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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Khikmatdzhon Iakubov,

Petitioner,

v.

Fred Figueroa, et al.,

Respondents.

No. 2:25-cv-03187-KML--JZB

**RESPONSE TO PETITIONER'S
SUPPLEMENTAL BRIEF**

Respondents provide this response to Petitioner's supplemental brief (Doc. 19) in compliance with the Court's order (Doc. 12).

I. Mootness.

Respondents agree with Petitioner's position that if the Court grants the Motion for Preliminary Injunction, it is not a final ruling on the merits unless the Court combines a hearing on the Motion for Preliminary Injunction with the trial on the merits pursuant to Fed. R. Civ. P. 65(a)(2). But if the Court orders Petitioner's release, the parties agree that Claims One through Three are moot, but that Claim Four would not be rendered moot by Petitioner's release.

For the reasons set forth in the Response in Opposition to Motion for Temporary Restraining Order and Preliminary Injunction, Doc. 10 at 7-9, it is the Respondents' position that the Court should dismiss Petitioner's third-country removal claim since Petitioner is a

1 member of the non-opt-out class certified in *D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 25-
2 cv-10676 (D. Mass. 2025) and his removal to a third-country is not imminent.

3 **II. Notice Period.**

4 The Court asked Petitioner is address the basis for his demand that he be given at
5 least 21-days' advanced notice before he is removed to any third country. Petitioner admits
6 that he is not aware of any Court that has granted a similar request for 21-days' advanced
7 notice, but attached declarations submitted in the *D.V.D.* matter declaring why significant
8 advanced notice is necessary. In Petitioner's case, most of the logistical hurdles addressed
9 in those declarations do not exist since he is already represented by counsel and is not
10 detained at a remote detention facility. The Court should dismiss the third-country removal
11 claim or transfer it to the District of Massachusetts to be considered with the *D.V.D.* class.

12 Respectfully submitted this 22nd day of September, 2025.

13 TIMOTHY COURCHINE
14 United States Attorney
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15 s/ Katherine R. Branch
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17 Assistant United States Attorney
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