UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

TINATIN KURDOBADZE, *Petitioner,*	§	
v.	§	CIVIL ACTION NO. 1:25-cv-00157
FRANCISCO VENEGAS, Warden of El Valle Detention Facility, *Respondent.*	§	

GOVERNMENT'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO DISMISS

The Government[1] files this response to the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Dkt. No. 1) and pursuant to Federal Rules of Civil Procedure ("FRCP") 12(b)(1) and 12(b)(6) moves to dismiss the Petition for lack of subject matter jurisdiction or failure to state a claim. As explained below, Petitioner's claim for habeas relief should be denied because he is lawfully detained by ICE and this action is premature as Petitioner has failed to exhaust administrative remedies prior to seeking habeas relief under 28 U.S.C. § 2241.

SUMMARY OF THE ARGUMENT

1. Petitioner is currently detained at the El Valle Detention Facility in Raymondville, Willacy County, Texas, awaiting removal from the United States after having been detained by ICE and been granted withholding of removal to Georgia or alternatively, ordered removed to Poland. On July 15, 2025, Petitioner brought this habeas corpus petition against the Government

[1] As the Court previously noted, the proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 124 S.Ct. 2711, 159 L.Ed.2d 513 (2004). Since the filing of this Petition, Petitioner has remained in the U.S. Immigration and Customs Enforcement ("ICE") federal facility in Raymondville, Willacy County, Texas. Dkt. No. 1 at 1; **Gov't Ex. 1, ¶¶** 1-2 (Unsworn Declaration of ICE Deportation Officer Ramon Mendez, Jr.); *see also* Dkt. No. 9 at 2- 3. The warden of that facility is Francisco Venegas. That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

seeking release from immigration on the grounds that he has been detained at the ICE facility for over the required time period, without a final deportation order, and alleging his removal to either Georgia or Poland is not imminently foreseeable in violation of his rights under *Zadvydas v. Davis*, 533 U.S. 678 (2001), as no country has accepted Petitioner. Dkt. No. 1 at 1-2.

2. The petition should be dismissed as Petitioner has failed to state a claim that his continued detention pending removal to Russia is unlawful under *Zadvydas*. Further, in the alternative, the petition should be dismissed for failure to exhaust administrative remedies prior to seeking habeas relief under 28 U.S.C. § 2241 and for lack of jurisdiction as to any claims challenging his removal order.

RELEVANT BACKGROUND[2]

3. Petitioner is a native and citizen of Georgia. Dkt. No. 1 at 7; **Bates 0018, 0091**. Petitioner is also a citizen of Poland and held a valid visa from Poland that expired on April 17, 2025. Dkt. No. 1 at 7; **Bates 0059, 0092**. On June 7, 2024, Petitioner illegally entered the United States at or near San Diego, California, was not inspected by an Immigration Officer at the time of entry, and was found without valid documentation. Dkt. No. 1 at 1; **Bates 0018, 0071-0077**. Petitioner was processed for expedited removal pursuant to 8 U.S.C. § 1225(b)(1) and requested a credible fear interview. **Bates 0018-0049**.

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[2] As ordered by the Court, the Government filed a Bates-stamped copy of Petitioner's A-File (**Kurdobadze A-File Bates 0001-0108**) under seal contemporaneously with Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus. *See* Dkt. No. 9 at 1; Dkt. No. 18. The Government's Relevant Background is taken from Petitioner's Petition (Dkt. No. 1), Petitioner's A-File 0001-0108, and attached exhibits. Furthermore, as requested by the Court, the Government addresses the following questions in this section: "(1) a discussion of any and all custody-review determinations; (2) the status of Kurdobadze's removal period; (3) an explanation of any other Government action regarding Kurdobadze's continued detention and any available documentation regarding that detention, and (4) a timeframe for when Kurdobadze will either be removed from the United States or released from custody." Dkt. No. 9 at 2.

4. Petitioner was transferred and placed into ICE custody at Denver Contract Detention Facility in Aurora, Colorado; because Petitioner expressed a fear of returning to Georgia, Petitioner was referred to an asylum officer for a credible fear interview on July 11, 2024, which was translated to Petitioner in Georgian by a certified translator. **Bates 0019-0042**. On July 15, 2024, the asylum officer determined that Petitioner had established a credible fear of return to Georgia. **Bates 0019-0025**.

5. On July 18, 2024, a notice and order of expedited removal was issued by immigration officers after determining Petitioner inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) and served on Petitioner. **Bates 0043-0049**. On August 13, 2024, ICE denied decided not to parole Petitioner from detention because Petitioner's sponsor did not meet ICE policy standard. **Bates 0006-0013**. On December 16, 2024, an Immigration Judge denied Petitioner asylum but granted Petitioner withholding of removal to Georgia under Section 241(b)(3) of the Immigration and Nationality Act ("INA") (8 U.S.C. § 1231(b)(3)). Dkt. No. 1 at 3-8; **Bates 0001-0004**. Alternatively, the Immigration ordered Petitioner removed to Poland, where Petitioner also holds citizenship and a visa. Dkt. No. 1 at 7; **Bates 0003, 0059, 0092**. As provided in the Petition, the Government did not appeal the Order of the Immigration Judge by the appeal deadline of January 15, 2025, therefore, the Order of December 16, 2024 became final on that date. *See* Dkt. No. 1 at 1-2, 8; **Bates 0004**.

6. On February 3, 2025, ICE made a Request for Travel Documents from Poland for Petitioner to the Consulate General of the Republic of Poland in Los Angeles, California; the Polish Government denied acceptance of Petitioner on March 4, 2025. **Bates 0050-0084**; Gov't Ex. 1, ¶ 8. Petitioner was subsequently personally served Form I-229(a) (Warning for Failure to Depart) on April 14, 2025, informing Petitioner of his obligations to assist ICE in good faith with travel

applications or other documents necessary to the Petitioner's departure; the Petitioner refused to sign the Warning for Failure to Depart. **Bates 0089-0090**. Despite an initial email by ICE Denver Field Office Deportation Officer to Petitioner's counsel concerning Petitioner's release from ICE custody (Dkt. No. 1 at 10), ICE issued a subsequent decision on his continued detention pursuant to 8 C.F.R. § 241.4 on April 21, 2025, stating that ICE would maintain custody of him based upon: "The Significant Likelihood of Removal in the Reasonably Foreseeable Future." **Bates 0085**.

7. In addition to requesting Travel Documents from Poland, ICE requested Travel Documents from Costa Rica, Dominican Republic, and Panama embassies on March 4, 2025. **Gov't Ex. 1**, ¶ 8. The Costa Rican government denied acceptance of Petitioner on March 4, 2025; ICE has requested assistance from Department of State as of August 27, 2025, with removal to the remaining the two remaining third countries where the applications remain pending. *Id.* Thus, on August 27, 2025, after the filing of the Petition, ICE issued a second decision to continue detention on August 27, 2025 (**Gov't Ex. 2**) indicating that ICE "continues to seek a third country alternative" for Petitioner for his removal from the United States. **Gov't Ex. 2** at 1. Moreover, the decision provides that "ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied." *Id.* Petitioner, however, is not precluded "from bringing forth evidence in the future to demonstrate a good reason why [his] removal is unlikely. *Id.*

STANDARD OF REVIEW

A. Fed. R. Civ. P. 12(b)(1).

8. Federal courts are courts of limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994). A court must dismiss an action when it lacks subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1); *see also id.* 12(h)(3)("If the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action."). "A case is

properly dismissed for lack of subject matter jurisdiction when the court lacks the statutory or constitutional power to adjudicate the case." *Krim v. pcOrder.com, Inc.*, 402 F.3d 489, 494 (5th Cir. 2005) (quotations omitted); Fed. R. Civ. P. 12(h)(3). The burden of establishing subject matter jurisdiction in federal court is on the party seeking to invoke it. *Hartford Ins. Group v. Lou–Con Inc.*, 293 F.3d 908, 910 (5th Cir. 2002). Accordingly, the party with the burden of proof must establish that jurisdiction does in fact exist. *Menchaca v. Chrysler Credit Corp.*, 613 F.2d 507, 511 (5th Cir. 1980). In ruling on a motion to dismiss for lack of subject matter jurisdiction, a court may rely on any of the following to decide the matter: "(1) the complaint alone; (2) the complaint supplemented by undisputed facts evidenced in the record; or (3) the complaint supplemented by undisputed facts plus the court's resolution of disputed facts." *St. Tammany Parish, ex. rel. Davis v. Fed. Emergency Mgmt. Agency*, 556 F.3d 307, 315 (5th Cir. 2009) (quotations omitted). A court must accept all factual allegations in the plaintiff's complaint as true. *Saraw Partnership v. United States*, 67 F.3d 357, 569 (5th Cir. 1995). "In considering a challenge to subject matter jurisdiction, the district court is 'free to weigh the evidence and resolve factual disputes in order to satisfy itself that it has the power to hear the case.'" *Krim*, 402 F.3d at 494.

B. Fed. R. Civ. P. 12(b)(6).

9. A court may dismiss a claim for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotations omitted). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant

has acted unlawfully." *Id.* "Where a complaint pleads facts that are 'merely consistent with' a defendant's liability, it 'stops short of the line between possibility and plausibility of entitlement to relief.'" *Id.* (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007) (brackets omitted)). "Threadbare recitals of the elements of a case of action, supported by mere conclusory statements, do not suffice." *Iqbal*, 556 U.S. at 678. Nor must a court accept as true "legal conclusions" or "a legal conclusion couched as a factual allegation." *Id.* at 678-79.

STATUTORY FRAMEWORK

10. 8 U.S.C. § 1231 governs the detention and release of a noncitizen, like Petitioner, who has been ordered removed. During the "removal period," which generally lasts 90 days, detention is mandatory. 8 U.S.C. § 1231(a)(2). The removal period is triggered by the latest of the following: (1) date the order of removal becomes administratively final; (2) if the removal order is judicially reviewed and if a court orders a stay of the removal, the date of the court's final order; or (3) if the noncitizen is detained or confined (except under an immigration process), the date the noncitizen is released from detention or confinement. 8 U.S.C. § 1231(a)(1)(B).

11. If ICE is unable to remove the noncitizen during the removal period, DHS may continue to detain a certain noncitizen specified in the statute or release him under an order of supervision. *Id.* § 1231(a)(6). Additionally, it provides that the removal period "shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal." *Id.* § 1231(a)(1)(C).

ARGUMENT

A. Petitioner's Continued Detention Does Not Violate *Zadvydas*.

12. The authority to detain aliens after the entry of a final order of removal is set forth in 8 U.S.C. § 1231, which provides in pertinent part that the Attorney General is afforded a 90-day period within which to remove an alien from the United States following entry of a final order of removal. *See* 8 U.S.C. § 1231(a)(1)(A). In addition, there is a "special statute [that] authorizes further detention if the government fails to remove the alien" during the removal period. *Zadvydas*, 533 U.S. at 682.

13. Specifically, under 8 U.S.C. § 1231(a)(6), the government has discretion to detain "[a]n alien ordered removed who is inadmissible under [8 U.S.C. § 1182]…beyond the removal period and, if released, shall be subject to [certain] terms of supervision…" *Id.* (quoting 8 U.S.C. § 1231(a)(6)). In *Zadvydas*, the Supreme Court held that § 1231(a)(6) "read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about the alien's removal from the United States. It does not permit indefinite detention." *Zadvydas*, 533 U.S. at 689. The Court further reasoned that in "interpreting the statute [§ 1231(a)(6)] to avoid a serious constitutional threat, [it concluded] that, once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

14. The Court in *Zadvydas* designated six months as a presumptively reasonable period of post-order detention with a significant caveat:

> This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, 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; *see Clark v. Martinez*, 543 U.S. 317, 386 (2005) (extending the Court's interpretation of 8 U.S.C. § 1231(a)(6) to inadmissible aliens). After the expiration of the six-month period, an alien is eligible for release but only if he shows "no such likelihood of removal exists." *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006) (citing *Zadvydas*, 533 U.S. at 701). Afterward, if

the petitioner "provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the federal government to either rebut that showing or release him. *Zadvydas*, 533 U.S. at 701; *see also* 8 C.F.R. § 241.13 (establishing the *Zadvydas* procedures).

15. Here, Petitioner challenges the lawfulness of ICE holding him in custody beyond the 6-month presumptive reasonable period under *Zadvydas*. Dkt. No. 1 at 1-2. However, Petitioner is unable to show that there is no significant likelihood of removal in the near future. Under the regulatory provisions, a post-order alien who remains detained beyond the removal period may present to ICE his claim that he should be released from detention because there is no significant likelihood that he will be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(d). Upon a written claim, ICE will analyze the likelihood of removal under the circumstances and information available. 8 C.F.R. § 241.13(f). Unless and until ICE determines that there is no significant likelihood of removal in the foreseeable future, the alien will continue to be detained, and his detention will continue to be governed by the post-order detention standards. 8 C.F.R. § 241.13(g)(2). As provided in the record, the Government has issued two decisions in conformity with its obligations under § 241.13(g)(2) on April 21, 2025, and August 27, 2025. *See* **Bates 0085-0088; Gov't Ex. 2.**

16. In his petition, Petitioner fails to demonstrate compliance with the regulatory provision of 8 C.F.R. § 241.13. Instead, Petitioner implies that "ICE has attempted twice without success, no accepted [the petitioner]." Dkt. No. 1 at 1-2. However, the Fifth Circuit has determined that the petitioner fails to meet his initial burden under *Zadvydas* when he offers "nothing beyond his conclusory statements suggesting that he will not be immediately removed" to his home country. *Andrade*, 459 F.3d at 543-44; *see Triumph v. Holder*, 314 F. App'x 719, 720 (5th Cir.

2009) ("Liberally construing [petitioner's] pro se brief as challenging his continued detention as unlawfully indefinite, we never nevertheless conclude that Triumph has failed to meet the initial burden of proof in showing that no significant likelihood of removal in the reasonably foreseeable future exists.").

17. Moreover, even if deemed nonconclusory, Petitioner's allegation that "no country" has accepted Petitioner is unavailing to Petitioner carrying his initial burden of proof. In *Alam*, a district court emphasized that removal is not "reasonably foreseeable" in cases "where no country would accept the detainee, the country of origin refused to issue the proper travel documents, the United States and the country of origin did not have a removal agreement in place, or the country to which the deportee was going to be removed was unresponsive for a significant period of time." *Alam v. Nielsen, et al.*, 312 F. Supp.3d 574, 581 (S.D. Tex. 2018). Nothing in Petitioner's case suggests that any such barrier now stands in the way of his removal. Indeed, ICE has pending applications with the governments of Dominican Republic and Panama and has requested assistance from the Department of State as of August 27, 2025 of Petitioner's removal to one of these two countries. *See* **Gov't Ex. 1**, ¶ 8.

18. Petitioner has failed to state claim under *Zadvydas* as his petition does not establish that "no such likelihood of removal exists." *Andrade*, 459 F.3d at 543. Therefore, the Court should dismiss Petitioner's habeas action for failure to state a claim under *Zadvydas*.

B. Petitioner Failed to Exhaust his Administrative Remedies under 8 C.F.R. § 241.13.

19. In the alternative, the Court should dismiss Petitioner's habeas action for failure to exhaust administrative remedies. It is well settled that before a prisoner can bring a habeas petition under 28 U.S.C. § 2241, administrative remedies must be exhausted. *See Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994) (A federal prisoner must "exhaust his administrative remedies before

seeking habeas relief in federal court under 28 U.S.C. § 2241."); *see generally* Continued Detention of Aliens Subject to Final Orders of Removal, 66 Fed. Reg. 56977 (Nov. 14, 2001) (codified as 8 C.F.R. § 241.13). If the petitioner does not exhaust available remedies, the petition should be dismissed. *Id.*

20. For purposes of 28 U.S.C. § 2241 relief, exhaustion of administrative remedies is jurisdictional. *See Swain v. Pressley*, 430 U.S. 372, 383 (1977). As thoroughly explained in *McCarthy v. Madigan*: "Exhaustion is required because it serves the twin purposes of protecting administrative agency authority and promoting judicial efficiency…[t]he exhaustion doctrine also acknowledges the commonsense notion of dispute resolution that an agency ought to have an opportunity to correct its own mistakes with respect to the programs it administers before it is hauled into federal court." 503 U.S. 140, 144-45 (1992).

21. Here, Petitioner did not allege or show there has been any administrative determination by DHS's Headquarters Post-order Detention Unit (HQPDU) determining whether there is a significant likelihood that Petitioner will be removed in the reasonably foreseeable future to establish exhaustion of administrative remedies. *See* 8 C.F.R. § 241.13(d)-(g). Notably, in the Decision to Continue Detention of August 27, 2025, ICE noted that it was "unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied." **Gov't Ex. 2** at 1. Petitioner, however, is not precluded "from bringing forth evidence in the future to demonstrate a good reason why [his] removal is unlikely. *Id.*

22. Consequently, a petitioner's failure to exhaust available administrative remedies under 8 C.F.R. § 241.13, implemented after *Zadvydas*, precludes habeas corpus relief by a reviewing court. *See, e.g.*, *Parker v. Sessions*, No. H-18-2261, 2018 WL 11491450, at *2 (S.D. Tex. July 16, 2018) (dismissal of habeas petition as premature was warranted because petitioner

did not allege or show there had been an "administrative determination on the status of [ICE's] removal efforts or the propriety of his continuing confinement" in conformity with 8 C.F.R. § 241.13); *Hung Van Le v. Sessions*, No. H-18-1984, 2018 WL 3361515, at *1-2 (S.D. Tex. July 10, 2018) (petitioner's filing of habeas petition prior to expiration of six-month post-removal order period and failure to show he had exhausted available administrative remedies under 8 C.F.R. § 241.13 warranted dismissal of habeas petition).

23. Because Petitioner has failed to exhaust administrative remedies available to him prior to filing suit, habeas relief under 28 U.S.C. § 2241 is unavailable to Petitioner. Therefore, the Court should dismiss this action for lack of subject matter jurisdiction.

CONCLUSION

For the foregoing reasons, the Government respectfully requests that the Court dismiss the Petition for Writ of Habeas Corpus 28 U.S.C. § 2241 for lack of subject-matter jurisdiction of for failure to state a claim.

Respectfully submitted,

NICHOLAS J. GANJEI
United States Attorney
Southern District of Texas

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Counsel for Respondent

CERTIFICATE OF SERVICE

I, Baltazar Salazar, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on September 2, 2025, a copy of the foregoing was served on counsel for Petitioner via CM/ECF email notification.

By: *s/ Baltazar Salazar*
BALTAZAR SALAZAR
Assistant United States Attorney

United States District Court
Southern District of Texas
Brownsville Division

TINATIN KURDOBADZE
Plaintiff,

v.

MERRICK GARLAND, ET AL,
Defendants.

Civil Action No. 1:25-CV-00157

DECLARATION OF
Deportation Officer Ramon Mendez Jr.

I, Ramon Mendez, Jr., make the following unsworn declaration under oath and under penalty of perjury:

1. I am currently employed by the Department of Homeland Security ("DHS") Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), and my current duty title is Deportation Officer ("DO"). I have worked for ICE since September 2019. My current post is within the Case Management Unit at the ICE ERO Harlingen Field Office, Port Isabel Detention Center located at 27991 Buena Vista Blvd, Los Fresnos, Texas, 78566.

2. I make this declaration based on my review of DHS electronic databases pertaining to Tinatin Kurdobadze, A[redacted] a native and citizen of Georgia, hereinafter referred to as "Plaintiff," which I have access in my capacity as a DO. I have reviewed the relevant documents from the Plaintiff's alien file ("A-file") and other official government records related to Plaintiff's removal proceedings, and unless otherwise stated, this declaration is based on that review.

3. On June 7, 2024, the Plaintiff was encountered by Border Patrol agents approximately eight miles from the Otay Mesa, California Port of Entry. At that time, the Plaintiff was detained and placed in Credible Fear proceedings.

4. On June 15, 2024, the Plaintiff was transferred to the Denver Contract Detention Facility in Aurora, Colorado. He was interviewed by an Asylum Officer on July 11, 2024 and found to have a credible fear of return to Georgia.

5. On July 16, 2024, the Plaintiff was issued a Notice to Appear (NTA) charging Plaintiff as inadmissible under section 212(a)(6)(A)(i) and 212(a)(7)(A)(i) of the Immigration and Nationality Act (INA) for entering the United States illegally without valid entry documents.

6. On December 16, 2024, an Immigration Judge in Aurora, Colorado ordered that the Plaintiff be removed to Georgia, or Poland in the alternative. The Immigration Judge also granted the Plaintiff's application that removal to Georgia be withheld under INA section 241(b)(3).

GOVERNMENT
EXHIBIT
1

7. The order of the Immigration Judge in Aurora, Colorado became a final order of removal on January 15, 2025 after neither party appealed the court's decision.

8. On March 4, 2025, Polish Government denied acceptance of Kurdobadze. On March 4, 2025, I-241's was sent to Costa Rica, Dominican Republic and Panama Embassies. On March 4, 2025, Costa Rica Government denied acceptance of Kurdobadze. On August 22, 2025, ERO Harlingen requested ab update with Kurdibadze 3rd country removal from ERO HQ-RIO. On August 27, 2025, ERO HQ-RIO requested assistance from the Department of State for 3rd Country Removal.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 1st day of September 2025.

RAMON MENDEZ JR Digitally signed by RAMON MENDEZ JR Date: 2025.09.01 08:50:43 -05'00'

Ramon Mendez Jr.
Deportation Officer

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

KURDOBADZE, Tinatin
c/o Immigration and Customs Enforcement
Harlingen Field Office

A[redacted]

Decision to Continue Detention

This letter is to inform you that the U.S. Immigration and Customs Enforcement (ICE) has reviewed your custody status and determined that you will not be released from custody at this time. This decision was based on a review of your file record, personal interview and consideration of any information you submitted to ICE reviewing officials and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

You are a native and citizen of Georgia who last entered the United States on an unknown date at an unknown location without being inspected by immigration officials. On December 16, 2024, you were issued a Final Order of Removal by an Immigration Judge in Aurora, Denver. You were granted withholding of removal to Georgia. In the alternative, respondent was ordered removed to Poland.

ICE continues to seek a third country alternative for your removal from the United States. Therefore, you are to remain in ICE custody. In addition, ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied.

This decision, however, does not preclude you from bringing forth evidence in the future to demonstrate a good reason why your removal is unlikely. You are advised that pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA) you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE efforts to remove you by taking whatever actions ICE requests to affect your removal.

You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC § 1253(a).

THURMAN W KARAN Digitally signed by THURMAN W KARAN Date: 2025.08.27 17:36:04 -04'00'

Acting Unit Chief - HQ RIO

8/27/25
Date

GOVERNMENT EXHIBIT 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I _____, _____,
Name of ICE Officer Title
certify that I served _____ with a copy of
Name of detainee
this document at _____ on _____, at _____.
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served _____and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

Detainee Signature:_____ Date: _____

( ) cc: Attorney of Record or Designated Representative
( ) cc: A-File

HQ POCR Checklist for 241.13 Reviews

To be completed by HQ for all cases referred to RIO

To be completed by Analyst:

Name: KURDOBADZE, Tinatin **A-Number:** [redacted] **COC:** Georgia

RIO Officer: D. Carter **Date Received in Mailbox:** 8/27/2025 **Date Assigned to Officer:** 8/27/2025

To be completed by Officer:

☒ **Yes** ☐ **No** **Is the case Post 180 Days?**

☒ **Yes** ☐ **No** **Is the Jurisdiction with HQ RIO?** *If not why:* ____

☐ **Yes** ☒ **No** **Judicial stay in effect?** *If yes, when entered:* ____

☒ **Yes** ☐ **No** **Habeas Pending?** 1:25-cv-00157

☐ **Yes** ☒ **No** **Medical/Psychological Issues?** *If yes, date referred to IHSC:* ____
☐ **Yes** *For Evaluation* ☐ **Yes** *For Placement* (check one)

☐ **Yes** ☒ **No** **National Security/Special Interest Case?** ____

☒ **Yes** ☐ **No** **TD Requested?** *If yes, list all countries where TD request was made (for Mariel Cuban's check list):*
Georgia and Poland

☒ **Yes** ☐ **No** **Requested assistance from the Department of State? Date:** 8/27/2025

HQ RIO Officer Recommendation: ☒ **SLRRFF** ☐ **NO SLRRFF**

HQ RIO Officer Analysis & Comments: Final order granted withholding and pending acceptance of alternative countries. HQ/RIO contacted field office for status update regarding alternative submissions. HQ/RIO is working with DHS and external agencies to resolve issues related to removal and successfully locating alternative countries for removal purposes.

Officer Signature: DERRICK E CARTER Digitally signed by DERRICK E CARTER Date: 2025.08.27 16:59:02 -04'00' **Date:** 8/27/25

To be completed by Unit Chief:

HQ RIO Chief Final: Detain **Decision** TK **Initials** 8/27/25 **Date**

HQ RIO Chief Analysis & Comments: Concur