

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

NURBOLOT MISIRBEKOV,

Petitioner,

v.

FRANK VENEGAS, *et al.*,

Respondents.

Case No. 25-cv-168

RESPONSE TO RESPONDENTS'
STATUS REPORT

COMES NOW Petitioner, through counsel, and respectfully submits this Response to the Respondents' Status Report (Dkt. 14). For the following reasons, the Court should grant his Petition for Habeas Corpus and order his immediate release.

1. On August 25, 2025, this Court entered an order (Dkt. 12), ordering Respondents to conduct a "meaningful ... custody review, as contemplated in 8 C.F.R. § 241.4." Dkt 12. at 3.
2. On October 24, 2025, Respondents filed a status report (Dkt. 14), in which they allege, citing to Bates No. 000252 of their exhibits, that "on August 13, 2025, ERO conducted a thorough review of Petitioner's case, taking into account Petitioner's particular circumstances." Dkt 14 at 1. This is puzzling, since p. 252 of the exhibits indicates that the review was done on July 10, 2025 and was the same document already referenced in the Petition (Dkt. 1 at ¶ 37) and which this Court found was insufficient to comport with due process. It appears, in other words, that Respondents did not comply with the Court's order.

3. The Declaration of Jason Feliciano (Dkt 14-1) shows that no progress has been made in Mr. Misirbekov's removal since this Court's August 25, 2025 order. Indeed, it indicates

that on October 2, 2025, ERO submitted a request to release Mr. Misirbekov, but no response has been received.

4. Since this Court's August 25, 2025 order, multiple courts around the country have granted habeas petitions in cases indistinguishable from this one, where DHS could show no progress in removing a noncitizen more than 6 months after their removal order became final. *See, e.g., Zhuzhiashvili v. Carter*, -- F. Supp. 3d --, 2025 WL 2837716 (D. Kan. Oct. 7, 2025) (habeas granted where DHS could not identify a single possible removal country); *Manago v. Carter*, 2025 WL 2841209 (D. Kan. Oct. 7, 2025) (habeas granted where DHS had tried and failed to send petitioner to four countries); *Iakubov v. Figueroa*, 2025 WL 2731355 (D. Ariz. Sept. 25, 2025) (habeas granted where DHS sent requests to three countries and received no response); *Ambrosi v. Warden, Folkston ICE Processing Center*, 2025 WL 2772500 (S.D. Ga. Sept. 29, 2025) (habeas granted where DHS could not identify a country to which petitioner might be deported).

5. Given (1) Respondents' failure to conduct a meaningful custody review, despite this Court's order; (2) Respondents' own expressed desire to release Mr. Misirbekov; and (3) the wave of court cases granting habeas relief in analogous cases, this Court should order Mr. Misirbekov's immediate release.

Dated: October 24, 2025

Respectfully submitted,

/s/ James D. Jenkins
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Certificate of Service

The undersigned certifies that the foregoing document was filed with the Court's CM/ECF system on this 24th day of October, 2025, which sent electronic notice of filing to all parties receiving such notice.

/s/ James D. Jenkins
Counsel for Petitioner