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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

Islam DZHATDOEV;

Petitioner,

v.

Kristi NOEM, Secretary, Department of Homeland Security; Pam BONDI, Attorney General; IMMIGRATION AND CUSTOMS ENFORCEMENT; and Todd LYONS, Acting Director, Immigration and Customs Enforcement.

Respondents.

Civil Case No.: 8:25-cv-01713

PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO PETITIONER'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

INTRODUCTION

Petitioner was unlawfully detained—without probable cause, without a valid warrant, and without notice of the basis for his arrest—and separated from his toddler, for whom he is the primary caregiver. Respondents now attempt to justify this detention by invoking, for the first time in their Opposition, an administrative warrant containing no allegations of "terrorism," and relying instead on unsubstantiated claims that appear nowhere in the warrant itself. These actions violate both the Constitution and federal law. Respondents' assertions that this Court lacks jurisdiction and remedial authority are contrary to binding precedent. This Court possesses jurisdiction and is obligated to remedy these violations. Every day that passes is another day that Petitioner is unjustly denied his liberty and his three-year-old daughter remains designated as "unaccompanied" and in the care of strangers who do not speak her language.

ARGUMENT

I. 8 U.S.C. § 1252(g) Does Not Bar This Court's Jurisdiction

Federal district courts possess authority to grant a writ of habeas corpus whenever a petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *see also* U.S. Const. Art. I, § 9, cl. 2 ("The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."). "At its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention," and thus, there is a "strong presumption in favor of judicial review of administrative action" and a "longstanding rule requiring a clear statement of congressional intent to repeal habeas jurisdiction." *INS v. St. Cyr*, 533 U.S. 289, 301, 298 (2001). Respondents fail in their attempt to argue that 8 U.S.C. § 1252(g) strips federal district courts of this historical power in this case.

Respondents contend that 8 U.S.C. § 1252(g) bars Petitioner's claims because it purportedly strips federal courts of jurisdiction to hear any "complain[ts] that [a] non-citizen should be freed because they were subjected to 'wrongful arrest.'" Resp't Opp.,

Dkt. 7, p. 7 (citation omitted). That is wrong. Section 1252(g) does not sweep nearly so broadly. Accepting Respondents' interpretation would effectively eliminate nearly all detention challenges by noncitizens—an outcome squarely at odds with the narrow reading that courts, including the Supreme Court, have consistently given this provision.

As the Supreme Court has explained, § 1252(g) is "much narrower" than what Respondents claim. *Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 482 (1999). It does not encompass "all deportation-related cases," id. at 478, but instead bars review of only the immigration authorities' discretion with respect to three specified actions: "commenc[ing] proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders," id. at 483 (alterations in original). The subsection was "directed against a particular evil: attempts to impose judicial constraints upon prosecutorial discretion." *Id.* at 485 n.9. Indeed, the Court found it "implausible" that "the mention of three discrete events along the road to deportation was a shorthand way of referring to all claims arising from deportation proceedings." *Id.* at 482. Subsequent Supreme Court precedent has affirmed § 1252(g)'s narrow scope and focus on discretionary decisions. *See, e.g.*, *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 19 (2020) (noting § 1252(g) is "narrow").

Critically, 1252(g) does not "sweep in any claim that can technically be said to 'arise from' the three listed actions," including claims challenging the government's interpretation of the INA's detention provisions. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). In fact, the Supreme Court has reviewed several cases involving the government's application of immigration detention authorities and never held that such claims might be barred by § 1252(g)—including in cases concerning §§ 1225 and 1226. *See Jennings*, 583 U.S. 281 (§§ 1226 & 1225); *Zadvydas v. Davis*, 533 U.S. 678 (2001) (§ 1231); *Demore v. Kim*, 538 U.S. 510 (2003) (§ 1226); *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021) (§§ 1226 & 1231); *Johnson v. Arteaga-Martinez*, 596 U.S. 573 (2022) (§ 1231). That omission is telling because courts—including the Supreme Court—must raise jurisdictional defects sua sponte if they exist. *Arbaugh v. Y&H Corp.*, 546 U.S. 500,

514 (2006) ("[C]ourts, including th[e] [Supreme] Court, have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party."). *Jennings* is particularly instructive, expressly reaffirming that § 1252(g) "refer[s] to just those three specific actions themselves." 583 U.S. at 294. Petitioner challenges none of them.

Petitioner does not challenge any discretionary action to "commence proceedings." No such commencement is at issue here. Respondents commenced removal proceedings in October 2023, two years prior to the events at issue. Navarro Decl., Dkt. 7-1 at ¶ 4. Since then, Respondents have not issued any new charging document against Petitioner, even though their newly proffered administrative warrant is purportedly premised on the "execution of a charging document to initiate removal proceedings." Dkt. 7-3. Petitioner's claims regarding his unlawful arrest and detention relate only to events that occurred *years after* Respondent's decision to commence removal proceedings in 2023.

Instead, Petitioner challenges only his unlawful arrest and unlawful detainment. Courts have recognized that these actions are distinct from the decision to commence removal proceedings. *See Castellar v. Nielsen*, No. 17-CV-0491-BAS-BGS, 2018 WL 786742, at *9 (S.D. Cal. Feb. 8, 2018), *on reconsideration in part sub nom. Cancino-Castellar v. Nielsen*, 338 F. Supp. 3d 1107 (S.D. Cal. 2018), *aff'd sub nom. Castellar v. Mayorkas*, No. 17-CV-00491-BAS-AHG, 2021 WL 3856488 (S.D. Cal. Aug. 30, 2021), and *aff'd sub nom. Castellar v. Mayorkas*, No. 17-CV-00491-BAS-AHG, 2021 WL 3856488 (S.D. Cal. Aug. 30, 2021) ("the decision to detain may be 'divorced' from the decision to commence removal proceedings"); *see Rashad Ahmad Refaat El Badrawi v. Dep't of Homeland Sec.*, 579 F.Supp.2d 249, 266 (D. Conn. 2008) (finding that under Section 1226(a), DHS's decisions to arrest and detain plaintiff "were decisions separate and discrete from the agency's decision to initiate removal proceedings"); *see also Michalski v. Decker*, 279 F.Supp.3d 487 (S.D.N.Y. 2018) (same). Moreover, compliance with Constitutional and regulatory requirements is not discretionary. *See United States v. Hovsepian*, 359 F.3d 1144, 1155 (9th Cir. 2004) (§ 1252(g) does not bar jurisdiction over

"a purely legal question that does not challenge the Attorney General's discretionary authority, even if the answer to that legal question—a description of the relevant law—forms the backdrop against which the Attorney General later will exercise discretionary authority"). Accordingly, § 1252(g) does not bar Petitioner's claims.

Furthermore, Respondents' reliance on *Sissoko* is misplaced. Resp't Opp., Dkt. 7, p. 5 (citing *Sissoko v. Rocha*, 509 F.3d 947 (9th Cir. 2007). The Ninth Circuit in *Sissoko* expressly confined its holding to the "limited context" of that case, *Sissoko* at 950, finding only that § 1252(g) bars "a *Bivens* damages claims for false arrest where detention directly followed from the decision to commence proceedings." *Castellar v. Nielsen*, No. 17-CV-0491-BAS-BGS, 2018 WL 786742, at *8 (S.D. Cal. Feb. 8, 2018), *on reconsideration in part sub nom. Cancino-Castellar v. Nielsen*, 338 F. Supp. 3d 1107 (S.D. Cal. 2018), *aff'd sub nom.* It did not bar all claims by non-citizens for false arrest. In fact, *Sissoko* supports jurisdiction here. The court there emphasized that its holding rested on the availability of "an alternative habeas remedy directly addressing the claimed injury"—precisely the remedy Petitioner seeks in this case. 509 F.3d at 950. Far from aiding Respondents, *Sissoko* confirms that jurisdiction exists here.

Respondents' final argument fares no better. They contend that § 1252(g) bars claims even to ICE's failure to follow its own internal guidance, citing a single, unreported, out-of-circuit, non-habeas case. Resp't Opp., Dkt. 7, p. 5 (citing *Pomaquiza v. Sessions*, 2017 WL 4392878 D. Conn. (Oct. 3, 2017), which addressed the unrelated question of whether § 1252(g) bars challenges to the denial of a stay of removal). No such bar exists. *See Church of Scientology of California v. United States*, 920 F.2d 1481, 1487 (9th Cir. 1990) ("[p]ursuant to the *Accardi* doctrine, an administrative agency is required to adhere to its own internal operating procedures."). Ninth Circuit courts have repeatedly entertained—and granted—claims, including habeas petitions, alleging that immigration authorities failed to adhere to their own regulations or guidance, without invoking § 1252(g) as a bar. *See, e.g., Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *8 (D. Or. July 9, 2025) (granting habeas petition where parole was

unlawfully terminated in violation of agency regulations); *Doe v. Noem*, 778 F. Supp. 3d 1151, 1161 (W.D. Wash. 2025) (granting TRO prohibiting DHS from detaining, transferring, initiating removal proceedings against, or deporting plaintiff on the basis of SEVIS record termination that violated agency regulations); *Kidd v. Mayorkas*, 734 F. Supp. 3d 967, 983–984 (C.D. Cal. 2024) (ICE policy of warrantless "knock and talk" violated agency's regulations).

The court has jurisdiction to grant Petitioner's request.

II. Petitioner's Arrest and Detention Are Unlawful

a. Petitioner is Not Subject to Mandatory Detention Under 8 U.S.C. § 1225(b)(2)(A) and Was Entitled to Due Process

Respondents contend that DHS "was legally permitted to re-arrest Petitioner … pursuant to 8 U.S.C. § 1226(b) and detain him under 8 U.S.C. § 1225(b)(2)(A)," but they do not engage with the statutory text, the structure of the INA, or recent authority rejecting their position. Resp't Opp., Dkt. 7, p. 5. Taking each of the detention provisions cited by Respondents in turn: Section 1226, titled "Apprehension and detention of aliens," applies to individuals arrested in the interior of the United States on a warrant. Section 1226(b) states that "The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien." Yet Petitioner was not encountered in the interior and paroled on his own recognizance under § 1226(a). Thus § 1226(b) does not properly apply to him.

Similarly, § 1225, entitled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing," relates to individuals initially arriving to the United States. The text of 8 U.S.C. § 1225(b)(2)(A) provides "in the case of [a noncitizen] who is an applicant for admission, if the examining immigration officer determines that [a noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [noncitizen] shall be detained for a proceeding under section 1229a of this title." Here, DHS did not find Petitioner subject to mandatory detention under this statute. Instead, DHS issued a Notice to Appear placing Petitioner in removal

proceedings and released him into the United States under its parole authority. Even after Petitioner's parole expired in October 2024, DHS did not deem him subject to mandatory detention, as Respondents now assert him to be, instead directing him to enroll in supervision through ISAP. Thus, Respondents' argument that Petitioner is subject to mandatory detention § 1225(b)(2)(A) is unpersuasive and contravened by Respondents' own actions when they initially encountered him at the border and multiple times thereafter at ICE check-ins. Indeed, district courts in this circuit have rejected DHS's attempts to provide *ex post facto* justification for the later detention of individuals initially released after border processing. *See O-J-M- v. Bostock*, No. 3:25-CV-944-AB, 2025 WL 1943008, at *1 (D. Or. July 14, 2025) (hearing transcript available at https://innovationlawlab.org/media/071425_OJM-v.-Bostock.pdf).

Furthermore, Respondents' attempt to apply both § 1225 and § 1226 is improper: § 1226 already contains its own mandatory detention provision, § 1226(c), which would be rendered superfluous if § 1225(b)(2)(A) were to apply to individuals detained pursuant to § 1226(a). *See also Coalition for Humane Immigrant Rights [CHIRLA] v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986, at *29 (D.D.C. Aug. 1, 2025) (rejecting DHS's definition of "arriving aliens" that would subject parolees to expedited removal upon termination of parole regardless of their length of time in the United States—a definition that would afford greater privileges to "a noncitizen who snuck into the country outside of an inspection point" than to "a noncitizen who entered at an inspection point and was paroled after inspection").

Significantly, Respondents' ability to re-detain Petitioner "is always constrained by the requirements of due process." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019) (citing *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017). That is because "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner has developed significant liberty interests over the past 21 months in remaining out of custody as would someone in

"preparole, parole, or probation" who is generally entitled to notice and a pre-deprivation hearing. *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969–70 (N.D. Cal. 2019) (internal citations omitted). He established a home with his wife and his young daughter and lives near close friends. Declaration of Pet'r Islam Dzhatdoev ¶¶ 3, 26. *See, e.g. Young v. Harper*, 520 U.S. 143, 148 (1997) (holding that summarily sending a parolee back to prison, even if the state had discretion, violated due process where parolee had an interest in his continuing liberty: "[he] kept his own residence; he sought, obtained, and maintained a job; and he lived a life generally free of the incidents of imprisonment.").

b. Respondents' Administrative Warrant and Opaque Allusions to "Reasons Related to Terrorism" Fail to Justify Petitioner's Arrest and Separation from his Toddler-Aged Child

Respondents contend that DHS lawfully arrested Petitioner "for reasons related to terrorism" and "pursuant to a lawfully issued Warrant for Arrest of Alien (Form I-200)." Resp't Opp., Dkt. 7, p. 4. However, Respondents' contention fails for several reasons.

First, the warrant itself contradicts Respondents' assertion that Petitioner was arrested "for reasons related to terrorism." *Id.* The warrant, issued by an ICE officer, states only that the issuing officer "determined that there is probable cause to believe that [Petitioner] is removable from the United States . . . based upon: the execution of a charging document to initiate removal proceedings against the subject." Resp't Opp., Dkt. 7-3, p.1. Here, the "charging document" presumably refers to the Notice to Appear (NTA), which was issued to Petitioner on October 25, 2023 when he was paroled into the United States. Navarro Decl., Dkt. 7-1 ¶¶ 3, 4. On its face, then, the warrant shows that reasonable cause for Petitioner's arrest was not based solely on the preexisting NTA, issued nearly 20 months before, not on any newly discovered information that arose after Petitioner's release on parole—at which time DHS evidently had no "terrorism" concerns.

Second, although Respondents allege that Petitioner was "lawfully arrested for 'reasons related to terrorism'" in connection with newly discovered evidence, they offer no substantiation for that serious allegation. The only purported support comes from a

single source—the statement of one arresting officer, Customs and Border Patrol (CBP) Officer Sveum. Sveum Decl., Dkt. 7-2. According to Officer Sveum, an "intelligence packet" he received on the day of Petitioner's arrest stated that "Petitioner was targeted for re-arrest for reasons related to terrorism." Sveum Decl., Dkt. 7-2 at ¶ 6. Respondents fail to identify when this alleged information was discovered, what it contains, or what, if any, evidence supports the allegation. *See generally* Resp't Opp., Dkt. 7; Sveum Decl., Dkt. 7-2. Instead, the existing record undermines the assertion that Respondents detained Petitioner due to a legitimate security concern. This is undoubtedly insufficient to justify separation from his toddler-aged child.

If Respondents indeed had credible evidence that Petitioner posed a danger to the public for "reasons related to terrorism," it is inexplicable why they waited 32 days to execute their arrest warrant—particularly given their demonstrated capacity to conduct mass raids across Southern California. Aleaziz et al., "Immigration Arrests in Los Angeles Spike Amid Aggressive Enforcement" NY Times (July 11, 2025), https://www.nytimes.com/2025/07/11/us/politics/los-angeles-immigration-enforcement.html. Indeed, when U.S. Border Patrol Chief Agent Gregory Bovino publicly announced Petitioner's arrest via X, he made no mention of terrorism allegations, instead telling the public only that Petitioner was "living illegally" in the United States. Gregory K. Bovino (@CMDROpAtLargeCA), X (Aug. 5, 2025, 2:16 PM), https://perma.cc/FY55-26FW.

Furthermore, Respondents' conduct is inconsistent with their claim that they believed Petitioner posed national security threat at the time of his arrest. Most notably, they initially attempted to send Petitioner and his daughter to a family detention center in Texas, an exceedingly unlikely course of action if they truly believed he was a threat to national security at the time of his arrest. Navarro Decl., Dkt. 7-1 at ¶¶ 7-8. In addition, Petitioner was issued a blue uniform at the Adelanto Detention Facility, indicating that ICE classified him as the lowest level of security risk. Dzhatdoev Decl. ¶ 24; s*ee* Immigration and Customs Enforcement, "ICE/DRO Detention Standard Classification

System" (Dec. 2, 2008), https://www.ice.gov/doclib/dro/detention-standards/pdf/classification_system.pdf ("[S]taff shall assign individual detainee's color-coded uniforms and wristbands as follows: . . . Dark Blue Level 1 (Lowest [Security]).").

In fact, this case fits a broader pattern. In the past year, immigration authorities have invoked nebulous national security grounds to subject numerous Russian nationals to prolonged detention and family separation over the past year, suggesting Respondents' terrorism allegations are the result of a sweeping new policy rather than an individualized assessment of his circumstances. *See* Hamed Aleaziz, "Inside Trump's New Tactic to Separate Immigrant Families" NY Times (Aug. 5, 2025), https://archive.is/usa5r; Sofia Sorochinskaia, "'I Escaped One Gulag Only to End Up in Another': Russian Asylum Seekers Face Ice Detention in the US" The Guardian (Mar. 17, 2025), https://www.theguardian.com/us-news/2025/mar/17/i-escaped-one-gulag-only-to-end-up-in-another-russian-asylum-seekers-face-ice-detention-in-the-us; Mica Rosenberg, "The Biden Administration Is Separating Families at the Border. It Doesn't Always Say Why." ProPublica (Dec. 12, 2024), https://www.propublica.org/article/family-separations-biden-russian-immigrants.

In light of this national trend, the month-delay in executing the warrant, and the lack of evidence substantiating DHS's terrorism allegations against Petitioner, Respondents' claim that Petitioner's arrest was lawful falls short. Indeed, Petitioner has never engaged in terrorism and does not know why DHS has made these allegations. Dzhatdoev Decl. at ¶ 24. Petitioner, along with his wife and daughter, fled Russia to seek political asylum in the United States, where they believed they would be safe. *Id.* at ¶¶ 2, 25. They waited in Mexico for approximately five months for an appointment through CBP One, following the procedures set forth by the United States government. Dzhatdoev Dec., Exh. C at ¶ 2; *see also* Declaration of Yulia Hasty, Exh. D at ¶ 2. Since being paroled into the United States over 21 months ago, Petitioner and his family have appeared at their court hearings and complied with their orders of supervision. *Id.* at ¶¶ 5, 14; Hasty Decl. ¶. Under these circumstances, Petitioner's arrest without notice and a

hearing violated due process. In addition, Respondents have failed to articulate a satisfactory explanation as required under the APA for their choice to detain Petitioner, who presented himself at the border, was granted parole, and has complied with every supervision and court requirement.

III. Injunctive Relief Prohibiting Transfer is Available and Warranted

"Federal courts possess whatever powers are necessary to remedy constitutional violations because they are charged with protecting these rights." *Stone v. City & Cnty. of San Francisco*, 968 F.2d 850, 861 (9th Cir. 1992), *as amended on denial of reh'g* (Aug. 25, 1992). That remedial authority includes the power to enjoin transfer when necessary to prevent constitutional or statutory violations. Respondents argue that the Court is statutorily barred from prohibiting Petitioner's transfer out of this district, yet several courts have expressed doubt that § 1231(g) prohibits judicial review of decisions to transfer detainees from one facility to another. *See Reyna as next friend of J.F.G. v. Hott*, 921 F.3d 204, 210 (4th Cir. 2019) ("In light of this, we cannot conclude that § 1231(g) provides clear and convincing evidence that Congress specified discretionary authority to transfer detainees from one facility to another, thereby satisfying the circumstances giving rise to the jurisdictional bar of § 1252(a)(2)(.") (citing *Kucana v. Holder*, 558 U.S. 233, 251 (2010)); *Aguilar v. U.S. Immigr. & Customs Enf't Div. of Dep't of Homeland Sec.*, 510 F.3d 1, 20 (1st Cir. 2007); *Spencer Enterprises, Inc. v. United States*, 345 F.3d 683, 689 (9th Cir. 2003); *but see Van Dinh v. Reno*, 197 F.3d 427, 433 (10th Cir. 1999). Indeed, courts regularly enjoin transfer of habeas petitioners. *See, e.g.*, *Gutierrez-Contreras v. Warden*, No. 5:25-CV-00965-SSS-KES, 2025 WL 1400402, at *6 (C.D. Cal. May 14, 2025) (rejecting respondents' argument that 8 U.S.C. § 1252(a)(2)(B)(ii) and 1252(g) bar relief against transfer, finding it "crucial to ensure [p]etitioner remains in this district for habeas purposes," and enjoining petitioner's transfer out of the "Central District of California for any purpose other than executing a [lawful] removal order"); *Arevalo v. Trump*, No. 5:25-CV-01207-JWH-PDX, 2025 WL 1554183, at *1 (C.D. Cal. June 2, 2025) (enjoining transfer of putative habeas class members); *Mahdawi v. Trump*,

No. 2:25-cv-389, 2025 WL 1099021, at *1 (D. Vt. Apr. 14, 2025); *D.B.U. v. Trump,* No. 1:25-CV-01163-CNS, 2025 WL 1304288, at *10 (D. Colo. May 6, 2025); *Gutierrez-Contreras v. Warden,* No. 5:25-CV-00965-SSS-KES, 2025 WL 1202547, at *2 (C.D. Cal. Apr. 25, 2025) ("[T]he INA does not prohibit judicial review 'as to questions of interpretation and constitutionality' of the Act simply because a petitioner may also be involved in Title 8 immigration proceedings.") (citing *D.B.U. v. Trump*, —— F.Supp.3d ——, 2025 WL 1163530 (D. Colo. April 22, 2025)).

Respondents further contend that a TRO prohibiting transfer out of this district is not warranted because the Court would retain jurisdiction over the complaint if Petitioner were transferred outside of the district. Resp't Opp., Dkt. 7, p. 7. However, Petitioner seeks to prevent transfer because of the severe, irreparable harm it would cause—separating him from his young daughter, close friends, and his legal counsel. Pet'r TRO, Dkt. 5-1, p. 8; Dzhatdoev Decl. ¶¶ 11, 16. Courts regularly enjoin transfer in such circumstances. *See, e.g.*, *Da Silva v. Hyde*, No. CV 25-11585-GAO, 2025 WL 1571904, at *1 (D. Mass. June 2, 2025).

Respondents also argue that an order prohibiting transfer out of the district is unnecessary because ERO "has no plans" to transfer Petitioner outside of this district. Resp't Opp., Dkt. 7, p. 8. But Respondents offer no assurance that they will refrain from doing so and, in fact, assert their right to transfer him at any time. Resp't Opp., Dkt. 7, p. 6. Petitioner's own family experiences demonstrate why such protection against transfer is essential: After initially detaining Petitioner's wife in California, where Petitioner and their daughter could visit her, Respondents moved Petitioner's wife to a detention facility outside the state. Dzhatdoev Decl. at ¶¶ 6, 7; Hasty Decl. at ¶ 3. Thus, relief prohibiting Petitioner's transfer out of this district is both available and warranted.

CONCLUSION

Petitioner has established he is likely to succeed on the merits and will suffer irreparable harm if removed out of this district, and by the continued and ongoing deprivation of his liberty and separation from his daughter in violation of his

constitutional rights and the Administrative Procedure Act if Petitioner's application is not granted.

Dated : August 11, 2025

/s/ *Jana Whalley*

Jana Whalley

CERTIFICATE OF COMPLIANCE UNDER L.R. 11-6.2

The undersigned, counsel of record for Petitioner, certifies that this brief contains 3,840 words, which complies with the word limit of L.R. 11-6.1.

Dated: August 11, 2025

/s/ *Jana Whalley*
Jana Whalley
Counsel for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 11, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing by e-mail to counsel of record.

/s/ *Jana Whalley*
Jana Whalley
Counsel for Petitioner