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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Vladislav Ishmuratov,

Petitioner,

vs.

David R. Rivas, Warden, San Luis Regional
Detention Center;
Christopher J. LaRose, Senior Warden, Otay
Mesay Detention Center;
Gregory J. Archambeault, San Diego Field
Director, U.S. Immigration and Customs
Enforcement;
Kristi Noem, Secretary of Homeland
Security; and
Pamela J. Bondi, Attorney General of the
United States,

Respondents.

No. 2:25-cv-1366-PHX-JAT (ESW)

**Amended Petition for a Writ of Habeas
Corpus Under 28 U.S.C. § 2241**

Technical Data

1. Mr. Ishmuratov is challenging the validity of his detention in immigration custody. His
A number is 
2. Mr. Ishmuratov is challenging the decision made by U.S. Immigration and Customs
Enforcement in Los Angeles, California, that a prior release order issued on August 20,
2018, has been revoked and that he be detained again pending removal from the United
States.

- 1 3. Mr. Ishmuratov was arrested on March 26, 2025, and detained at the San Luis Regional
2 Detention Center in San Luis, Arizona. He has not seen a judge and thus had no
3 opportunity to exhaust his administrative remedies.

4 **Parties, Jurisdiction, and Venue**

- 5 4. Petitioner Vladislav Ishmuratov is a native of the former Soviet Union. He is the subject
6 of a removal order issued on December 6, 2017, and is being detained by the Respondents
7 based on that removal order. When he filed this action on April 24, 2025, Mr. Ishmuratov
8 was detained by Respondent Rivas at the San Luis Regional Detention Center. On
9 Saturday, May 3, 2025, Mr. Ishmuratov's counsel learned that he had been transferred
10 to the custody of Respondent LaRose, and is presently detained at the Otay Mesa
11 Detention Center in San Diego, California.
- 12 5. Respondent David R. Rivas is the Warden of San Luis Regional Detention Center, where
13 Mr. Ishmuratov was being detained at the time the original petition was filed in this
14 matter. He was then Mr. Ishmuratov's immediate legal custodian and thus a proper
15 respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).
- 16 6. Respondent Christopher J. LaRose is the Warden of Otay Mesa Detention Center, where
17 Mr. Ishmuratov is presently being detained. He is Mr. Ishmuratov's immediate legal
18 custodian and thus also a proper respondent in this matter. *See Rumsfeld v. Padilla*, 542
19 U.S. 426, 435 (2004).
- 20 7. Respondent Gregory J. Archambeault is the San Diego Field Director for U.S.
21 Immigration and Customs Enforcement. He is responsible for Mr. Ishmuratov's
22 detention, and thus a legal custodian of Mr. Ishmuratov.
- 23 8. Respondents Kristi Noem and Pamela J. Bondi are, respectively, the Secretary of
24 Homeland Security and the Attorney General of the United States. As such, they are
25 responsible for maintaining the immigration detention system. They are thus legal
26 custodians of Mr. Ishmuratov.
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28

- 1 9. This Court has jurisdiction under 28 U.S.C. §§ 2241 *et seq.*; the Declaratory Judgment
2 Act, 28 U.S.C. §§ 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Fifth
3 Amendment to the United States Constitution. At the time the original petition was filed,
4 this Court had jurisdiction because Mr. Ishmurov was detained in San Luis, Arizona,
5 within the territorial jurisdiction of the Court. *See* 28 U.S.C. § 82 (“Arizona constitutes
6 one judicial district.”); *Johnson v. Gill*, 883 F.3d 756, 761 (9th Cir. 2018) (explaining that,
7 despite a transfer of custody, “habeas jurisdiction was proper in the district court [where
8 the petitioner was originally detained] because Johnson filed his petition while
9 incarcerated [in that district]”). Mr. Ishmurov’s “subsequent transfer” to Otay Mesa,
10 California, in the Southern District of California, “does not destroy the jurisdiction
11 established at the time of filing.” *Id.* (citing *Francis v. Rison*, 894 F.2d 353, 354 (9th Cir.
12 1990)).
- 13 10. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (e)(1)(B) because a
14 substantial part of the events or omissions giving rise to the claims set forth herein
15 occurred in this district.

16 Background

- 17 11. Petitioner Vladislav Ishmurov is a native of the former Soviet Union. He entered the
18 United States as a child with his parents. He has never had a passport of his own; he
19 traveled to the United States on his parents’ passport because under Soviet law children
20 were included in their parents’ travel documents. After the fall of the Soviet Union, he
21 never obtained citizenship in any of the newly independent states. Without a passport, he
22 is unable to leave the United States. Russia has refused to issue him a passport and will
23 not accept him for removal because it does not recognize him as a citizen.
- 24 12. On December 6, 2017, an immigration judge ordered Mr. Ishmurov removed from the
25 United States. He did not appeal the removal order. He then languished in immigration
26 custody until June 22, 2018, when he filed a *pro se* petition for a writ of habeas corpus in
27 the United States District Court for the Central District of California. *See Ishmurov v.*
28

Nielsen et al., No. 5:18-cv-1312-JLS (KES) (C.D. Cal. filed Jun. 22, 2018). On August 20, 2018, Mr. Ishmurov was released from immigration custody under supervision by the Bureau of Immigration and Customs Enforcement. This release mooted the habeas petition.

13. Upon information and belief, Mr. Ishmurov remained under ICE supervision until March 26, 2025. On that day he was arrested by ICE officials in California and transferred to the San Luis Detention Center in San Luis, Arizona. He has not yet seen an immigration judge. He is not a danger to the community because he has never been convicted of any crime of violence. There are no pending or scheduled court proceedings for him to attend or fail to attend.

Ground for Relief

Mr. Ishmurov's detention in immigration custody violates the Due Process Clause of the Fifth Amendment because he is stateless and cannot be removed to the country of his birth.

14. Mr. Ishmurov is stateless. It is not possible for him to travel to any country in the world. Travel documents are not available and his immediate removal is not practical. *See* 8 C.F.R. § 241.4(e)(1).
15. Mr. Ishmurov was ordered removed from the United States on December 6, 2017. That order triggered a statutory 90-day period (the "removal period") within which the government had to remove him from the United States. *See* 8 U.S.C. § 1231(a)(1)(A), (B)(i). He was not removed during that time; rather, on August 20, 2018, he was released from immigration detention. He remained at liberty under ICE supervision until his arrest on March 26, 2025.
16. The Due Process Clause of the Fifth Amendment limits "an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Because of this constitutional limitation, § 1231 "does not permit indefinite detention." *Id.*

17. Detention following the removal period is presumptively limited to six months. “After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.* at 701.
18. Mr. Ishmuratov is stateless, has no passport, and no country will accept him for deportation. His continued detention in immigration custody thus violates the Due Process Clause of the Fifth Amendment.

Prayer for Relief

19. Mr. Ishmuratov is being illegally detained, in violation of the Due Process Clause of the Fifth Amendment. He respectfully asks the Court to:
- a. order the government to answer this petition;
 - b. permit him to file a reply in support;
 - c. allow him to conduct discovery in order to support his claim for relief;
 - d. convene an evidentiary hearing, if needed to resolve disputed facts;
 - e. order Respondents to release him from their custody under supervision; and
 - f. grant any other relief that is just and practicable.

Respectfully submitted:

May 5, 2025.

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s/Keith J. Hilzendeger
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