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

Vladislav Ishmuratov,

Petitioner,

vs.

David R. Rivas, Warden, et al.,

Respondents.

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

**Motion for Limited Discovery in
Support of Petition for a Writ of Habeas
Corpus and Motion for a Preliminary
Injunction**

In his petition for a writ of habeas corpus, Mr. Ishmuratov contends that his prolonged detention by immigration officials pending an attempt to remove him to Russia amounts to unconstitutional indefinite detention, in violation of the Due Process Clause of the Fifth Amendment as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Under *Zadvydas*, an alien who has been ordered removed from the United States may be detained only “during a period reasonably necessary to bring about that alien’s removal from the United States.” *Id.* at 689. After six months of post-removal-period detention, there arises a presumption that the detention is unlawful; however, even after that six-month period, “an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. Mr. Ishmuratov contends that because he is stateless—Russia refuses to recognize him as one of its citizens—there is no likelihood of his removal in the reasonably foreseeable future. Accordingly, his detention in respondents’ custody violates the Fifth Amendment as interpreted in *Zadvydas*.

1 The wardens* have answered the petition and responded to Mr. Ishmuratov's request for
2 a preliminary injunction seeking his immediate release from custody. In support of their
3 contention that Mr. Ishmuratov's removal is likely in the reasonably foreseeable future (*see* Dkt.
4 #25 at 5–7), they submitted the sworn declaration of Osvaldo Flores, Supervisory Detention and
5 Deportation Officer assigned to the Otay Mesa suboffice of the San Diego field office of the
6 Bureau of Immigration and Customs Enforcement. (Dkt. #25-1) A review of Mr. Flores's
7 declaration suggests that the government is in possession of other documents, not submitted with
8 its answer, that bear on the question whether Mr. Ishmuratov's removal is likely in the
9 reasonably foreseeable future. Mr. Ishmuratov respectfully asks the Court to order the wardens
10 to produce those documents to his counsel.

11 Where “specific allegations before the court show reason to believe that the petitioner
12 may, if the facts are fully developed, be able to demonstrate that he is entitled to relief, it is the
13 duty of the court to provide the necessary facilities for an adequate inquiry.” *Bracy v. Gramley*,
14 520 U.S. 899, 909 (1997) (quoting *Harris v. Nelson*, 394 U.S. 286, 300 (1969)). The facts as they
15 stand now are not fully developed, because the government appears to possess information that
16 bears on whether Mr. Ishmuratov's *Zadvydas* claim is likely to succeed. This information is likely
17 contained in Mr. Ishmuratov's A-file, or in other files or databases maintained by the
18 Departments of Justice and Homeland Security, to which neither he nor his counsel have access.
19 It also appears to be information on which Mr. Flores relied in preparing his declaration,
20 information that was “provided to [Mr. Flores] in [his] official capacity as a Supervisory
21 Detention and Deportation Officer.” (Dkt. #25-1 at 3 ¶ 4) The relevant documents include, but
22 are not limited to, the following:

23
24
25 * Named as respondents here are David Rivas, Warden of San Luis Regional Detention Center,
26 where Mr. Ishmuratov was detained when he filed the petition; Christopher J. LaRose, Senior
27 Warden of Otay Mesa Detention Center, where Mr. Ishmuratov was moved after he filed the
28 petition; and three other higher government officials responsible for operating the immigration
detention system. Mr. Ishmuratov will refer to all of them as “the wardens” or “the
government.”

1. The September 1995 application for relief from deportation filed by Mr. Ishmuratov's mother, Farida Ishmuratova, on behalf of herself, her husband, and her two children. (Dkt. #25-1 at 3 ¶ 7)
2. The notice to appear that led to Mr. Ishmuratov's November 1, 2017, reception into ICE custody. (*See* Dkt. #25-1 at 4 ¶ 12)
3. A transcript (or, failing that, a recording) of the hearings held at the Immigration Court in Adelanto, California, on December 6 and 13, 2017, concerning Mr. Ishmuratov. (Dkt. #25-1 at 4 ¶¶ 13, 15)
4. Mr. Ishmuratov's December 7, 2017, request to withdraw appeal reservation and expedite removal. (Dkt. #25-1 at 4 ¶ 14)
5. The December 21, 2017, request from ICE to the Embassy of the Russian Federation pertaining to travel documents that would "facilitate" Mr. Ishmuratov's return to Russia (Dkt. #25-1 at 5 ¶ 16), and any responsive or related correspondence to or from the Russian embassy pertaining to this request for travel documents.
6. The November 7, 2019, request from ICE to the Embassy of the Russian Federation pertaining to travel documents that would "facilitate" Mr. Ishmuratov's return to Russia (Dkt. #25-1 at 5 ¶ 20), and any responsive or related correspondence to or from the Russian embassy pertaining to this request for travel documents.
7. The May 2, 2025, request from ICE to the Embassy of the Russian Federation pertaining to travel documents that would "facilitate" Mr. Ishmuratov's return to Russia (Dkt. #25-1 at 6–7 ¶ 25), and any responsive or related correspondence to or from the Russian embassy pertaining to this request for travel documents.
8. Copies of Form I-831 relating to supervision orders dated:
 - a. August 20, 2018 (Dkt. #25-1 at 6 ¶ 21);
 - b. November 8, 2019 (Dkt. #25-1 at 6 ¶ 21);
 - c. January 29, 2020 (Dkt. #25-1 at 6 ¶ 21);
 - d. December 14, 2020 (Dkt. #25-1 at 6 ¶ 21); and
 - e. August 16, 2021 (Dkt. #25-1 at 6 ¶ 21).
9. Any and all documents relating to the periodic custody review described in 8 C.F.R. § 241.4(h)(1)–(5) for all periods of time that Mr. Ishmuratov has been in ICE custody.

10. Any and all documents relating to the periodic custody review described in 8 C.F.R. § 241.4(i)(1)–(7) for all periods of time that Mr. Ishmuratov has been in ICE custody.
11. Any and all documents relating to any determination under 8 C.F.R. § 241.13 regarding whether there is a significant likelihood of removing Mr. Ishmuratov in the reasonably foreseeable future.

Mr. Ishmuratov respectfully asks the Court to order the wardens or their counsel to furnish these documents to his counsel by the close of business on Friday, May 30, 2025. Mr. Ishmuratov has good cause for the Court to allow discovery. *Cf. Bracy*, 520 U.S. at 909 (guarantee of success on the merits of a habeas claim is not required for allowing discovery). Mr. Flores appears to have been privy to information about why Mr. Ishmuratov’s applications in 2017 and 2019 for travel documents were unsuccessful. But apart from Mr. Flores’s inchoate hope that the “recent change in Administration on January 20, 2025,” would make Russia “more cooperative with, and responsive to, ICE in... processing travel document requests as well as in issuing travel documents to their citizens,” (Dkt. #25-1 at 7 ¶ 28) the government has offered no evidence to suggest that Mr. Ishmuratov would be more successful in obtaining travel documents now than he was the last two times he tried.

Mr. Flores speculates that providing Mr. Ishmuratov’s parents’ birth certificates to the Russian embassy “may help facilitate Russia’s identification as a Russian citizen.” (Dkt. #25-1 at 7 ¶ 26) But he also makes plain that he does not have them (or at least not yet). (Dkt. #25-1 at 7 ¶ 26 (offering to submit the certificates “if available”)) He notes that Mr. Ishmuratov’s own birth certificate lists his parents’ nationality as Tatar. (Dkt. #15-2 at 5; Dkt. #25-1 at 7 ¶ 26) He suggests that this listing may be a discrepancy because they were born in Soviet Russia. (Dkt. #25-1 at 7 ¶ 26) But the basis for that assertion is unclear in light of the fact that he does not have Mr. Ishmuratov’s parents’ birth certificates. One scholar has described the Tatars as “a nationality that continues to live within the boundaries of the Russian Federation.” John M. Romero, *Socialist in Form, National in Content: Soviet Culture in the Tatar Autonomous Republic, 1934–1968*, at 7 (Dec. 2019) (Ph. D. dissertation, Arizona State University), *available at* <<https://keep.lib.asu.edu/items/157766>>. Thus the listing of “Tatar” as Mr. Ishmuratov’s

1 parents' nationality may indicate a separate ethnic identity that, under Soviet or Russian law,
2 may not automatically confer citizenship.

3 In sum, the discovery Mr. Ishmurov is requesting may help him establish that there is
4 no reasonable likelihood of his removal in the foreseeable future, contrary to the government's
5 arguments in response to the petition and motion for a preliminary injunction. This Court should
6 grant the motion and order the government to provide the requested documents to Mr.
7 Ishmurov and his counsel.

8 A proposed order is being lodged herewith.

9 Respectfully submitted:

May 19, 2025.

10 JON M. SANDS
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