

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rakhim Rasulovich Shoimov v. Christopher Chestnut

No. 1:25-cv-1603 CSK (E.D. Cal. Jan. 6, 2026) · No. 1:25-cv-1603 CSK · Decided January 6, 2026

SUMMARY

The United States District Court for the Eastern District of California grants Rakhim Rasulovich Shoimov’s petition for a writ of habeas corpus challenging his immigration detention. The court holds that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A), governs his re-detention and that due process required a pre-deprivation bond hearing. The court orders his immediate release and bars re-detention unless the government establishes by clear and convincing evidence at a hearing before a neutral decisionmaker that he is a flight risk or danger to the community.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 6, 2026
DOCKET	1:25-cv-1603 CSK
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the legality of immigration re-detention.
STANDARD OF REVIEW	The court reviewed the legality of custody under 28 U.S.C. § 2241 and applied the Mathews v. Eldridge procedural due-process balancing test.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Rakhim Rasulovich Shoimov v. Christopher Chestnut, Warden, California City Detention Facility

TOPICS

immigration detention

procedural due process

statutory interpretation

removal proceedings

civil procedure

PRACTICE AREAS

immigration

habeas corpus

immigration detention

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Shoimov was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or discretionary detention under 8 U.S.C. § 1226(a).
2. Whether re-detaining Shoimov after his prior release without a pre-deprivation bond hearing violated the Due Process Clause.
3. Whether the facility warden was the proper respondent in a core habeas challenge to present physical confinement.

HOLDINGS

1. The warden of the facility where the petitioner is physically confined is the proper respondent in a core habeas challenge to present detention; the other named officials were dismissed.
2. Shoimov was detained under 8 U.S.C. § 1226(a), not mandatory detention under 8 U.S.C. § 1225(b)(2)(A), because he had resided in the United States for more than two years after being released under § 1226 and was not arrested upon arrival.
3. A noncitizen previously released under § 1226(a) has a protected liberty interest in continued release and must receive a pre-deprivation bond hearing before re-detention, where the government seeks to justify custody based on flight risk or danger to the community.

KEY QUOTATIONS

“Because petitioner is currently detained at the California City Detention Facility, the Warden, Christopher Chestnut, is the proper respondent.” (at 3)

“This Court also rejects the new interpretation of 8 U.S.C. § 1225(b)(2)(A) by respondent, and finds that petitioner is detained under 8 U.S.C. § 1226(a) and its implementing regulations” (at 8)

“An essential principle of due process is that a deprivation of life, liberty, or property be preceded by notice and opportunity for hearing appropriate to the nature of the case.” (at 13)

“Respondent is ENJOINED AND RESTRAINED from re-detaining petitioner unless the government demonstrates, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that petitioner is a flight risk or danger to the community such that his physical custody is legally justified.” (at 13)

FACTUAL BACKGROUND

Shoimov, a native of Uzbekistan, entered the United States in February 2023 and was placed in removal proceedings after being found near the United States-Mexico border. Immigration authorities detained him under 8 U.S.C. § 1226 and released him on his own recognizance, allowing him to remain outside custody for more than two years. ICE re-detained him during a routine check-in on October 15, 2025, without providing an individualized bond hearing, and the government did not contend that he was a flight risk or danger to the community.

PROCEDURAL HISTORY

Shoimov entered the United States in February 2023, was detained under 8 U.S.C. § 1226, and was released on his own recognizance. After ICE re-detained him on October 15, 2025, an immigration judge denied his custody-redetermination request. Shoimov filed this § 2241 habeas petition on November 20, 2025. The district court granted the petition, dismissed the improperly named respondents other than the facility warden, ordered immediate release, and barred re-detention absent a qualifying pre-deprivation bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent must release Shoimov immediately. Respondent is enjoined and restrained from re-detaining him unless the government demonstrates, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that he is a flight risk or danger to the community. The parties must file a joint status report within seven days.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)
- *Doe v. Garland*, 109 F.4th 1188, 1199 (9th Cir. 2024)
- *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)
- *Zadvydas v. Davis*, 533 U.S. 678, 687, 690, 693 (2001)
- *Rodriguez Vazquez v. Bostock*, 2025 WL 2782499, at *1, 21-22 (W.D. Wash. Sept. 30, 2025)
- *J.Y.L.C. v. Bostock*, 2025 WL 3169865, at *2 (D. Or. Nov. 12, 2025)
- *Cardona-Lozano v. Noem*, 2025 WL 3218244, at *6 (W.D. Tex. Nov. 14, 2025)
- *Faizyan v. Casey*, 2025 WL 3208844, at *5 (S.D. Cal. Nov. 17, 2025)
- *Josue I.C.A. v. Lyons*, 2025 WL 3496432, at 3 n.6 (E.D. Cal. Dec. 5, 2025)
- *Morales-Flores v. Lyons*, 2025 WL 3552841, at *3 (E.D. Cal. Dec. 11, 2025)
- *Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025)
- *Guerro Lepe v. Andrews*, 2025 WL 2716910, at *3-9 (E.D. Cal. Sept. 23, 2025)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
- *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001)

- Young v. Harper, 520 U.S. 143, 147-49 (1997)
- Gagnon v. Scarpelli, 411 U.S. 778, 782 (1973)
- Morrissey v. Brewer, 408 U.S. 471, 480-86 (1972)
- Gonzalez-Fuentes v. Molina, 607 F.3d 864, 887 (1st Cir. 2010)
- Saravia v. Sessions, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018)
- Perry v. Sindermann, 408 U.S. 593, 601-03 (1972)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189, 1206-07 (9th Cir. 2022)
- Hernandez v. Sessions, 872 F.3d 976, 981, 993 (9th Cir. 2017)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 963, 970 (N.D. Cal. 2019)
- Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542 (1985)

OPINION

Bondi

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 RAKHIM RASULOVICH SHOIMOV, No. 1:25-cv-1603 CSK

12 Petitioner, 13 v. ORDER 14 CHRISTOPHER CHESTNUT, Warden, California City Detention
Facility, 15 Respondent. 16 17 Petitioner, a native of Uzbekistan who entered the United States on
February 7, 2023, has 18 filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.1
Petitioner was initially 19 detained by immigration officials and released on his own recognizance
on February 9, 2023, 20 pursuant to 8 U.S.C. § 1226. On October 15, 2025, petitioner reported to
U.S. Immigration and 21 Customs Enforcement (“ICE”) in Baltimore where he was re-detained
pursuant to 8 U.S.C. 22 § 1225. Petitioner has been in continuous detention since October 15,
2025. This habeas action 23 concerns petitioner’s re-detention. For the reasons which follow, the
Court grants the petition for 24 a writ of habeas corpus and orders petitioner’s immediate release.
25 /// 26 /// 27 1 The parties have consented to the jurisdiction of a United States Magistrate Judge
pursuant to 28 28 U.S.C. § 636(c)(1). (ECF No. 12.)

1 I. FACTUAL BACKGROUND2

2 Petitioner is a native of Uzbekistan. (ECF No. 1-5 at 2.) On February 7, 2023, petitioner 3
entered the United States, and a border patrol agent found petitioner approximately 29 miles west
4 of the Calexico Port of Entry and 100 yards north of the United States-Mexico border. (ECF No.
5 1-3 at 2; No. 13 at 25.) Petitioner was determined to be “an alien present in the United States,” 6
without permission from the Department of Homeland Security (“DHS”), was arrested on

February 7, 2023, and was transported to the San Diego Area Detention Facility. (ECF No. 1-3 at 1; 1-5 at 2; 13 at 25.) He was taken into custody pursuant to 8 U.S.C. § 1226 (Section 236 of the Immigration and Nationality Act (“INA”)). (ECF No. 1-3 at 2; 13 at 25.) Petitioner expressed a fear of returning to Uzbekistan. (ECF No. 13 at 26.) On February 8, 2023, petitioner was issued a Notice to Appear on June 6, 2024 and placed in removal proceedings pursuant to 8 U.S.C. § 1229a (INA § 240) as “an alien present in the United States who has not been admitted or paroled” in violation of 8 U.S.C. § 1182(a)(6)(A)(i) (INA § 212(a)(6)(A)(i)). (ECF No. 1-5 at 2.) On February 8, 2023, petitioner was released into the United States on his own recognizance, expressly pursuant to 8 U.S.C. § 1226 (INA § 236). (ECF No. 1-4 at 2.) Petitioner was issued an Order of Release on Recognizance upon conditions set forth on ICE Form I-220A, which included enrollment in the Alternatives to Detention (“ATD”) program. (ECF No. 1-9 at 2-4.) Petitioner was warned that failure to comply with the conditions of his release “may result in revocation of [his] release and [his] arrest and detention” by ICE. (Id.) Petitioner signed the I-220A form, confirming he had been read and explained the form in Arabic, and had received a copy of the form. (ECF No. 1-5 at 3, 1-9 at 2.) Petitioner’s Order of Release on Recognizance was not canceled. (ECF No. 1-9 at 2 (section canceling release order due to failure to comply with release conditions remains blank).) Petitioner filed a verified habeas petition, attaching various documents from his immigration file, which respondent cites to in his response and does not dispute. A court “may treat the allegations of a verified ... petition [for writ of habeas corpus] as an affidavit.” *L. v. Lamarque*, 263 F.3d 919, 924 (9th Cir. 2003) (citing *McElyea v. Babbitt*, 833 F.2d 196, 197-98 (9th Cir. 1987)). By contrast, petitioner was not placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1) (INA § 235(b)(1)). In April 2023, petitioner applied for asylum based on his political opinion, and was issued a receipt notice on May 1, 2023. (ECF No. 1 at 8; 13 at 22.) On June 6, 2024, which was the date petitioner was ordered to appear in the Notice to Appear issued to petitioner on February 7, 2023 (ECF No. 1-5 at 2), the immigration judge closed the case for failure to prosecute. (ECF No. 1 at 2; 1-6 at 2.) Petitioner appeared for a routine check-in with ICE officials on October 15, 2025, and was detained. On October 15, 2025, DHS issued petitioner a Notice to Appear and placed in removal proceedings pursuant to 8 U.S.C. § 1229a (INA § 240) as “an alien present in the United States who has not been admitted or paroled” in violation of 8 U.S.C. § 1182(a)(6)(A)(i) (INA § 212(a)(6)(A)(i)). (ECF No. 1-7 at 2.) This October 15, 2025 Notice to Appear did not charge petitioner with violating any conditions of his release or refer to any alleged release violations. Respondent submitted an unsigned declaration from Deportation Officer Samuel Medina Jr. (ECF No. 13 at 16-18), claiming that petitioner was taken into custody on October 15, 2025 for ATD violations, including “a missed biometric check-in” on March 3, 2023 and “failed home visits” on June 15, 2023, December 27, 2024, and February 21, 2025. (ECF No. 13 at 17.5) Petitioner

16 asserts, in his verified habeas petition, that he has complied with all his release conditions. (ECF

17 No. 1 at 8.) It is not necessary to resolve this factual dispute because the issues here are the 18 statutory basis for petitioner's re-detention and whether the requirements of the Due Process 19 Clause have been met. 20 Petitioner was ordered to appear in immigration court in Hyattsville, Maryland and show 21 cause why he should not be ordered removed. (ECF No. 1-7 at 2.) The hearing was held on

22 November 4, 2025 by video. (ECF No. 13 at 28.) At the hearing, petitioner appeared with 23 counsel and conceded the charge of removability. (Id. at 2.) Based on petitioner's admission, the 24 4 The petition identifies the detention date as October 22, 2025 (ECF No. 1 at 3, 8), but the 25 documents and briefs submitted by both petitioner and respondent identify October 15, 2025 as the detention date (ECF No. 1-7 at 2; 13 at 2, 21; 14 at 1-2). This apparent typographical error 26 does not impact the Court's analysis. 27 5 Though Deportation Officer Medina's declaration is unsigned, the Court exercises its discretion to consider it where petitioner had an opportunity to object in his reply, but did not 28 object. (See ECF No. 14.) 1 immigration judge sustained the charge of removability and identified Uzbekistan as the country 2 of removal. (Id. at 2, 17.) The government has confirmed that this does not constitute a removal 3 order. (Id. at 2-3 n.3.) Petitioner's asylum application is still pending, and if he prevails on it, he 4 will not be removed. (Id. at 2-3 n.3, 3.) Petitioner's next scheduled immigration hearing is

5 February 3, 2026. (Id. at 2 n.3, 3 n.4, 18.)

6 Petitioner sought a custody redetermination under 8 C.F.R. § 1236. On November 13, 7 2025, an immigration judge denied petitioner's request because the immigration judge indicated 8 he "lack[ed] authority to grant bond in this 212(a)(6)(A)(i) matter", citing Matter of Yajure 9 Hurtado, 29 I. & N. Dec. 216 (BIA 2025). (ECF No. 1-8 at 2.)

10 II. PROCEDURAL BACKGROUND

11 On November 20, 2025, petitioner filed his petition for writ of habeas corpus. (ECF No. 12 1.) On November 25, 2025, the court directed respondents to file a response to the petition within 13 twenty days and ordered that petitioner may file a reply within fourteen days after the response 14 was filed. (ECF No. 8.) On December 12, 2025, this action was reassigned after the parties 15 consented to the jurisdiction of a United States magistrate judge. (ECF No. 12.) Respondents 16 timely filed their response to the petition on December 15, 2025, and petitioner timely filed his 17 reply on December 19, 2025. (ECF Nos. 13, 14.) Briefing is complete. On January 5, 2026, this 18 action was reassigned to this Court due to the unavailability of the previously assigned magistrate 19 judge. (ECF No. 15.)

20 III. PROPER RESPONDENT

21 The government moves to dismiss all improperly named respondents. In addition to the 22 Warden at the California City Detention Facility, where petitioner is currently detained, petitioner 23 names the Director of the ICE San Francisco Field Office, the Secretary of Homeland Security,

24 the Acting Director of ICE and the United States Attorney General. (ECF No. 1.) 25
“[L]ongstanding practice confirms that in habeas challenges to present physical confinement— 26
‘core challenges’—the default rule is that the proper respondent is the warden of the facility 27
where the prisoner is being held” *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). The Ninth 28
Circuit has “affirm[ed] the application of the immediate custodian and district of confinement 1
rules to core habeas petitions filed pursuant to 28 U.S.C. § 2241, including those filed by 2
immigrant detainees.” *Doe v. Garland*, 109 F.4th 1188, 1199 (9th Cir. 2024). 3 Because petitioner
is currently detained at the California City Detention Facility, the 4 Warden, Christopher Chestnut,
is the proper respondent. The government’s request is granted 5 and the other named respondents
are dismissed.

6 IV. LEGAL STANDARD

7 The Constitution guarantees the availability of the writ of habeas corpus “to every individual 8
detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S.
Const., 9 Art I, § 9, cl. 2). “The essence of habeas corpus is an attack by a person in custody upon
the legality 10 of that custody, and ... the traditional function of the writ is to secure release from
illegal custody.” 11 *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A writ of habeas corpus may
be granted to a 12 petitioner who demonstrates that he is in custody in violation of the Constitution
or federal law. 13 28 U.S.C. § 2241(c)(3). Historically, “the writ of habeas corpus has served as a
means of reviewing 14 the legality of Executive detention, and it is in that context that its
protections have been strongest.” 15 *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). A district court’s
habeas jurisdiction includes challenges 16 to immigration detention. See *Zadvydas v. Davis*, 533
U.S. 678, 687 (2001).

17 V. DISCUSSION

18 Generally, noncitizens are subject to civil immigration detention only if the noncitizen 19
presents a risk of flight or danger to the community. See *Zadvydas*, 533 U.S. at 690 (holding that
20 8 U.S.C. § 1231(a)(6) does not authorize indefinite detention). Petitioner contends that (1) 21
petitioner is not properly detained under 8 U.S.C. § 1225(b)(2)(A) as respondent claims, and 22
instead, petitioner is detained under 8 U.S.C. § 1226(a) and entitled to a pre-deprivation bond 23
hearing; and (2) petitioner’s detention violates his constitutional right to due process. 24
Respondents do not argue that petitioner is a flight risk or a danger to the community and instead
25 argue that petitioner’s detention is mandatory under § 1225(b)(2)(A). Respondent does not 26
address petitioner’s Due Process Clause challenge. 27 A. Applicability of 8 U.S.C. § 1226(a) or 8
U.S.C. § 1225(b)(2) 28 The issue here is whether petitioner, who has no criminal record and has
lived in the 1 United States since February 2023, is subject to discretionary release as first ordered
by 2 immigration officials under § 1226(a) as petitioner contends, or whether, petitioner is now
subject 3 to mandatory detention under § 1225(b)(2)(A), as respondent argues. Respondent
contends 4 § 1225(b)(2)(A) applies because petitioner is an “applicant for admission” and
therefore subject 5 to mandatory detention. 6 The Court concludes that § 1226 applies to

petitioner. First, immigration authorities 7 released petitioner on his own recognizance pursuant to § 1226 on February 9, 2023, as expressly 8 provided in the Order of Release on Recognizance issued by DHS. ((ECF No. 1-9 at 2) (issued 9 “[i]n accordance with section 236 of the INA”⁶); see ECF No. 1-4 at 2 (issued “[p]ursuant to the 10 authority contained in section 236” of the INA, releasing petition on his own recognizance).) 11 This Court agrees with and joins the majority of courts nationwide, including the Eastern 12 District of California, in rejecting respondent’s interpretation of Sections 1225 and 1226. See 13 *Rodriguez Vazquez v. Bostock*, 2025 WL 2782499, at *1, 21-22 (W.D. Wash. Sept. 30, 2025) 14 (concluding, after a thorough analysis, that “the government’s [interpretation of § 1225] belies the 15 statutory text of the [Immigration and Nationality Act], canons of statutory interpretation, 16 legislative history, and longstanding agency practice”); *J.Y.L.C. v. Bostock*, 2025 WL 3169865, 17 at *2 (D. Or. Nov. 12, 2025) (collecting more than thirty cases rejecting the government’s 18 assertion that § 1225 empowers DHS to arrest and hold a noncitizen present without legal status 19 who has spent years in the U.S.); *Cardona-Lozano v Noem*, 2025 WL 3218244, at *6 (W.D. Tex.

20 Nov. 14, 2025) (“Repeatedly, [district courts across the country] have found that DHS and the 21 [Board of Immigration Appeals’] construction of the [Immigration and Nationality Act] is 22 incorrect and that petitioners who have long resided in the United States but are being held under 23 § 1225 are entitled to relief.”) (collecting cases)); *Faizyan v. Casey*, 2025 WL 3208844, at *5 24 (S.D. Cal. Nov. 17, 2025) (holding that § 1226 applies to a petitioner who “DHS has consistently 25 treated” as subject to discretionary detention and “who has been residing in the United States for 26 two years” (internal quotation marks and citation omitted)); *Josue I.C.A. v. Lyons*, 2025 WL 27

6 Section 236 of the INA is codified at 8 U.S.C. § 1226; section 235 of the INA is codified at 28 8 U.S.C. § 1225. 1 3496432, at 3 n.6 (E.D. Cal. Dec. 5, 2025) (collecting cases); *Morales-Flores v. Lyons*, 2025 WL 2 3552841, at *3 (E.D. Cal. Dec. 11, 2025) (collecting cases) (“Courts nationwide, including this 3 one, have overwhelmingly rejected respondents’ arguments and found DHS’s new policy 4 unlawful.”). 5 “These courts examined the text, structure, agency application, and legislative history of 6 1225(b)(2) and concluded that it applies only to noncitizens ‘seeking admission,’ a category that 7 does not include noncitizens like [petitioner], living in the interior of the country.” *Salcedo 8 Aceros v. Kaiser*, 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025) (collecting cases). By 9 contrast, “[t]he government’s proposed reading of the statute (1) disregards the plain meaning of 10 section 1225(b)(2)(A); (2) disregards the relationship between sections 1225 and 1226; (3) would 11 render a recent amendment to section 1226(c) superfluous; and (4) is inconsistent with decades of 12 prior statutory interpretation and practice.” *Guerro Lepe v. Andrews*, 2025 WL 2716910, at *4 13 (E.D. Cal. Sept. 23, 2025) (collecting cases). This Court incorporates and adopts the thorough 14 and persuasive reasoning of the district court in *Lepe*, 2025 WL 2716910, at *3-9. As the district 15 court found in *Lepe*, this Court also rejects the new interpretation of 8 U.S.C. § 1225(b)(2)(A) by 16 respondent, and finds that petitioner is detained

under 8 U.S.C. § 1226(a) and its implementing 17 regulations, because petitioner has resided in this country for over two years and eight months 18 since petitioner was released on his own recognizance pursuant to § 1226, and petitioner's

19 October 2025 arrest and re-detention were not upon his arrival to the United States.

20 2. Due Process 21 Petitioner argues he has a fundamental liberty interest in freedom from imprisonment. 22 Respondent does not address petitioner's due process claim, (See ECF No. 13.) Respondent's 23 asserted compliance with § 1225(b)(2)(A) does not demonstrate the government has satisfied the 24 requirements of the Due Process Clause, "which of course constitute[s] the supreme law of the 25 land[.]" *Tot v. United States*, 319 U.S. 463, 472 (1943) (Black, J., concurring). 26 The Due Process Clause protects persons in the United States from being deprived of life, 27 liberty, or property without due process of law. U.S. Const. amend. V. "It is clear that 28 commitment for any purpose constitutes a significant deprivation of liberty that requires due 1 process protection." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). "[T]he Due Process Clause 2 applies to all 'persons' within the United States, including aliens, whether their presence here is 3 lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. "The Due Process 4 clause applies to noncitizens in this country in connection with removal proceedings, even if their 5 presence is unlawful or temporary." *Tinoco v. Noem*, 2025 WL 3567862, at *5 (E.D. Cal. Dec. 6 14, 2025) (citing *Zadvydas*, 533 U.S. at 690). 7 The Supreme Court has found that a protected liberty interest may arise from a conditional 8 release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147-49 (1997). Even when a 9 statute allows the government to arrest and detain an individual, a protected liberty interest under 10 the Due Process Clause may entitle the individual to procedural protections not found in the 11 statute. See *id.* (finding due process requires pre-deprivation hearing before revocation of 12 preparole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); 13 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context). To determine whether 14 a specific conditional release rises to the level of a protected liberty interest, "[c]ourts have 15 resolved the issue by comparing the specific conditional release in the case before them with the 16 liberty interest in parole as characterized by *Morrissey*." *Gonzalez-Fuentes v. Molina*, 607 F.3d 17 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted). 18 In *Morrissey*, the Supreme Court explained that parole "enables [the parolee] to do a wide 19 range of things open to persons" who have never been in custody or convicted of any crime, 20 including to live at home, work, and "be with family and friends and to form the other enduring 21 attachments of normal life." *Morrissey*, 408 U.S. at 482. "Though the [government] properly 22 subjects [the parolee] to many restrictions not applicable to other citizens," such as monitoring, 23 his "condition is very different from that of confinement in a prison." *Id.* "The parolee has relied 24 on at least an implicit promise that parole will be revoked only if he fails to live up to the parole 25 conditions." *Id.* The revocation of parole undoubtedly "inflicts a grievous loss on the parolee." 26 *Id.* (quotations omitted). Therefore, a parolee possesses a protected interest in his "continued 27 liberty." *Id.* at 481-84. 28 Here, petitioner's

initial detention then release in February 2023 on his own recognizance 1 pursuant to § 1226 is similar because it allowed petitioner to live in Maryland subject to 2 immigration supervision, but outside of custody for over 2.5 years. Such time allowed petitioner 3 to form “enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482. This Court finds that 4 petitioner’s original release and time out of custody gave rise to a constitutionally protected 5 liberty interest. 6 Petitioner’s release pursuant to 8 U.S.C. § 1226(a) was premised upon a finding that, at 7 the time of petitioner’s release, he was not dangerous nor a flight risk. See 8 C.F.R. 8 § 1236.1(c)(8) (“Any officer authorized to issue a warrant of arrest may, in the officer’s 9 discretion, release an alien not described in [8 U.S.C. § 1226](c)(1), under the conditions at 10 section [8 U.S.C. § 1226] (a)(2) and (3) of the Act; provided that the alien must demonstrate to the 11 satisfaction of the officer that such release would not pose a danger to property or persons, and 12 that the alien is likely to appear for any future proceeding.”); *Saravia v. Sessions*, 280 F. Supp. 3d 13 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 14 2018); *F.M.V. v. Wofford*, 2025 WL 3083934, at *1 (E.D. Cal. Nov. 4, 2025). In light of all of 15 the forgoing, the Court finds that petitioner’s prior release pursuant to 8 U.S.C. § 1226(a) created 16 a reasonable expectation that he would be entitled to retain his liberty as long as he was not a 17 flight risk and did not pose a danger to the community. See *Perry v. Sindermann*, 408 U.S. 593, 18 601-03 (1972) (finding reliance on governmental representations may establish a legitimate claim 19 of entitlement to a constitutionally-protected interest); *F.M.V.*, 2025 WL 3083934 at *4. This 20 Court concludes that petitioner has a protected liberty interest in his release. See *Guillermo M. R. 21 v. Kaiser*, 2025 WL 1983677, at *4 (N.D. Cal. July 17, 2025) (recognizing that “the liberty 22 interest that arises upon release [from immigration detention] is inherent in the Due Process 23 Clause”); *Ortega v. Kaiser*, 2025 WL 1771438, at *3 (N.D. Cal. June 26, 2025) (collecting cases 24 finding that noncitizens who have been released have a strong liberty interest); *F.M.V.*, 2025 WL 25 3083934 at *4-5. 26 Next, the Court turns to what procedures are necessary to ensure that the deprivation of 27 that protected liberty interest meets the demands of the Constitution. The Ninth Circuit has 28 “regularly applied *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)], to due process challenges to 1 removal proceedings.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022); see also 2 *Hernandez v. Sessions*, 872 F.3d 976, 993 (9th Cir. 2017) (applying *Mathews* factors in 3 immigration detention context). In applying the *Mathews* test to a procedural due process claim 4 to a detention under 8 U.S.C. § 1226, the Ninth Circuit explained that “*Mathews* remains a 5 flexible test that can and must account for the heightened governmental interest in the 6 immigration detention context.” *Rodriguez Diaz*, 53 F. 4th at 1206-07 (citations omitted). Under 7 *Mathews*, the Court considers three factors: (1) the private interest affected; (2) the risk of an 8 erroneous deprivation; and (3) the government’s interest. *Mathews*, 424 U.S. at 335. 9 First, petitioner has a clear interest in remaining free from detention. “Freedom from 10 imprisonment -- from government custody, detention, or other forms of physical restraint -- lies at 11 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690

(citing 12 Foucha, 504 U.S. at 80 (“Freedom from bodily restraint has always been at the core of the liberty 13 protected by the Due Process Clause.”); Hernandez, 872 F.3d at 981 (“[T]he government’s 14 discretion to incarcerate non-citizens is always constrained by the requirements of due process.”). 15 For over two years and eight months, petitioner was free from custody before his re-detention. 16 Petitioner worked full-time and became an active member of his community. (ECF No. 14 at 12.) 17 The duration of his conditional release elevates and underscores his interest in liberty. See Pinchi 18 v. Noem, 2025 WL 2084921, at *3 (N.D. Cal. July 25, 2025) (in the past five years, petitioner 19 developed “extensive relations of support and interdependence” that “underscore the high stakes 20 of [his] liberty.”); Ortega v. Bonnar, 415 F. Supp. 3d 963, 963 (N.D. Cal. 2019) (holding that 21 petitioner had a substantial liberty interest where he had been released from custody for 18 22 months and was living with his wife, spending time with his mother and other family members, 23 working as a bicycle mechanic, and developing friendships in his community). 24 The second Mathews factor also weighs in petitioner’s favor. “The risk of an erroneous 25 deprivation [of liberty] is high” when “[the petitioner] has not received any bond or custody 26 redetermination hearing.” See A.E. v. Andrews, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 27 2025). Again, civil immigration detention, which is “nonpunitive in purpose and effect[,]” is 28 typically justified under the Due Process Clause only when a noncitizen presents a risk of flight 1 or danger to the community. See Zadvydas, 533 U.S. at 690; Padilla v. ICE, 704 F. Supp. 3d 2 1163, 1172 (W.D. Wash. 2023). Respondent does not contend that petitioner is or was a flight 3 risk or a danger to the community. In addition, respondent does not contend that petitioner has a 4 criminal record. Even if petitioner failed to properly check in with ICE or “failed home visits” as 5 alleged, such violations of the terms of his release warrant a pre-detention hearing rather than 6 automatic detention. “That the Government may believe it has a valid reason to detain petitioner 7 does not eliminate its obligation to effectuate the detention in a manner that comports with due 8 process.” E.A. T.-B. v. Wamsley, 795 F. Supp. 3d 1316, 1322 (W.D. Wash. 2025). 9 Here, petitioner has been detained since October 15, 2025, without being given an 10 individualized bond hearing to evaluate whether petitioner is a flight risk or a danger to the 11 community. No neutral arbiter under 8 U.S.C. § 1226 has determined whether petitioner is a 12 flight risk or a danger to the community. Respondent must demonstrate that petitioner’s re- 13 detention is reasonably related to a valid government purpose. See Zadvydas, 533 U.S. at 690; 14 see, e.g., Rodriguez Diaz v. Kaiser, 2025 WL 3011852, at *11 (N.D. Cal. Sept. 16, 2025) (“If 15 respondents wish to establish that re-detention is warranted by raising the effect of . . . 16 [petitioner’s] six alleged bond violations, a hearing before a neutral adjudicator provides a forum 17 to do so.”); see also Cajina v. Wofford, 2025 WL 3251083, at *1, 6 (E.D. Cal. Nov. 21, 2025) 18 (ordering petitioner’s immediate release and enjoining and restraining respondents from re- 19 detaining petitioner absent a pre-detention hearing, despite petitioner being charged with driving 20 under the influence). 21 As to the third Mathews factor, this Court recognizes that the government has an interest 22 in enforcing immigration laws, but respondent’s interest in

detaining petitioner without a hearing 23 is “low.” *Ortega v. Bonnar*, 415 F. Supp. 3d at 970; *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1094 24 (E.D. Cal. Mar. 3, 2025). Detention hearings in immigration courts are routine, and impose a 25 “minimal cost.” *Doe*, 787 F. Supp. 3d at 1094. In addition, here, the government’s interest is 26 even lower because petitioner was previously released on his own recognizance after immigration 27 officials determined he was not a flight risk or danger to the community, he lived in the country 28 for over 2 years and 8 months on release, and he has no criminal record. See *Pinchi*, 2025 WL 1 1853763, at *2. 2 Overall, balancing these factors, the Court finds that the Mathews factors weigh in favor 3 of finding petitioner is entitled to a bond hearing, and petitioner should have been provided such a 4 hearing before he was detained. “An essential principle of due process is that a deprivation of 5 life, liberty, or property be preceded by notice and opportunity for hearing appropriate to the 6 nature of the case.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (internal 7 quotation marks and citation omitted) (emphasis added). In criminal cases, parolees released on 8 parole, which does not provide “absolute liberty,” but rather “conditional liberty properly 9 dependent on observance of special parole restrictions,” are also entitled to due process, including 10 a predeprivation hearing before their parole can be revoked. *Morrissey*, 408 U.S. at 480-86. 11 “Numerous district courts have held that these principles extend to the context of immigration 12 detention.” *F.M.V.*, 2025 WL 3083934 at *6 (collecting cases). Respondents point to no reasons 13 a pre-deprivation hearing could not be held, and provided no evidence of “urgent concerns,” thus, 14 “a pre-deprivation hearing is required to satisfy due process.” *Guillermo M. R. v. Kaiser*, 791 F. 15 Supp. 3d at 1036.

16 VI. CONCLUSION AND ORDERS

17 Accordingly, IT IS HEREBY ORDERED that: 18 1. Respondents the Director of the ICE San Francisco Field Office, the Secretary of 19 Homeland Security, the Acting Director of ICE and the United States Attorney General are 20 dismissed. 21 2. The petition for writ of habeas corpus is GRANTED. 22 3. Respondent is ordered to release petitioner Rakhim Rasulovich Shoimov 23 IMMEDIATELY. Respondent is ENJOINED AND RESTRAINED from re-detaining petitioner 24 unless the government demonstrates, by clear and convincing evidence at a pre-deprivation bond 25 hearing before a neutral decisionmaker, that petitioner is a flight risk or danger to the community 26 such that his physical custody is legally justified. 27 /// 28 ///] 4. Within seven days of the date of this order, the parties shall file a joint status report 2 || addressing petitioner’s status. 3 4 | Dated: January 6, 2026 Cin □□□

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6 UNITED STATES MAGISTRATE JUDGE

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