

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

RUFAT TUKHVATULIN,

A#

Petitioner,

V.

JASON STREEVAL, Warden, Stewart
Detention Center;

GEORGE STERLING, Field Office
Director, U.S. Immigration and
Customs Enforcement, Atlanta;

MARKWAYNE MULLIN, Secretary,
U.S. Department of Homeland Security;

TODD BLANCHIE, Attorney General
of the United States,

Respondents.

[illegible]

Civil Action No. _____

**VERIFIED
PETITION FOR WRIT OF
HABEAS CORPUS UNDER
28 U.S.C. § 2241 AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**EXPEDITED
CONSIDERATION
REQUESTED**

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241 AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Rufat Tukhvatullin asks this Court to end his unconstitutional confinement at Stewart Detention Center. He has lived in the United States for nearly four years on parole. He

filed his asylum application within the statutory deadline. He attended every scheduled appointment. He has no criminal conviction. Yet he sits in detention with no avenue to seek bond, because federal regulation strips the immigration judge of jurisdiction to consider release for any noncitizen labeled an arriving alien. See 8 C.F.R. § 1003.19(h)(2)(i)(B).

2. The label is a legal fiction. The man is real. He has built a life in this country, complied with every condition of parole, and faces no charge graver than a property-damage traffic misdemeanor for which the Magistrate Court of Cobb County set a \$5,000 bond. The Fifth Amendment forbids the United States to detain him indefinitely without a hearing. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
3. Any attempt to classify Petitioner as an “arriving alien” subject to mandatory detention under 8 U.S.C. § 1225(b), and to justify his continued confinement without bond on that basis, is legally erroneous. Petitioner’s custody is governed by 8 U.S.C. § 1226(a), which expressly contemplates discretionary detention and individualized determinations regarding release on bond.
4. This case falls squarely within the parameters of *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 ((M.D. Ga. Nov. 24, 2025) in which the Middle District of Georgia held that noncitizens found in the United States without inspection are entitled to discretionary bond hearings under Section 1226(a). The Court recently issued a Standing Order recognizing that the Governments continued refusal to provide bond hearings in such cases constitutes an administrative judicial emergency and authorizing expedited screening and immediate relief.

5. There are only two categories of noncitizen lacking valid entry documents who are amenable to expedited removal: (1) certain individuals who are “arriving in the United States,” and (2) subject to the designation by the Secretary of Homeland Security, “certain other” noncitizens who have “**not been admitted or paroled**” into the United States, and who cannot establish two years continuous physical presence. 8 U.S.C. § 1225(b)(1)(A)(i), (A)(iii).
6. The statute does not define the term “arriving.” *CHIRLA v. Noem*, --- F. Supp. 3d ---, 2025 WL 2192986, at *27 (D.D.C. Aug. 1, 2025). The plain language and historical context demonstrate, though, that “arriving” in § 1225(b)(1)(A)(i) refers to individuals **in the process of coming** into the United States at a port of entry. First, the ordinary meaning of “arriving” supports the conclusion that the noncitizen is in the process of reaching the United States. The dictionary definition of “arriving” includes “to reach a destination,” “to make an appearance” and “to be near in time.” Merriam-Webster Dictionary, available at <https://www.merriam-webster.com/dictionary/arriving>. Thus, “[r]ead according to its plain meaning, a noncitizen ‘arriving’ in the United States would be one who is in the process of reaching his or her destination (the United States) and making an appearance here.” *CHIRLA*, 2025 WL 2192986, at *28. “Arriving in” would not, however “be read to refer to someone who previously reached the United States via port of entry, underwent inspection at that port of entry, and then was paroled into the United States[.]” *Id.* Additionally, the present-progressive tense connotes continuation, rendering “is arriving in the United States” a phrase referring to people actively in that process, which necessarily ends once the destination (the United States) is reached. Consistent with that construction, other provisions of the INA use the term “‘arrive,’ or some conjugation thereof, to reference

physical arrival at a port of entry.” *Id.* (citing 8 U.S.C. §§ 1225(b)(1)(F), (b)(2)(C), (d)(2)); *accord Doe v. Noem*, 152 F.4th 272, 288 (1st Cir. 2025). Thus, the plain language of the statute is best read to mean that the “arriving in” provision only applies to noncitizens who are **physically in the process of coming** into the United States at a port of entry. *CHIRLA*, 2025 WL 2192986, at *27-29. Clearly, Petitioner was not “arriving in” the United States when ICE detained him but rather was apprehended in the interior more than two years after he already entered.

7. The regulations support this result. 8 C.F.R. § 235.3(b)(1)(i) provides that “arriving aliens, as defined in 8 C.F.R. § 1.2” are subject to expedited removal. Section 1.2 defines an “arriving alien” to include “an applicant for admission coming or attempting to come into the United States at a port-of-entry, or a [noncitizen] seeking transit through the United States at a port-of-entry,” or a noncitizen interdicted at sea. The regulation continues: “An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the Act, [8 U.S.C. § 1182(d)(5)] and even after any such parole is terminated or revoked.” 8 C.F.R. § 1.2. This is because a parole is not an admission into the United States, it is instead temporary authorization to be present in the United States. 8 U.S.C. § 1182(d)(5)(A). Accordingly, a noncitizen is an arriving alien under the regulation while in the process of “coming or attempting to come into the United States,” while paroled, or at the time such parole is terminated or revoked. *Id.* At the point the parole ends and the government may process for admission or pursue available removal efforts. *CHIRLA*, 2025 WL 2192986, at *26 (discussing 8 C.F.R. § 212.5(e)(2)(i)).

8. The parole statute reinforces that result. The statute provides that a noncitizen “shall continue to be dealt with in the same manner as that of any other applicant for admission”

when the parole ends. 8 U.S.C. § 1182(d)(5)(A). But “applicant for admission” is necessarily broader than § 1225(b)(1)’s application to a noncitizen who is “arriving in the United States.” An applicant for admission is either an individual “present in the United States who has not been admitted *or* [an individual] who arrives in the United States.” 8 U.S.C. § 1225(a)(1). Under this definition, a parolee is always an applicant for admission, including when they have parole status. So it makes sense that the government would “continue to” deal with a parolee’s case like any other applicant for admission, as the operative fact—presence in the United States without admission—did not change from the time the noncitizen was allowed into the United States through the time the parole ended. But that does not mean Petitioner is always “arriving in” the United States. Once Petitioner was inspected and paroled into the United States, he was no longer arriving aliens and § 1225(b) could not apply to him.

9. Notwithstanding the above nuances regarding Petitioner’s parole, this case falls squarely within the parameters of *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 ((M.D. Ga. Nov. 24, 2025) in which the Middle District of Georgia held that noncitizens found in the United States without inspection are entitled to discretionary bond hearings under Section 1226(a). The Court recently issued a Standing Order recognizing that the Government’s continued refusal to provide bond hearings in such cases constitutes an administrative judicial emergency and authorizing expedited screening and immediate relief.

10. Any argument that the parole froze Petitioner’s “status” to that of an arriving alien forever, such that he remained as-if he was at the border, seemingly for perpetuity, even though he

had been allowed to come into the United States fails. This argument is grounded in the so-called “entry fiction” doctrine, under which a paroled noncitizen was considered in the same position as if they were still standing at the border. *See Ibragimov v. Gonzales*, 476 F.3d 125, 136-38 (2d Cir. 2007); *CHIRLA*, 2025 WL 2192986, at *23. The current statutory scheme does not support a conclusion that entry fiction should apply to render parolees amenable to expedited removal. See e.g., *American-Arab Anti-Discrimination Committee v. Ashcroft*, 272 F. Supp. 2d 650, 668 (E.D. Mich. 2003) (concluding that expedited removal cannot lawfully be applied to a noncitizen whose parole had expired or terminated under the theory that the noncitizen was an “arriving alien” despite having “resid[ed] in the interior of the United States for some time”). The parole statute does not provide a noncitizen with a specific status at the expiration of the parole, but DHS has no authority to detain such noncitizens under 8 U.S.C. 1225(b), since they are far removed from “seeking admission” or trying to enter the country.

11. For the foregoing reasons, issuance of the writ of habeas corpus is warranted. Petitioner seeks a declaratory judgment from this Court affirming that his detention should be under 8 U.S.C. § 1226(a). The Petitioner requests an order for his immediate release without restrictions or conditions due to his unlawful arrest. Alternatively, the Petitioner seeks an order for a discretionary bond hearing under § 1226(a) before an Article III judge, where the government must prove by clear and convincing evidence that he is a danger to the community or a flight risk. Additionally, the Petitioner requests that Respondents be prohibited from re-detaining him or put any restraints on his liberty unless they can meet the same evidentiary standard.
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12. Petitioner seeks immediate release on conditions of supervision. In the alternative, he asks this Court to order Respondents to produce him, within seven days, before a neutral decisionmaker who must justify continued detention by clear and convincing evidence.

JURISDICTION AND VENUE

13. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241(c)(3) (federal custody in violation of the Constitution); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (mandamus); 28 U.S.C. § 2201 (declaratory judgment); and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.
14. The REAL ID Act preserves habeas review of detention claims that do not challenge a final order of removal. 8 U.S.C. § 1252(a)(5); *Madu v. U.S. Att’y Gen.*, 470 F.3d 1362, 1367 (11th Cir. 2006). Petitioner challenges his physical custody, not any removal order.
15. Venue lies in this District because Petitioner is confined at Stewart Detention Center, 146 CCA Road, Lumpkin, Stewart County, Georgia, within the Columbus Division, M.D. Ga. L.R. 3.4. The proper respondent in a § 2241 petition is the immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004).

PARTIES

16. Petitioner Rufat Tukhvatullin is a 50-year-old citizen of the Russian Federation, born [REDACTED]. He is detained at Stewart Detention Center under A# [REDACTED] (Ex. E, NTA.)
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17. Respondent Jason Streeval is the Warden of Stewart Detention Center and the immediate custodian of Petitioner. He is being sued in his official capacity.

18. Respondent George Sterling is the Field Office Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement. He directs the detention of Petitioner. He is being sued in his official capacity.
19. Respondent Mark Wayne Mullin is the Secretary of Homeland Security and has ultimate authority over Petitioner's detention. He is being sued in his official capacity.
20. Respondent Todd Blanche is the Attorney General of the United States and oversees the Executive Office for Immigration Review. He is being sued in his official capacity.

EXHAUSTION

21. No administrative remedy is available. The governing regulation strips the immigration judge of any jurisdiction to consider release for an arriving alien. 8 C.F.R. § 1003.19(h)(2)(i)(B). Exhaustion would be futile. *McCarthy v. Madigan*, 503 U.S. 140, 147-48 (1992).

STATEMENT OF FACTS

A. Petitioner Has Lived in the United States Lawfully on Parole for Nearly Four Years

22. Petitioner is a citizen of the Russian Federation. He entered the United States on June 2, 2022, near Otay Mesa, California. (Ex. E, NTA at 1.)
 23. DHS records reflect that an asylum officer found Petitioner had demonstrated a credible fear of persecution. (Ex. E, NTA at 1.)
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24. DHS paroled Petitioner into the United States. He was issued a notice to appear on June 3, 2022 and scheduled for a master calendar hearing on January 9, 2023. He timely filed

Form I-589, Application for Asylum and for Withholding of Removal. He was granted an employment authorization document and allowed to remain free in the United States. Petitioner resides in Tampa, Florida. He resides with his wife and child, age eight, who were paroled into the United States with him. They filed a joint asylum application.¹

B. The Traffic Incident Did Not Threaten Public Safety

25. Petitioner is employed as a truck driver. He was in a minor accident on February 20, 2026 in Cobb County, Georgia, which resulted in DHS taking him into their custody, and he has remained detained since that time. He was transferred to ICE custody and has remained at Stewart Detention Center since April 13, 2026. Any attempt to seek bond from an immigration judge would have been pointless under *Matter of Yajure Hurtado*, 29 I & N 216 (BIA 2025). No administrative remedy is available to the Petitioner to seek bond or to seek release from custody. Petitioner's truck made minor contact with a 2015 Acura TLX in the adjacent lane. Property damage was confined to mirrors and a bumper.
26. Both occupants of the Acura, Louis Lanus (age 68) and Deloris Lanus (age 64), reported "Injury: 0" on the official report.
27. The investigating officer charged Petitioner with three traffic misdemeanors: Hit and Run, Misdemeanor Property Damage, O.C.G.A. § 40-6-270(c); Prohibited Lane Usage by Trucks, O.C.G.A. § 40-6-52(b); and Improper Lane Change/No Signal, O.C.G.A. § 40-6-123(b). (Ex. B Bond Order.)

¹ If Petitioner remains detained, his case will be separated from that of his wife and child, and will move faster than his other family members' cases.

28. On March 13, 2026, the Magistrate Court of Cobb County, Georgia (Judge Quinn Kasper) set bond at \$5,000 with standard pretrial conditions. (Ex. B.) The court did not impose any condition typically associated with a danger to the community: no firearm prohibition, no ankle monitor, no anger management, and no mental-health evaluation. (Ex. B.)
29. Petitioner's criminal defense counsel, Olga Izmaylova of Sabbak & Izmaylova PC, has reviewed the available video and photographic evidence. She concludes that Petitioner did in fact stop when the accident occurred, that the Hit and Run charge was improperly applied, and that, properly charged, Petitioner would have received only two traffic citations and would not have been arrested. (Ex. C, Case Evaluation Letter.) Petitioner's charges remain pending in Cobb County. He has been unable to resolve them because he was transferred to ICE custody.
30. The misdemeanor offense of leaving the scene of an accident causing only property damage carries a maximum sentence under Georgia law of less than twelve months. O.C.G.A. §§ 40-6-270(c), 17-10-3(a). It is not a crime involving moral turpitude. It is not an aggravated felony. It does not trigger mandatory detention under INA § 236(c). 8 U.S.C. § 1226(c).
31. Petitioner has no other criminal record.

C. Petitioner's Employer Confirms His Reliability and Lack of Danger

32. Petitioner is employed as an Owner-Operator with Rapid Runner Trans Inc., a federally regulated commercial transportation company headquartered in Philadelphia,

Pennsylvania. (Ex. D, Support Letter.) The company holds USDOT Number 3306744 and Motor Carrier Number 1049659. (Ex. D.)

33. Tuhtaboy Dummatov, the company's owner, attests in writing that Petitioner has consistently demonstrated a high degree of professionalism, reliability, and integrity. (Ex. D.) Mr. Dummatov further attests that Petitioner has no history of workplace misconduct, disciplinary actions, or behavioral concerns, and that he has earned the trust of management and colleagues. (Ex. D.)
34. Mr. Dummatov states in his professional capacity that he has no reason to believe that Petitioner poses any risk to public safety or the community, and that Petitioner is an essential member of his operations. (Ex. D.)

D. ICE Re-Detained Petitioner Without a Bond Hearing

35. On April 13, 2026, ICE officers detained Petitioner and transferred him to Stewart Detention Center.
36. DHS has issued no written notice of parole revocation under 8 C.F.R. § 212.5(e). DHS has identified no individualized finding that Petitioner is a flight risk or a danger to the community.
37. On June 3, 2022, DHS issued a Notice to Appear charging Petitioner with inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) and labeling him an arriving alien. (Ex. E.) The Notice itself acknowledges that an asylum officer previously found credible fear. (Ex. E at 1.)²

² The Notice to Appear contains a type in the Petitioner's A file number, listing it incorrectly. The correct A number is indicated on this Petition A 

38. On May 1, 2026, the Immigration Court at Lumpkin, Georgia, held a master calendar hearing and continued the case for further pleadings. The next master calendar hearing is scheduled on May 19, 2026.
39. Because DHS classifies Petitioner as an arriving alien, the Immigration Judge has no jurisdiction to consider release on bond. 8 C.F.R. § 1003.19(h)(2)(i)(B). DHS has provided no individualized custody review.

VII. ARGUMENT

JURISDICTIONAL BAR TO BOND HEARING

40. Petitioner was treated as an arriving alien; the Immigration Judges will conclude that INA § 1225(b) deprived the court of authority to review ICE's custody determination. Relying on agency interpretations of the immigration detention statutes, the Immigration Judges declined to consider whether Petitioner's continued detention was justified by any flight risk or danger he might pose. No individualized assessment of Petitioner's suitability for release was ever conducted.

41. This categorical jurisdictional bar foreclosed any meaningful review of Petitioner's detention at an early stage of his confinement. Petitioner was denied the basic procedural safeguard of a bond hearing, even as his detention began and continued for over a month. The ordinary process by which a detainee could seek reconsideration of custody status was entirely unavailable to Petitioner, setting the stage for his prolonged confinement without the benefit of the case-by-case evaluation that Congress ordinarily provides in INA § 1226(a) custody redeterminations.

PROLONGED DETENTION WITHOUT A BOND HEARING

42. As Petitioner's removal case progresses, he will remain jailed without any opportunity for release. By late 2025, multiple federal district courts in Georgia had issued

decisions recognizing that noncitizens in Petitioner's circumstances, longtime residents detained within the United States and charged under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i) are entitled to individualized bond hearings under 8 U.S.C. § 1226(a), notwithstanding DHS's contrary view. The Eleventh Circuit Court of Appeals has also issued a decision finding a bond hearing under 8 USC § 1226 is appropriate in these cases yesterday in *Hernandez Alvarez v. Warden, Federal Det. Ctr. Miami et al*, _____ F 4th _____ No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026).

43. Despite this growing body of case law, the Immigration Judges at the Stewart Immigration Court continue to apply a blanket rule that they cannot entertain a bond request. The Immigration Judges will refuse to evaluate Petitioner's individual circumstances and make any findings as to whether Petitioner might be a flight risk or a danger to the community.

44. As a result, Petitioner remains detained based solely on a legal interpretation that denies him any opportunity for an individualized custody review. More than a month has passed since Petitioner was first confined, and during that time he has never had a hearing to determine whether his detention is necessary or justified based on the merits of whether he is a flight risk or a danger to the community. Less restrictive alternatives to incarceration, such as release on a reasonable bond or other conditions, have never been considered.

45. The continued categorical denial of a bond hearing has left Petitioner with no administrative avenue to secure his freedom while he awaits the resolution of his immigration case.

PETITIONER'S ARREST AND DETENTION ARE UNLAWFUL *AB INITIO*

46. Petitioner's detention is unlawful from its very inception because his arrest by ICE violated the clear and restrictive statutory framework established by Congress. The Immigration and Nationality Act (INA) provides only two potential authorities for a civil immigration arrest in

the interior of the United States. The primary authority, 8 U.S.C. § 1226(a), explicitly requires that an arrest be conducted “[o]n a warrant issued by the Attorney General”. The statute provides a narrow exception to this rule in 8 U.S.C. § 1357(a)(2), which permits a warrantless arrest only where an officer has reason to believe the individual is unlawfully present and is “likely to escape before a warrant can be obtained.” Respondents satisfied neither of these statutory requirements, rendering the seizure of Petitioner a legal nullity from the outset

47. The warrantless seizure of Petitioner was statutorily invalid because Respondents could not possibly meet the exigency requirement of 8 U.S.C. § 1357(a)(2). The “likely to escape” determination is a mandatory prerequisite, not mere surplusage. *See United States v Pacheco-Alvarez*, 227 F. Supp. 3d 863, 878 (S.D. Ohio 2016). Here, Petitioner was not likely to escape; he had been reporting to ICE, filed for asylum, filed Temporary Protected Status, and possessed a work permit. He also has numerous family ties to North Carolina including his siblings, his partner who he lives with, and now, their baby. As courts have recognized, the government cannot justify a warrantless arrest under this exception without an “individualized assessment” of flight risk, and the argument that any person in local custody is inherently likely to escape upon release has been rejected. Since the exception for a warrantless arrest is inapplicable, Respondents’ only remaining authority was 8 U.S.C. § 1226(a), which required a warrant that Respondents did not possess. Having failed under both statutory provisions, the arrest was void *ab initio*.

48. An arrest conducted without statutory authority is an unreasonable seizure under the Fourth Amendment. The constitutional violation here may be compounded if the initial stop was predicated on impermissible racial profiling rather than specific, articulable facts suggesting unlawful activity.

49. In this case, Petitioner was granted parole in order to apply for asylum in January 2023 when ICE released him. He timely filed for asylum within 1 year of entry to the US in October 2023. Petitioner was then placed in INA § 240 proceedings or proceedings under 8 U.S.C. § 1229a which are regular removal proceedings where Petitioner has the right to bring any claim for relief from removal that the Immigration Judge can grant, including asylum and withhold of removal.

CAUSES OF ACTION

COUNT I

Procedural Due Process: Detention Without a Bond Hearing Fifth Amendment to the United States Constitution

50. Petitioner incorporates by reference all preceding paragraphs.
51. Freedom from physical restraint lies at the heart of the liberty that the Due Process Clause protects. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
52. The Due Process Clause applies to every person within the United States, without regard to whether their presence here is lawful, unlawful, temporary, or permanent. *Zadvydas*, 533 U.S. at 693.
53. To detain a noncitizen for a prolonged period, the government must afford an individualized hearing where it carries the burden of proof. *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring).
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54. Although *Jennings v. Rodriguez*, 583 U.S. 281 (2018), held that the immigration detention statutes do not by their text require periodic bond hearings, the Court expressly

remanded the constitutional question and did not foreclose as-applied due-process challenges. *Id.* at 313-14.

55. The procedural protection at issue here is modest. Petitioner asks only for a hearing. The *Mathews v. Eldridge* balancing of the private interest, the risk of erroneous deprivation, and the government interest favors a hearing. 424 U.S. 319, 335 (1976).
56. The private interest is the most fundamental of all: liberty.
57. The risk of error is high. DHS itself has determined that Petitioner is a credible asylum seeker. The arrest that triggered re-detention rested on a Hit and Run charge that defense counsel's evidentiary review concludes was improperly applied. (Ex. C.)
58. The government interest is minimal. A neutral decisionmaker can assess flight risk and dangerousness. The Cobb Magistrate Court did so and released Petitioner on a \$5,000 bond. (Ex. B.) Petitioner's commercial employer attests to his reliability and lack of danger. (Ex. D.)
59. Because 8 C.F.R. § 1003.19(h)(2)(i)(B) categorically denies any bond hearing to arriving aliens, its application to Petitioner violates the Fifth Amendment.

COUNT II

Substantive Due Process: Continued Detention Bears No Reasonable Relation to Any Legitimate Government Interest

60. Petitioner incorporates by reference all preceding paragraphs.
61. Detention violates substantive due process when it is not reasonably related to a legitimate, non-punitive purpose. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). Civil detention may not serve as punishment. *Bell v. Wolfish*, 441 U.S. 520, 538-39 (1979).

62. Detention pending removal serves two recognized purposes: ensuring appearance and protecting the public from danger. *Zadvydas*, 533 U.S. at 690.
63. Neither purpose justifies the detention here. The Cobb Magistrate Court declined to impose conditions associated with dangerousness when it set bond. (Ex. B.) Defense counsel's contemporaneous case evaluation describes the Hit and Run charge as improperly applied. (Ex. C.) Petitioner's employer of record attests in writing that he poses no risk to public safety. (Ex. D.)
64. Property-damage hit and run under Georgia law does not categorically constitute a crime involving moral turpitude. *Matter of Lopez-Meza*, 22 I&N Dec. 1188, 1193-94 (BIA 1999).
65. Detention here punishes Petitioner for the act of seeking asylum. That purpose is illegitimate.

COUNT III

Suspension Clause and the Limits of the Entry Fiction

U.S. Const. art. I, § 9, cl. 2

66. Petitioner incorporates by reference all preceding paragraphs.
67. The Suspension Clause guarantees the writ of habeas corpus as a check on executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745 (2008).
68. The entry fiction, which treats a paroled noncitizen as constructively detained at the border, does not survive its application to a man who has lived on United States soil for nearly four years, complied with every condition of release, and pursued a federally

authorized application for protection. *See Boumediene*, 553 U.S. at 764 (the reach of constitutional protection turns on practical, not formal, considerations).

69. To invoke the fiction here would convert a procedural label into a categorical license for indefinite detention. The Constitution forbids that result.

COUNT IV

Violation of 8 C.F.R. § 212.5(e):

Termination of Parole Without Notice or Cause

70. Petitioner incorporates by reference all preceding paragraphs.
71. DHS regulations require that parole continue until DHS provides written notice of revocation and an opportunity to respond. 8 C.F.R. § 212.5(e)(2)(i).
72. Petitioner has received no Form I-275 or equivalent revocation notice. DHS has identified no individualized basis for terminating his parole.
73. Detention pursuant to a non-compliant parole termination is unlawful and violates the Administrative Procedure Act. 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

Petitioner respectfully asks this Court to:

- A. Issue an order to show cause why the writ of habeas corpus should not issue, returnable within three days, pursuant to 28 U.S.C. § 2243;
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- B. Order Respondents to file the administrative record of Petitioner's detention within seven days;

- C. Set an expedited hearing on the petition;
- D. Declare that 8 C.F.R. § 1003.19(h)(2)(i)(B), as applied to Petitioner, violates the Fifth Amendment;
- E. Order Petitioner's immediate release on reasonable conditions of supervision;
- F. In the alternative, order Respondents to produce Petitioner before an immigration judge or this Court within seven days for an individualized bond hearing at which the government bears the burden of proving by clear and convincing evidence that detention is necessary to protect against flight or danger;
- G. Award reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- H. Grant any further relief the Court finds just.

Respectfully submitted, this 7th day of May, 2026.

/s/ Brian Kholodovsky
Brian Kholodovsky
Illinois Bar No. _____
(Pro Hac Vice Application Forthcoming)
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/s/ Rachel Efron Sharma
Rachel Efron Sharma
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Local Counsel for Petitioner

VERIFICATION

I, Brian Kholodovsky, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge based on my representation of Petitioner, the documents reviewed, and information furnished by Petitioner. Petitioner is unable to verify this petition personally because Respondents have confined him at Stewart Detention Center and limited his access to counsel. Authority to verify on his behalf rests with counsel of record.

Executed on May 7, 2026.

/s/ Brian Kholodovsky

Brian Kholodovsky

EXHIBIT INDEX

Ex. A	I-94 Showing Petitioner was Paroled into the US
Ex B	Bond Order, Magistrate Court of Cobb County (03/13/2026)
Ex. C	Case Evaluation Letter, Olga Izmaylova, Sabbak & Izmaylova PC (04/26/2026)
Ex. DC	Support Letter, Tuhtaboy Dummatov, Rapid Runner Trans Inc. (04/23/2026)
Ex. E	Notice to Appear (DHS Form I-862, 04/15/2026)