondent Imperial Regional Detention Facility is a correctional facility located at 1572 Gateway Road, Calexico, CA 92231, within the Southern District of California. It is the facility in which Petitioner is currently confined and is named as a Respondent as the immediate custodian responsible for Petitioner's physical detention.

8. Respondent David Marin is the Field Office Director of the U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Field Office in San Diego, California, which exercises operational jurisdiction over Petitioner's detention at the facility. As the ICE field office director most directly responsible for Petitioner's custody within this District, he is a proper respondent identified as an "immediate custodian" in a habeas action. He is sued in his official capacity.

9. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), a component of the U.S. Department of Homeland Security, and is responsible for the detention and removal of noncitizens, including Petitioner. He is sued in his official capacity.

10. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security ("DHS"). DHS oversees ICE and is responsible for the enforcement of immigration laws and the detention of noncitizens. Respondent is sued in his official capacity.

11. Respondent Todd Blanche is the (Acting) Attorney General of the United States and is ultimately responsible for the administration and enforcement of the immigration laws. He is sued in his official capacity.

12. To the extent the Court determines that any named Respondent is not a proper party to this proceeding, Petitioner respectfully requests that the Court sua sponte amend or

dismiss such Respondent in the interest of judicial efficiency and propriety to ensure that only proper parties are before the Court.

EXHAUSTION

13. Petitioner has exhausted his administrative remedies regarding his custody status.

14. Petitioner is not eligible for paroled release under applicable laws and regulations.

15. Petitioner is not eligible for release on bond through the ordinary immigration bond-hearing process. Immigration judges have not provided Petitioner any meaningful avenue for relief. In cases such as this one, immigration courts have increasingly declined to entertain custody redetermination requests on the ground that they lack jurisdiction, and thus detainees are often denied not merely release on bond, but even the opportunity to be heard on whether bond is available at all. As a practical matter, that leaves Petitioner without any functioning administrative process through which to obtain an individualized determination of flight risk or dangerousness. Thus, Petitioner has no meaningful administrative mechanism through which to obtain an individualized custody determination.

16. Therefore, the habeas remedy under §§ 2241 and 2243 is the appropriate vehicle to challenge this unlawful detention.

STATEMENT OF FACTS

17. Petitioner is a native and citizen of Uzbekistan. He is 40 years old.

18. On April 23, 2023, Petitioner entered the United States near Calexico, California.

19. Upon entry, Petitioner expressed fear of returning to Uzbekistan and was subsequently placed in removal proceedings before the United States Immigration Court. Those proceedings were venued in the New York Immigration Court. Petitioner has applied for asylum, withholding of removal, and protection under the Convention Against Torture.

20. While his removal proceedings were pending in New York, Petitioner was present in the United States and engaged in work authorized under law. On April 9, 2026, while performing a delivery in interstate commerce in California, Petitioner was detained by immigration authorities. He has remained in immigration custody at the Imperial Regional Detention Facility since that date.

21. Petitioner has not received a bond hearing, and seeking one through the immigration court would be futile. Immigration courts in this circuit, including those with jurisdiction over Petitioner's case, routinely decline jurisdiction over bond hearings for noncitizens who, like Petitioner, entered without inspection and were not apprehended at the immediate border. Maldonado Bautista v. Garland, No. 5:25 cv 01873 (C.D. Cal. Dec. 18, 2025).

22. Petitioner, being a member of the nationwide "Bond Eligible Class" certified in Maldonado Bautista, seeks a bond hearing under 8 U.S.C. § 1226(a) as an alternative to his immediate release.

LEGAL FRAMEWORK AND ARGUMENT

I. DUE PROCESS PROHIBITS ARBITRARY AND PROLONGED DETENTION

23. It is "well-established" that the Fifth Amendment's Due Process Clause protects the rights of noncitizens like Petitioner to due process of law during removal proceedings. Demore v. Kim, 538 U.S. 510, 523 (2003) (internal citations omitted). "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) (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992)). Due Process requires that detention "bear[] a reasonable relation to the purpose for which the individual [was] committed." Zadvydas, 533 U.S. at 690 (citing Jackson v. Indiana, 406 U.S. 715, 738 (1972)). The only

legitimate justifications for civil detention in an immigration case like Petitioner's are mitigating danger to the community or ensuring the noncitizen's presence for a removal hearing. Demore, 538 U.S. at 528.

24. As detention grows in length, the justification for the increasingly severe deprivation of individual liberty must also grow stronger. See Kansas v. Hendricks, 521 U.S. 346, 363–64 (1997); Chavez-Alvarez v. Warden York Cnty. Prison, 783 F.3d 469, 474 (3d Cir. 2015), abrogated in part and on other grounds by Jennings v. Rodriguez, 138 S. Ct. 830, 847 (2018) (citing Diop v. ICE/Homeland Sec., 656 F.3d 221, 232, 234 (3d Cir. 2011)). Moreover, as Justice Kennedy acknowledged in Demore, the ultimate purpose of immigration detention here—to effect removal upon a final order—is “premised upon the alien’s deportability.” 538 U.S. at 531 (Kennedy, J., concurring).

25. The Supreme Court “repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection.” Addington v. Texas, 441 U.S. 418, 425 (1979); United States v. Salerno, 481 U.S. 739 (1987); Foucha, 504 U.S. 71, 80-83 (1992). Due process therefore will require “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” Id. at 690 (internal quotation marks omitted).

26. The Court likewise held in Demore that brief mandatory detention under § 1226(c) without a bond hearing did not violate due process, and this holding was specifically premised on the short period for which the noncitizen had been detained as well as—now discredited—evidence that, at the time, § 1226(c) detention was neither indefinite nor prolonged. 538 U.S. at 529–31 (relying on evidence provided by the Government that, at the time, removal

proceedings were completed in an average time of forty-seven days and a median time of thirty days in 85% of cases and that the remaining 15% of cases, in which there was an appeal, were completed in an average of four months).

27. As the decisive fifth vote in Demore, Justice Kennedy acknowledged in his concurrence that “if continued detention bec[omes] unreasonable or unjustified,” a noncitizen could be “entitled to an individualized determination as to his risk of flight and dangerousness.” 538 U.S. at 532 (Kennedy, J., concurring); see also id. at 532–33 (“Were there to be an unreasonable delay by the INS in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons.”); Since Demore, the “time that each immigrant spends in detention has risen substantially.” Diop, 656 F.3d at 234 (explaining that mandatory detention becomes more constitutionally “suspect” as it extends beyond the brief detention periods considered by the Supreme Court in Demore).

28. The Third Circuit in Diop held as a constitutional matter that due process prohibits mandatory detention for an unreasonable period of time. Diop, 656 F.3d at 232 (“The constitutionality of [detention without a bond hearing] is a function of the length of the detention. At a certain point, continued detention becomes unreasonable, and the Executive Branch’s implementation of § 1226(c) becomes unconstitutional unless the Government has justified its actions at a hearing inquiring into whether continued detention is consistent with the law’s purposes of preventing flight and dangers to the community.”)

29. Moreover, prior to the Supreme Court’s ruling in Jennings, a number of circuit courts applying the canon of constitutional avoidance had held that serious Fifth Amendment due process concerns required the statutory text of 1226(c) to be interpreted as including an implicit

reasonableness limitation on the duration of detention during removal proceedings. See, e.g., Reid v. Donelan, 819 F.3d 486 (1st Cir. 2016). Jennings abrogated the statutory holdings of such cases because the Supreme Court determined, as a predicate matter, that the text of § 1226(c) was not properly subject to competing interpretations that would permit application of the canon of constitutional avoidance. 138 S. Ct. 830, 842 (2018). However, while no longer good law for this distinct reason following Jennings, the separate substantive analysis of due process these decisions provided remains compelling.

30. At this point, ICE has detained him for approximately eight days and counting. The constitutional defect, however, is not its current, relatively short duration but the indeterminate and potentially prolonged nature. Petitioner has no bond hearing, no meaningful administrative mechanism to obtain release, and no identifiable end point to his confinement absent judicial intervention. This is enough to constitute a severe deprivation of liberty, and Petitioner has no procedural protections available outside this Court.

31. Moreover, it is unlikely that Petitioner's immigration proceedings will result in his removal in the foreseeable future because he has a live application for asylum and related protection pending before the Immigration Court.

32. Petitioner's next hearing before the Immigration Court is a master calendar hearing on April 17, 2026, which is merely a preliminary procedural hearing at which the Immigration Judge typically addresses scheduling, confirms the relief being sought, and manages the case. At most, the Court may set a future date for an individual merits hearing, but even that is not guaranteed, as it is common for multiple master calendar hearings to occur before any merits hearing is scheduled.

33. Nor would the setting of a merits hearing date resolve the problem. Given the well-known backlog in the immigration courts, any such hearing is unlikely to occur in the near future, meaning Petitioner would remain detained in the interim.

34. Even assuming, however, an adverse ruling by the Immigration Judge on the merits of the Petitioner's asylum claim, Petitioner retains the statutory right to appeal to the Board of Immigration Appeals. Given the substantial backlog at the appellate level—often even more severe than at the trial level—appellate adjudication routinely takes months or years, making a final order of removal highly unlikely in the foreseeable future. Consequently, Petitioner's confinement cannot be characterized as brief or temporary, but rather as effectively indefinite absent judicial intervention.

35. The reality of that backlog therefore makes Petitioner's detention not temporary in any meaningful sense, but potentially prolonged and indefinite.

36. Petitioner's detention, though only eight days in duration, is already constitutionally impermissible because it has no definite end point, no individualized review of whether it is necessary, and no meaningful mechanism through which he can obtain release, despite his pending, nonfrivolous, and viable application for asylum and related protection.

II. PETITIONER'S SUBSTANTIAL CHALLENGE TO REMOVABILITY

37. Petitioner's prolonged mandatory detention also violates due process because it is unreasonable to impose an irrebuttable presumption of flight risk and danger on a noncitizen who, like the Petitioner, has a substantial challenge to removability.

38. In Demore, the Supreme Court upheld the mandatory detention of "a criminal alien who ha[d] conceded that he [was] deportable, for the limited period of his removal proceedings." 538 U.S. at 511. The Court held that mandatory detention of "deportable criminal

aliens” was permissible to address the heightened flight risk and risk to public safety. *Id.* at 518 (emphasizing the government’s “near total inability to remove deportable criminal aliens” and that “deportable criminal aliens who remained in the United States often committed more crimes before being removed”). However, *Demore* left open the question of whether mandatory detention of a noncitizen violates due process if they have a substantial challenge to their removability.

39. Aliens who raise substantial challenges to removability are, unlike the petitioner in *Demore*, neither “already subject to deportation,” *id.*, nor at risk of “fail[ing] to appear for their removal hearings,” *id.* at 519. On the contrary, they have strong incentives to appear at their proceedings and litigate those defenses. See *Zadvydas*, 533 U.S. at 690 (calling the “justification” of “preventing flight” “weak or nonexistent where removal seems a remote possibility at best”).

40. The government’s presumed flight-risk rationale makes little sense as applied to a person in Petitioner’s position. A noncitizen who is actively seeking lawful protection from removal, who wants to remain in the United States through legal process, and who has a live application pending before the Immigration Court has every reason to appear for every hearing and comply with every directive to remain here. To contend that such a person is more likely to flee because he is fighting to remain lawfully in this country defies logic and overturns experience. A person who seeks relief cannot obtain it by disappearing; he can obtain it only by showing up, complying, and proving his case. Petitioner’s own conduct confirms that commonsense reality.

41. Nor is the mandatory detention of individuals with substantial challenges to removability reasonably related to Congress’s goal of “protecting the public from dangerous

criminal aliens.” Demore, 538 U.S. at 515. By enacting statutory forms of relief and protection such as asylum, cancellation of removal, and adjustment of status, Congress allowed qualified individuals convicted of less serious offenses the opportunity to reside permanently in the United States. If Congress had viewed those individuals as presenting such a heightened danger to the public as to require their mandatory detention, it would not have made them eligible for permanent relief from removal. See, e.g., Papazoglou v. Napolitano, No. 1:12-cv-00892, 2012 WL 1570778, at *5 (N.D. Ill. May 03, 2012) (holding mandatory detention violated due process where IJ had granted lawful permanent resident a new adjustment allowing him to retain this status in the United States). Therefore, in contrast to the detention in Demore, it is unreasonable to impose an irrebuttable presumption that noncitizens with substantial arguments against deportability categorically present a heightened flight risk or threat to public safety such that they require mandatory detention without an opportunity for bond.

42. Indeed, the courts to have taken up the issue have found that mandatory detention cannot be applied where the respondent has a substantial argument against removability. See Tijani v. Willis, 430 F.3d 1241, 1244-47 (9th Cir. 2005) (Tashima, J., concurring); Gonzalez v. O’Connell, 355 F.3d 1010, 1019-21 (7th Cir. 2004); see also Demore, 538 U.S. at 578 (Breyer, J., dissenting) (arguing that the “substantial question of law or fact” standard found in the federal bail statute, 18 U.S.C. § 3143(b)(1)(B), should be applied in the immigration context, as it would effectively balance the “special governmental interest in detention” while protecting “a detained alien’s liberty interest”); Gayle v. Johnson, 4 F.Supp.3d 692, 721 (D.N.J. 2014). Courts have not addressed the situation presented here, where the alien prevailed at his removal hearing and DHS appealed.

43. Any suggestion by the government that Petitioner's application for relief is insubstantial should be summarily rejected. Petitioner timely filed his Form I-589 application and has been actively pursuing asylum and related protection through the lawful adjudicative process. Before ICE detained him, he complied with the conditions previously imposed on him, appeared as directed, and did not abscond.

44. Petitioner's conduct is consistent not with evasion, but with diligent pursuit of legal relief. The claims he presents are serious, procedurally proper, and supported by his expressed fear of persecution upon return to Uzbekistan. Whether or not the government disputes the merits, the application is plainly genuine and nonfrivolous, and it gives Petitioner a substantial, good-faith basis to contest removal. That reality undermines any categorical assumption that he may be detained without an individualized assessment of whether detention is actually necessary.

III. ALTERNATIVE RELIEF: INDIVIDUALIZED CUSTODY HEARING

A. BURDEN OF PROOF

45. Petitioner asks this Court to order his immediate release. However, if this Court were to determine that it would be more proper instead for the Petitioner to be granted a custody redetermination hearing, either before this Court or before an Immigration Court, procedural due process should require that the government bear the burden of proving by clear and convincing evidence that the government's interest in continuing to detain the Petitioner—taking into consideration available alternatives to detention—outweighs the severe deprivation of his constitutionally protected interest in liberty. See, e.g., Jarpa v. Mumford, 211 F. Supp. 3d 706, 720-23 (D. Md. 2016).

46. To justify prolonged immigration detention, the government must prove by clear and convincing evidence that the Petitioner is a danger or flight risk. See, e.g., id.; Hernandez v. Decker, No. 18-CV-5026 (ALC), 2018 WL 3579108, at *11 (S.D.N.Y. July 15, 2018) (“[D]ue process requires that the government demonstrate dangerousness or risk of flight by a clear and convincing standard at [the alien’s] bond hearing.”); Pensamiento v. McDonald, 315 F. Supp. 3d 684 (D. Mass. 2018) (requiring government to prove dangerousness and flight risk); see also Foucha, 504 U.S. at 81–83 (1992) (striking down detention system that placed burden on detainee to prove non-dangerousness); Salerno, 481 U.S. 739, 750-52 (1987) (requiring proof of dangerousness by clear and convincing evidence).

47. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factor balancing test articulated in Mathews v. Eldridge, 424 U.S. 319, 335 (1976).

48. First, the civil detention authorized by Section 1226(c) deprives the Petitioner of his liberty interest. Second, the risk of error is great when detainees like the Petitioner are incarcerated in prison-like conditions that severely hamper their ability to gather evidence and prepare for a bond hearing. Third, placing the burden on the government imposes minimal cost or inconvenience, as the government has access to the Petitioner’s immigration records and other information that it can use to make its case for continued detention. Therefore, subjecting the government to a heightened burden of proof strikes an appropriate balance between that individual interest and the government’s interest in protecting the community and in effective removal procedures, affording the Petitioner the fundamental requirement of due process rights.

49. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen’s appearance during removal

proceedings. Zadvydas, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. See Bell v. Wolfish, 441 U.S. 520, 538 (1979).

50. ICE’s alternative to detention program—the Intensive Supervision Appearance Program—has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. Hernandez v. Sessions, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP “resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings”). It follows that alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

B. JURISDICTION OF IMMIGRATION COURTS TO HOLD BOND HEARINGS

51. As to jurisdictional grounds, notwithstanding recent administrative disputes on this issue, Petitioner maintains that Immigration Judges retain clear statutory authority to conduct custody redetermination hearings, and he respectfully requests that this Court recognize and affirm such jurisdiction, as 8 U.S.C. § 1226 governs Petitioner's detention.

52. The Immigration and Nationality Act (“INA”) establishes distinct detention regimes depending on whether a noncitizen is “seeking admission” to the United States. See Jennings, 583 U.S. 281, 288-89 (2018). First, § 1225 governs noncitizens detained at a port of entry or shortly after entry, who are treated as “[noncitizens] seeking admission.” Dep’t of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 140 (2020). Absent clear exceptions not relevant here, § 1225 “mandates detention and affords no bond hearing.” Pu Sacvin v. De Anda-Ybarra, 2025 WL 3187432, at *1 (D.N.M.).

53. By contrast, § 1226(a) sets forth “the default rule” for detaining noncitizens “already in the country.” Jennings, 583 U.S. at 303. Section § 1226(a) authorizes the arrest and

detention of noncitizens, “on a warrant issued by the Attorney General ... pending a decision on whether [they are] to be removed.” Under federal regulations, noncitizens detained under § 1226(a) are entitled to individualized bond hearings at the “outset of detention.” Jennings, 583 U.S. at 306.

54. Therefore, consistent with the overwhelming majority of district courts to consider the issue, Petitioner submits that § 1226 governs here. See Barco Mercado v. Francis, 2025 WL 3295903, at *13 (S.D.N.Y.) (collecting 362 district-court opinions nationwide and noting that challengers prevailed in at least 350 of them, in decisions by over 160 judges across fifty courts); Pu Sacvin, 2025 WL 3187432 (Gonzales, J.); Danierov v. Noem, 2026 WL 45288, at *2 (D.N.M.).

55. Immigration and Customs Enforcement arrested Petitioner more than two years after his initial entry into the United States and did not apprehend him at or anywhere near the border. Accordingly, under the plain language of the statute and established principles of statutory construction, § 1225’s mandatory detention provision does not apply because Petitioner effected an entry into the United States by living here for nearly three years.

56. Therefore, the Immigration Court has clear jurisdiction under 8 U.S.C. § 1226(a) to conduct a custody redetermination hearing and to order Respondent’s release on bond or other appropriate conditions, as mandatory detention under § 1225 is inapplicable.

**CAUSE OF ACTION: PETITIONER’S DETENTION VIOLATES THE DUE PROCESS
CLAUSE OF THE FIFTH AMENDMENT**

57. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

58. Immigration detention violates due process unless such detention is reasonably related to its purpose. Demore, 538 U.S. at 513 (2003); Zadvydas, 533 U.S. at 690-91 (2001).

Moreover, as detention becomes prolonged, the Due Process Clause requires an even stronger justification to outweigh the significant deprivation of liberty, as well as strong procedural protections. Id.

59. Petitioner's detention, in the absence of an individualized determination of his dangerousness or flight risk, lacks sufficient justification and violates his due process rights.

60. Moreover, Petitioner has a substantial argument against removal. Therefore, the assumption underlying Demore that noncitizens who have conceded deportability uniformly present elevated risk of flight and danger does not apply here. Petitioner cannot reasonably be subject to an irrebuttable presumption of flight risk and danger necessitating mandatory detention.

61. For the foregoing reasons, only Petitioner's immediate release or an immediate bond hearing at which the government bears the burden to prove Petitioner's danger and flight risk will protect his due process rights and the government's legitimate interest in detaining a removable alien only when it is necessary to serve the purposes of Section 1226(c).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court

- (1) Assume jurisdiction over this matter;
- (2) Issue a writ of habeas corpus ordering that Petitioner
 - a. be immediately released from the physical custody of the Respondents, *or, in the alternative*, ordering that Petitioner
 - b. be provided an individualized bond hearing before an Immigration Judge, at which the Petitioners bear the burden of proving by clear and convincing evidence that

Petitioner is a danger to the community or a flight risk to justify his continued detention; and

(3) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this April 17, 2026.

A black rectangular redaction box covers the signature area, with two white diagonal lines crossing in the center.

Erkin Tukhlaev
Petitioner

In the custody of the federal government,
Imperial Regional Detention Facility
1572 Gateway Road
Calexico, CA 92231