UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Vladimir KIM Petitioner, v. TERRANCE DICKERSON, *in his official capacity as Warden of Stewart Detention Center*, and TODD LYONS, *in his official capacity as Acting Director of Immigration and Customs Enforcement* and GEORGE STERLING, *Field Office Director ICE Atlanta Field Office*, and KRISTI NOEM *Secretary of Homeland Security,* Respondents.	)	Case No. 4:25-cv-262 Agency # 047202358

PETITIONER'S REPLY

Petitioner hereby replies to Respondents' response to his petition for a writ of habeas corpus ("Petition"). The response was filed on September 8, 2025.

Respondents' arguments for denying relief are not supported by the record.

Respondents assert that Petitioner was detained on February 25, 2025 "because he failed to report the previous year" (Resp. at 3). That assertion, drawn from a sworn declaration by Deportation Officer Marilyn Guerra ("Guerra Decl"), is factually inaccurate, contradicted by the record, and undermines the Respondents' entire rationale for detaining Petitioner.

Respondents' own documents, submitted with the Petition at Exhibit G, page 7, state clearly that "[p]articipant reported on February 20, 2024 [...]. System check

show [sic] no new/derogatory information. No wants, no warrants" It is clear from Respondents' own internal record-keeping that Petitioner had in fact reported as required in February 2024, at which time he was informed that his next reporting date was to be on February 25, 2025. Petitioner duly reported on that date, as he has on every single other date asked of him. (*Id.* at 5-6). According to Respondents, "On February 25, 2025, petitioner reported and was arrested by ERO ***because he failed to report the previous year***. He was transferred to Stewart Detention Center." (Guerra Decl. ¶10) (emphasis added).

Respondents' entire justification for the need to detain Petitioner fails. As noted by Petitioner in his Petition,

> Under the test set forth in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test: "first, the private interest that will be affected by the official action; second, the risk of an ***erroneous*** deprivation of such interest through the procedures used, and the probative value, if any, of additional or substitute procedural safeguards; and finally the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (*citing Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

(Petition at 13) (emphasis added).

Respondents' second argument revolves around the number of days Petitioner has been detained in this most recent detention, and they argue that no prior period should be considered. This argument is misplaced for two reasons.

Firstly, Respondents' had ample time during the first period of detention to seek to remove Petitioner. Indeed, they made fulsome efforts to do so before Uzbekistan point blank refused to issue travel or identity documents. Respondents

had as much time as they needed to seek to effectuate his removal, and to receive a resounding "No" from the country of removal (Guerra Decl. ¶¶ 8, 9). Petitioner was released absent a significant likelihood of removal in the reasonably foreseeable future.

During his current period of detention, Respondents have once again completed the paperwork for removal and have once again failed. (Id. at ¶13). They have already re-established the lack of a significant likelihood of removal in the reasonably foreseeable future. Further detention would not serve its stated purpose.

Secondly, Respondents cite to an unpublished opinion of this Court for the proposition that the two time periods during which Petitioner was detained should not be added together to reach the 180-day presumptively reasonable period. That case is readily distinguishable on the facts and reasoning.

In *M.K. v. Warden, Stewart Det. Ctr.*, No. 4:23-cv-136 (M.D. Ga. Oct. 19, 2023), this Court reasoned that adding together the periods of confinement "would effectively eviscerate § 1231(a)'s purpose of allowing the Government time to arrange for an alien's removal, including contacting foreign consulates and obtaining necessary travel documents." *Id.* at 6-7. There are several notable factual distinctions between that case and the instant Petition, distinctions that change the justification for detention, and also for this Court's reasoning.

In *M.K.*, the petitioner had been ordered released on an order of supervision in 2012, but no reference is made to any earlier attempts to secure travel document or to remove him. In this case, Respondents had ample time in 2009 to seek to

obtain travel documents but were refused by the Uzbek consulate.

In *M.K.*, the petitioner was redetained after failing to comply with his conditions of release when he failed to report as required. In this case, and contrary to Respondents' assertion, Petitioner never failed to report and always complied with the conditions of his release.

In *M.K.*, the petitioner had been granted travel permission from the country of removal and ERO was merely awaiting their arrival. In this case, the country of removal has already informed Respondents that they will not issue travel documents. (Guerra Decl. ¶13). The arguments against 'giving credit' for the earlier period of detention are far less compelling in this case for the reasons noted above.

As this Court noted in *M.K.*, other courts have issued opinions supporting Petitioner's position here[1], and precedent in this district (which only "suggests" that the removal period restarts each time a petitioner is detained) was based on cases with very different circumstances, such as an intervening period of incarceration. This Court also noted that it would not view an attempt to evade or manipulate the *Zadvydas* detention period in the same light. *M.K.* at 7.

While Petitioner does not allege any explicit attempt to manipulate Petitioner's removal period to circumvent *Zadvydas*, to allow the Government to

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[1] *See Salmon v. McAleenan*, No. 4:18-cv-01978-KOB-JHE, 2020 WL 2488090, at *2 n.2 (N.D. Ala. May 14, 2020) ("Authority for whether the removal period, begun by an event listed in 8 U.S.C. § 1231(a)(1)(B), is a one-time occurrence or capable of repetition can be found supporting either interpretation." (collecting cases)); *Sied v. Nielsen*, No. 17-cv-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018) ("Several courts have held that the six-month period does not reset when the government detains an alien under 8 U.S.C. § 1231(a), releases him from detention, and then re-detains him again."). *Id.* at 6.

detain someone for sufficient time to establish no significant likelihood of removal in the reasonably foreseeable future, release him, then erroneously redetain him again for sufficient time to again establish no significant likelihood of removal in the reasonably foreseeable future, would encourage a cat-and-mouse situation, where periods of detention could be repeated *ad infinitum* while the Government gets another bite at removal. *Zadvydas* may not be a 'Get Out of Jail Free Card'[2], but it is also not an invitation to Respondents to detain and redetain petitioners repeatedly as long as none of the periods exceeds 180 days.

Uzbekistan has unequivocally declined to take Mr. Kim not once but twice. The purposes of post-order detention have run their course and Petitioner should be released.

Respectfully submitted this 17th day of September 2025.

/s/ Helen L Parsonage

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[2] *Meskini v. Att'y Gen. of United States*, No. 4:14-CV-42-CDL, 2018 WL 1321576, at *4 (M.D. Ga. Mar. 14, 2018)

CERTIFICATE OF COMPLIANCE

I hereby certify that the document to which this certificate is attached has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1 for documents prepared by computer.

/s/ Helen L Parsonage

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