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

Ruslan Makhmudov,
Petitioner,
v.

No. CV-25-01951-PHX-KLM (MTM)

**REPLY TO RESPONSE
TO MOTION FOR TEMPORARY
RESTRAINING ORDER**

Pamela Bondi, et al.,
Respondents.

Petitioner, through undersigned counsel, submits his Reply to Respondent's Response opposing a temporary restraining order (Doc. 8).

A. A judgment on the merits is the appropriate form of relief

Petitioner alleges that his untimely death is the probable and likely result of his continued detention without appropriate medical care. *See* Exh. A, Letter from Dr. Robert J. Siegel, M.D. This evidence meets the petitioner's burden of showing "a combination of probable success on the merits and the possibility of irreparable harm." *S. of Cal. v. Mosbacher*, 968 F.2d 974, 977 (9th Cir. 1992). For this reason, and under these particular

1 circumstances, a judgment on the merits is the appropriate form of relief. *Ibid.*

2 **B. The Court has jurisdiction to issue the Writ of Habeas Corpus**

3 The respondents' reliance on *Preiser v. Rodriguez*, 411 U.S. 475 (1973), is misplaced.

4 The petitioner is not a prisoner. He is subject civil detention pending the resolution of his
5 applications for asylum and related relief. The respondents have the authority to release the
6 petitioner at any time, but have refused his repeated pleas. On the other hand, wardens of
7 prisoners are required to confine them pursuant to lawful court orders. Therefore, prisoners
8 with complaints as to the conditions of their confinement must seek relief in the form of
9 either a civil rights complaint, or pursuant to the Prison Litigation Reform Act of 1995. *See*
10 *Porter v. Nussle*, 534 U.S. 516 (2002).

11
12 Petitioner's complaint goes well beyond a conditions of confinement matter. He
13 alleges that his continued detention without appropriate medical treatment will result in his
14 death. Therefore, a petition for writ of habeas corpus with temporary injunctive relief is the
15 only available remedy, and this court has jurisdiction to order that remedy.

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17 **C. Respondent's denial of appropriate medical treatment will kill the petitioner**

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19 The petitioner has not "otherwise received adequate medical care while detained." *See*
20 Response, pg 6. *See generally* Affidavit, ¶¶ 94-103. Petitioner did receive the two significant
21 surgeries as alleged by the respondents in February of 2025. However, the respondents fail
22 to admit that they caused those surgeries to be delayed after the respondents moved the
23 petitioner from the Otay Mesa Detention Center to Eloy in September of 2024. *See generally*
24 Affidavit, ¶¶ 25-40.
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RESPECTFULLY SUBMITTED this 18th day of June, 2025.

/s/ *Luciana Galarza*

- 3 -

CERTIFICATE OF SERVICE

On the 18th day of June, 2025, I, Luciana Galarza, the undersigned, served the foregoing via CM/ECF follows:

Katherine R. Branch
Assistant U.S. Attorney
Counsel for Respondents

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 18th of June, 2025, at Phoenix, Arizona.

/s/ Luciana Galarza

Attorney for Petitioner