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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT COURT OF CALIFORNIA**

HAVVA KHALILOVA) CIVIL No.25-cv-2140-JLS-DDL
Petitioner,)
v.) AGENCY CASE No:
) A# 
CHRISTOPHER J. LAROSE,)
Warden of Otay Mesa Detention Facility,) MOTION FOR LEAVE TO AMEND
) PETITION FOR WRIT OF HABEAS
) CORPUS
)
 et al.) Hon. Janis L. Sammartino
Respondents)
)

INTRODUCTION

Petitioner moves under Fed. R. Civ. P. 15(a)(2) and Civil Local Rule 15.1 for leave to amend the petition to add the immediate custodian, CHRISTOPHER J. LAROSE, Warden of Otay Mesa Detention Facility, as an additional respondent. This amendment is purely ministerial and non-prejudicial, intended solely to cure the jurisdictional defect identified by Respondents.

BACKGROUND

Respondents' Return correctly notes that the original petition did not name the immediate custodian. Petitioner therefore seeks leave to amend the petition to add CHRISTOPHER J. LAROSE, Warden of Otay Mesa Detention Facility, as an additional respondent. This amendment is made in good faith to ensure the Court's jurisdiction is proper under 28 U.S.C. § 2243 and relevant case law, including Rumsfeld v. Padilla, 542 U.S. 426 (2004).

LEGAL STANDARD

Rule 15(a)(2) provides that leave to amend should be freely given when justice so requires. Adding the immediate custodian as a respondent is a routine procedural correction in habeas corpus proceedings and causes no prejudice to the government. See *Padilla*, 542 U.S. at 435 (requiring naming of immediate custodian).

ARGUMENT

Granting this motion will resolve the jurisdictional issue and allow the Court to reach the merits of the petition. The amendment is timely, sought in good faith, and imposes no delay or prejudice on Respondents. The government has already appeared and filed its Return; adding the Warden merely perfects the record.

REQUEST FOR RELIEF

Petitioner respectfully requests that the Court grant leave to file an Amended Petition adding CHRISTOPHER J. LAROSE, Warden of Otay Mesa Detention Facility, as an additional respondent, and deem the amendment effective *nunc pro tunc* to the original filing date.

Respectfully Submitted,

October 4, 2025

/s/ Chimnaz Shahbazzade Mammadov,
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FOR THE SOUTHERN DISTRICT COURT OF CALIFORNIA

HAVVA KHALILOVA) CIVIL No. 25-cv-2140-JLS-DDL
Petitioner,)
v.) AGENCY CASE No:
CHRISTOPHER J. LAROSE,)
Warden of Otay Mesa Detention Facility,)
KENNETH C. SMITH, Warden, et al.)
Kenneth C. Smith,)
San Diego Field Office Director,)
U.S. Immigration and Customs Enforcement,)
Todd Lyons,)
Acting Director of Immigration)
Customs Enforcement (“ICE”);)
Kristi Noem,)
Secretary of the U.S. Department of)
Homeland Security)
Pamela Bondi,)
Attorney General of the United States)
Defendants)
A# 
Hon. Janis L. Sammartino
**PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28
U.S.C. § 2241**

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FOR THE SOUTHERN DISTRICT COURT OF CALIFORNIA**

HAVVA KHALILOVA) CIVIL No.25-cv-2140-JLS-DDL
Petitioner,)
v.) AGENCY CASE No:
) A# [REDACTED]
CHRISTOPHER J. LAROSE,)
Warden of Otay Mesa Detention Facility,)
) PROPOSED ORDER
) GRANTING MOTION FOR LEAVE
) TO AMEND WRIT OF HABEAS
) CORPUS
)
)
et al.) Hon. Janis L. Sammartino
Respondents)
)

Having considered Petitioner's Motion for Leave to Amend the Petition for Writ of Habeas Corpus to Add Proper Respondent, and good cause appearing, IT IS HEREBY ORDERED that the Motion is GRANTED.

Petitioner is granted leave to amend the Petition to add CHRISTOPHER J. LAROSE, Warden of Otay Mesa Detention Facility, as an additional respondent. The amendment shall be deemed effective nunc pro tunc to the date of the original petition.

IT IS SO ORDERED.

Dated: _____

Hon. Janis L. Sammartino
United States District Judge
Submitted by: