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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
<b>Petitioner,</b>	)	
v.	)	AGENCY CASE No:
	)	
CHRISTOPHER J. LAROSE,	)	
Warden of Otay Mesa Detention Facility	)	<b>PETITIONER'S REPLY TO</b>
<b>Et al.</b>	)	<b>RESPONDENTS' RETURN IN</b>
	)	<b>OPPOSITION TO PETITION</b>
	)	<b>FOR WRIT OF HABEAS CORPUS</b>
<b>Respondents</b>	)	
_____	)	

**I. INTRODUCTION**

Petitioner HAVVA KHALILOVA, through undersigned counsel, respectfully submits this Reply to Respondents' Return in Opposition to the Petition for Writ of Habeas Corpus. Petitioner has concurrently filed a Motion for Leave to Amend the Petition to add the immediate custodian, thereby curing the jurisdictional issue raised by Respondents. The Court may now consider the Petition on its merits. Petitioner's continued detention under 8 U.S.C. § 1231(a) is unconstitutional, as her removal is not reasonably foreseeable under Zadvydas v. Davis, 533 U.S. 678 (2001).

**II. RESPONDENTS FAIL TO SHOW REMOVAL IS REASONABLY FORESEEABLE**

Respondents bear the burden of demonstrating that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future. See Zadvydas v. Davis, 533 U.S. 678, 701

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(2001). The Return does not satisfy this burden. Azerbaijan is unavailable due to the grant of withholding of removal. Canada has refused to accept Petitioner. No other country—including Armenia or Hungary—has indicated any willingness to receive her. The government’s references to ongoing resettlement efforts are speculative and unsupported by evidence of actual acceptance by any sovereign nation. Such speculation cannot satisfy Zadvydas’s requirement of a concrete, reasonably foreseeable removal.

**III. REMOVAL TO ANY THIRD COUNTRY IS IMPLAUSIBLE AND REFLECTS GOVERNMENT DISREGARD FOR PETITIONER’S SAFETY**

Respondents’ mention of Armenia as a possible resettlement destination underscores the implausibility of removal to any third country. Armenia is not Petitioner’s country of citizenship, has no legal obligation to accept her, and remains in active hostilities with Petitioner’s home country, Azerbaijan. The government’s suggestion of Armenia—without consideration of the regional conflict or Petitioner’s safety—shows that ICE’s efforts were made without diligence or regard for humanitarian and legal obligations. This approach reflects an absence of genuine removal prospects and demonstrates that continued detention serves no lawful purpose.

**IV. DETENTION HAS ALREADY BECOME UNREASONABLE UNDER ZADVYDAS**

Petitioner has been detained for more than ten months following her final removal order. Under Zadvydas, a six-month detention period is presumptively reasonable; beyond that, the government must show a significant likelihood of removal in the reasonably foreseeable future. Respondents have failed to make this showing. In light of the legal bar to removal to Azerbaijan and the absence of any viable third-country option, continued detention violates the Due Process Clause. See *Trinh v. Homan*, 466 F. Supp. 3d 1077 (C.D. Cal. 2020).

**V. DUE PROCESS REQUIRES RELEASE OR A BOND HEARING**

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Even if the Court declines to order immediate release, due process demands an individualized custody determination. Prolonged civil detention without a neutral assessment of flight risk or danger is unconstitutional. See *Rodriguez v. Marin*, 909 F.3d 252 (9th Cir. 2018). The Court should therefore order Petitioner's release under supervision pursuant to 8 C.F.R. § 241.5(a), or, in the alternative, direct that a bond hearing be held before an immigration judge within fourteen (14) days.

## VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court (1) find that her continued detention is unlawful under *Zadvydas v. Davis*; (2) order her immediate release under supervision pursuant to 8 C.F.R. § 241.5(a); or, in the alternative, (3) order an individualized bond hearing before an immigration judge within fourteen (14) days, with the government bearing the burden of proof by clear and convincing evidence.

Dated: October 4, 2025

Respectfully Submitted,



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**United States District Court**  
SOUTHERN DISTRICT OF CALIFORNIA

(ATTACHMENT)

Civil Action No. 25cv02140-JLS-DDL

Respondents

Kristi Noem  
Secretary, U.S. Department of Homeland Security

Todd Lyons  
Acting Director, U.S. Immigration and Customs Enforcement

Pamela Bondi  
Attorney General, U.S. Department of Justice

Kenneth C Smith  
San Diego Field Office Director, U.S. Immigration and Customs Enforcement