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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

AKMAL SOLIEV,
Petitioner, Pro se

v.

**WARDEN/OFFICER-IN-CHARGE,
BROOKLYN METROPOLITAN DETENTION CENTER
80 29TH STREET, BROOKLYN, NY 11232**

TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;

MARKWAYNE MULLIN, Secretary of Homeland Security;

TODD BLANCHE, Attorney General of the United States,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF;
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

INTRODUCTION

Petitioner Akmal Soliev, a citizen of Uzbekistan (Alien No. [REDACTED] 7), petitions this Court for a writ of habeas corpus, a temporary restraining order (TRO), and a preliminary injunction. Petitioner was paroled into the United States on March 22, 2022, enrolled in ICE's Intensive Supervision Appearance Program (ISAP), and has complied with every supervision requirement imposed upon him since that date. His immigration case remains pending before the Elizabeth, New Jersey Immigration Court—no final order of removal has been entered.

On April 21, 2026, at approximately 7:30 PM, ICE officers appeared without warning at Petitioner's home at [REDACTED]. No judicial warrant was presented at any point. Without permitting Petitioner to speak, officers physically restrained his arms and forced him into a government vehicle. Officers also forcibly seized and removed Petitioner's two adult daughters, who were not subjects of any warrant. The entire incident—witnessed by Petitioner's wife and minor son and captured on home video—was conducted without any judicial authorization.

Petitioner's detention is unlawful. His arrest violated the Fourth and Fifth Amendments, 8 U.S.C. § 1357, and governing regulations. He has received no bond hearing. No final order of removal authorizes his continued confinement. This Court has jurisdiction and authority to order his immediate release.

PARTIES

Petitioner Akmal Soliev is a citizen of Uzbekistan, born [REDACTED], in Tashkent, Uzbekistan. Alien Registration Number [REDACTED]. Resident at [REDACTED].

Respondent Warden/Officer-in-Charge is the immediate custodian responsible for Petitioner's day-to-day confinement at the Brooklyn Metropolitan Detention Center.

Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement with overall authority over ICE operations and Petitioner's detention.

Respondent Markwayne Mullin is the Secretary of Homeland Security.

Respondent Todd Blanche is the Attorney General of the United States with supervisory authority over immigration proceedings.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and the Fourth and Fifth Amendments to the United States Constitution. *INS v. St. Cyr*, 533 U.S. 289 (2001). Venue is proper in this District because Petitioner is currently detained at the Brooklyn Metropolitan Detention Center, located at 80 29th Street, Brooklyn, New York, which is within the Eastern District of New York, and because his immediate custodian is subject to this Court's jurisdiction. 28 U.S.C. § 2241(d).

STATEMENT OF FACTS

A. Petitioner's Background and Immigration History

Petitioner is a married father residing with his family in Bridgewater, New Jersey. He entered the United States near Eagle Pass, Texas on March 6, 2022, and was apprehended by U.S. Border Patrol approximately 0.15 miles south of the port of entry. He was processed as a parole under 8 U.S.C. § 1182(d)(5), and on March 22, 2022, was formally paroled into the United States—a status memorialized by an official DHS parole stamp on his I-94 record.

Following his release, Petitioner immediately complied with ICE's supervision requirements. He was enrolled in the Intensive Supervision Appearance Program (ISAP), reported to his designated ICE office, and was scheduled for continuing check-ins, including an office visit on May 12, 2022 and a home visit on June 17, 2022. He received a Form PD G-56 directing him to report to his local ICE office within 15 days of release—and he did so. Petitioner was at all times known to, tracked by, and in contact with ICE.

Petitioner's immigration case was docketed at the Elizabeth, New Jersey Immigration Court  As of April 29, 2026, EOIR's Automated Case Information System confirms the case is pending, with a docket date of April 22, 2026, and no final order of removal entered against Petitioner. No BIA appeal is pending.

B. The Warrantless Arrest of April 21, 2026

On April 21, 2026, at approximately 7:30 PM, Petitioner's wife, Mokhira Isakova, received a call from an unknown person informing her that her husband had been detained. She was outside the home at the time, walking with the couple's two adult daughters, Jasmina Isakova and Mubinakhon Isakova, toward the residence. The family immediately returned home.

Upon arrival, multiple ICE officers were stationed in front of the family's home. No judicial warrant was presented, displayed, or read aloud at any time during the encounter. An officer asked Ms. Isakova who she was; she identified herself as Petitioner's wife. The daughters identified themselves as Petitioner's daughters. Without legal justification and without presenting any warrant, officers physically grabbed the daughters' arms and, in a rough and forceful manner, pushed them into a government vehicle and drove away. Ms. Isakova pleaded with officers not to take her daughters, informing them that one daughter's wedding was scheduled for May 1, 2026. The officers provided no response and no legal basis for the daughters' seizure.

Shortly thereafter, Petitioner arrived home by car. As soon as he stepped out of his vehicle, ICE officers did not permit him to speak, immediately twisted his arms, and forcibly placed him into a government vehicle. At no point was any judicial warrant produced or shown to Petitioner. The entirety of these events was recorded on home video by Ms. Isakova.

Upon information and belief, no judicial officer authorized Petitioner's arrest. No warrant was issued by any court. The arrest was carried out solely on the basis of an administrative ICE document—if any authorization existed at all—issued by an ICE officer, not a neutral and detached magistrate.

GROUND FOR HABEAS RELIEF

GROUND ONE: WARRANTLESS ARREST AT THE PETITIONER'S HOME VIOLATES THE FOURTH AMENDMENT

The Fourth Amendment guarantees the right of persons to be secure against unreasonable seizures and provides that no warrants shall issue except upon probable cause and judicial authorization. Warrantless arrests in or immediately outside the home are “presumptively unreasonable.” *Payton v. New York*, 445 U.S. 573, 586 (1980). This protection extends to the

curtilage. *Florida v. Jardines*, 569 U.S. 1 (2013). An ICE administrative warrant—issued by an ICE officer under 8 C.F.R. § 287.5—is not a judicial warrant and does not satisfy the Fourth Amendment. No exigent circumstances existed. Petitioner had been actively complying with ISAP supervision; there was ample time to obtain judicial authorization. His arrest was therefore unconstitutional, and detention premised upon it cannot stand.

GROUND TWO: DETENTION WITHOUT DUE PROCESS VIOLATES THE FIFTH AMENDMENT

The Fifth Amendment's Due Process Clause protects all persons within the United States from arbitrary deprivation of liberty. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Petitioner was arrested without notice, without an opportunity to be heard, and without being informed of any legal basis for his detention. He was not permitted to speak before being physically restrained. No final order of removal has been entered against him. His immigration case remains pending before the Elizabeth, New Jersey Immigration Court. Prolonged detention without any individualized hearing before a neutral adjudicator violates the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510 (2003); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011).

GROUND THREE: PETITIONER IS ENTITLED TO AN IMMEDIATE BOND HEARING

Under 8 U.S.C. § 1226(a), detention pending removal proceedings requires a bond hearing before an Immigration Judge. The Third Circuit has held that prolonged civil immigration detention without an adequate individualized hearing raises serious constitutional concerns and requires the government to justify continued confinement by clear and convincing evidence. *Diop*, 656 F.3d at 231; *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469 (3d Cir. 2015). Petitioner presents no danger to the community and no meaningful risk of flight. He has resided at

the same address with his family, maintained continuous compliance with ISAP, and has every incentive to remain and participate in his pending immigration proceedings.

GROUND FOUR: THE ARREST VIOLATED 8 U.S.C. § 1357 AND GOVERNING REGULATIONS

Congress limits warrantless immigration arrests to circumstances where an officer has reason to believe the individual is likely to escape before a warrant can be obtained. 8 U.S.C. § 1357(a)(2). No such exigency existed. Petitioner was enrolled in ISAP, actively monitored, and consistently compliant. ICE's own records confirm his supervision and reporting history. Moreover, 8 C.F.R. § 287.8(c)(2) required that Petitioner be advised of the reason for his arrest and given an opportunity to respond. None of these safeguards were observed. Petitioner was physically restrained before he could speak a single word.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Petitioner moves this Court under Fed. R. Civ. P. 65 for an immediate temporary restraining order and preliminary injunction. All four required elements are satisfied.

I. Likelihood of Success on the Merits

Petitioner is likely to succeed. He was arrested at his home without a judicial warrant. His case remains pending—no final order of removal has been entered. He was in active ISAP compliance at the time of arrest, providing no basis for a warrantless arrest under § 1357(a)(2). He has received no bond hearing. These facts establish a substantial likelihood of success on each constitutional and statutory ground stated above.

II. Irreparable Harm

Every day of unlawful detention is itself irreparable. More urgently, Petitioner faces removal to Uzbekistan that would sever him from his family—including a daughter whose

wedding was set for May 1, 2026—and extinguish his pending immigration proceedings. Once removed, Petitioner’s ability to pursue relief through the Elizabeth Immigration Court would be permanently destroyed. Removal without due process is irreparable harm of the highest order. The government’s video-recorded unlawful conduct, left unremedied, would also chill Fourth and Fifth Amendment rights among similarly situated persons.

III. Balance of Hardships

The balance tips decisively in Petitioner’s favor. He faces indefinite unlawful detention and potential removal without any hearing. Respondents face only the obligation to comply with the Constitution—to hold a bond hearing and refrain from removal while this Court considers a petition that raises serious and un rebutted constitutional violations. No cognizable governmental interest is served by removing a compliant ISAP enrollee whose case is pending and who was arrested at his home without judicial authorization.

IV. Public Interest

The public interest strongly favors relief. There is no public benefit in permitting ICE to conduct warrantless home raids against individuals who are actively complying with supervision, whose cases are pending, and against whom no removal order has been entered. The public interest lies in requiring the government to respect constitutional limits on its enforcement authority—limits that exist precisely to protect all persons within the United States from arbitrary seizure.

RELIEF REQUESTED

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

1. Issue a Writ of Habeas Corpus ordering the Petitioner’s immediate release from ICE custody;

2. Issue a Temporary Restraining Order immediately enjoining the Respondents from removing, deporting, or transferring the Petitioner outside this District pending resolution of this petition;
3. Issue a Preliminary Injunction continuing the above relief through final adjudication;
4. Declare that the Petitioner's arrest and detention without a judicial warrant violates the Fourth and Fifth Amendments to the United States Constitution;
5. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

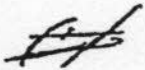


Petitioner Akmal Soliev
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Phone: 646-740-8866

CERTIFICATE OF SERVICE

I hereby certify that on 04/30/2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and Emergency Motion for Temporary Restraining Order and Preliminary Injunction to be served upon Respondents by the method indicated below:

ICE Office of Chief Counsel — New York
26 Federal Plaza, Room 1130
New York, NY 10278



Petitioner / Pro Se
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Automated Case Information

Name: SOLIEV, AKMAL | A-Number:  |
Docket Date: 4/22/2026



Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information



BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

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EOIR Automated Case Information



DEPARTAMENTO DE SEGURIDAD INTERNA
Servicio de Inmigración y Control de Aduanas de los Estados Unidos

PD G-56

Nombre: AKMAL SOLIEV

Número del
Expediente:

Fecha: 03/07/2022

Fecha de Nacimiento:

Domicilio:

Favor de presentarse con este aviso en la oficina local de ICE cuando sea solicitado

UBICACIÓN DE LA OFICINA	Las oficinas locales de ICE están enumeradas en el documento adjunto titulado "Oficinas Locales de ICE". Favor de llamar al 1-888-351-4024 si usted necesita asistencia en localizar o reportarse a su oficina local de ICE.
FECHA LÍMITE SOLICITUD	Debe presentarse en su oficina local de ICE en los 15 días siguientes de su puesta en libertad. Preséntese ante un Oficial de Deportación de ICE para que continúe su tramitación y consideración para su inscripción en un Programa Alternativo a la detención (ATD, por sus siglas en inglés).
MOTIVO DE LA CITA	Usted ha sido puesto en libertad a discreción del Servicio de Aduanas y Protección Fronteriza de los Estados Unidos y ahora debe ponerse en contacto con su oficina local para completar la tramitación. Reportarse con ICE asegurará de que el Departamento de Seguridad Interna (DHS, por sus siglas en inglés) tiene su domicilio e información de contacto actualizados. Una vez que se presente con ICE por primera vez, será evaluado para cumplir con los requisitos de presentación continua que pueden incluir la presentación en persona. El no reportarse a la oficina local de ICE puede resultar en su detención o se le coloque en formas adicionales de supervisión o monitoreo.
TRAIGA CON USTED	Documentos de identificación (acta de nacimiento, documentos de identidad emitidos por el gobierno, tales como licencia de conducir o cédula) y todos los documentos de inmigración.